

The Society of Authors

Louise Mensch MP

Select Committee on Libraries

House of Commons

London

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Dear Louise Mensch,

PLR AND VOLUNTEER-LED LIBRARIES

I am writing to put forward the views of authors in relation to libraries and particularly our concerns over Public Lending Right as I know that you are still considering views in the Select Committee.

The Society of Authors exists to protect the rights and further the interests of authors. The Society was founded in 1884 and today has over 9,000 members writing in all areas of the profession (from novelists to doctors, textbook writers to ghost writers, broadcasters to academics, illustrators to translators). Authors are eligible to join if they have been offered a contract from an independent publisher, broadcaster or agent or have sold over 300 copies of a self-published book. Incidentally, I believe that you are eligible as Louise Bagshawe and would invite you to join us.

You may have seen our submission on libraries which is available at http://www.societyofauthors.org/sites/default/files/Select%20Committee%20Enquiry%20SubmissionLibraries%2012%201%2012%20final_0.pdf.

Members are concerned about libraries both as suppliers of books and library content and also as heavy users of libraries both for reading for pleasure and for research. They are strong supporters of libraries and believe that a comprehensive and efficient library service for the 21st Century must allow free access to physical books in safe, comfortable, convenient and accessible space. It must be knowledgeably managed and curated by trained professional staff. We believe that the planned library closures are a breach of the requirements of the Libraries &

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Museums Act 1964 and the Charteris Report and that library closures will have a devastating, long-lasting and irreparable effect on local communities as well as on the wider community and the nation.

However, the reason for this letter is a concern that has arisen about Public Lending Right in relation to volunteer - led libraries. *Public Lending Right registrar Jim Parker has said that under existing legislation, PLR payments to authors for their library loans will not apply to books loaned by volunteer-run libraries which are no longer run by local authorities. In a response to a query from Lewisham library campaigners, Jim Parker said: "Under the PLR legislation, PLR only applies to public libraries administered by local library authorities as defined by the Public Libraries Act (1964). This, therefore, would exclude library branches no longer run by the local authority and taken over by voluntary groups." However Parker said it would be a "grey area" in locations where local authorities were allowing volunteers to run branches while still remaining under their umbrella.*

We should be grateful if you would confirm that PLR will continue to be paid whoever runs the library. Any book lending should result in a PLR payment to the author. The Public Lending Right scheme provides authors with a modest payment each time one of their books is borrowed from a public library. PLR is designed to balance the social need for free public access to books against an author's right to be remunerated for the use of their work. PLR is particularly important to authors whose books are sold mainly to libraries and to those whose books are no longer in print but are still being read. Press coverage tends to focus on a few successful authors, yet most struggle to make ends meet. PLR provides a significant and much-valued part of authors' incomes. Although PLR is a legal right rather than a grant or subsidy, its funding has already been subject to significant cuts and we continue to press for funding to be reinstated. Not only would it be unfair and deeply damaging to authors if PLR were not paid on loans from volunteer libraries, it would also be unlawful.

Under the UK's copyright legislation book lending is a copyright act and a licence may be needed - except where PLR applies. Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property creates a "rental and lending right" under which authors have the exclusive right, subject to limitations, to authorise or prohibit the rental or lending of their works [Art. 2(1)]. The rental and lending right may be transferred. However, even once the rental and lending right is transferred, the author or performer retains an inalienable and unwaivable right to equitable compensation for the rental and lending of their works. Member States may allow a derogation for public lending (i.e. public libraries) provided that authors obtain royalties. If volunteer-run libraries are not covered under the PLR scheme then

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lending by them is unlawful unless authorised by the author and authors would be entitled to sue such libraries for copyright infringement. Obviously it would be preferable to ensure that there is a statutory solution and if we are to see more branch libraries dropping out of the statutory service and being reconstituted as privately-run libraries the government may need to look again at the existing legislation

We look forward to hearing your comments in relation to this and I would be happy to meet you with some of our members to discuss this and other areas of mutual interest.

Finally, whilst writing we wish to remind you that s 43 of the Digital Economy Act 2010 extends PLR to audiobooks and ebooks “lent out” from library premises for a limited time but these payments have never been implemented. This is patently unjust and we urge that this provision be brought into force and that extra funds be made available to cover PLR payments for such lending.

With best wishes,
Yours sincerely

Nicola Solomon
General Secretary