

DISCOVERING

PUBLIC LENDING RIGHT



This guide, made by PLR International, aims to provide information to individuals, organisations and governments interested in learning what Public Lending Right (PLR) is, how and where it works, why it's needed, and how to set it up. We also share a Charter of Best Practice, outlining the essential elements of a fair, legal and effective PLR system.

Who is PLR International (PLRI)?

Our aim at PLR International is to promote awareness of PLR worldwide and to encourage the exchange of information and best practice between various PLR systems. We provide impartial help and advice to countries interested in establishing Public Lending Right and hold a conference every two years that brings together countries with established PLR schemes with other countries that want to learn how it works.



Contents

1. Introduction to PLR
2. Charter of Best Practice
3. Authors and PLR
4. Questions and Answers
5. Campaigning

What is PLR?

It is the legal right that allows authors and other rightholders to receive payment from the government to compensate for the free loan of their books by public and other libraries. Maureen Duffy, the writer who played a leading role in the twenty-year campaign that led to the right being introduced in the UK in 1979, summarises PLR as follows:

“First and foremost, PLR upholds the principle of ‘no use without payment’. This is the basis for the concept of ‘fair remuneration’ which then carries over into photocopying and digital uses. It is based on the Universal Declaration of Human Rights by which we are entitled to receive income from any exploitation of our work.”



Pictured above: Maureen Duffy

Why do we need PLR?

Every year, hundreds of millions of books are lent out by libraries all around the world. According to the Library Map of the International Federation of Library Associations, there are 2.6 million libraries making at least 9,350 million loans each year. It is logical and essential that the author and other rightsholders of these works should be fairly paid for this use. A variety of mechanisms enable authors and other rightsholders to be paid when their works are used by downloading, reproducing and streaming. PLR is the mechanism for lending.

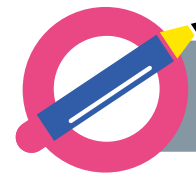
PLR makes an important contribution to linguistic and cultural diversity by providing vital support to authors writing in minority languages. In Nordic countries for example, PLR payments are made to authors writing in a country's own national language(s) as a way of protecting and supporting each country's distinctive linguistic traditions and culture.

PLR also enables authors and publishers to deliver important but less commercial books, such as translated works that may not otherwise be financially viable.

In this way, PLR plays an important role in allowing authors in developing nations to continue writing in their national languages, particularly where there may be a wide range of linguistic and cultural traditions within a and all they do for literacy by helping to ensure a continued supply of books.

Wider benefits of PLR

- o Supporting authors
- o Promoting linguistic and cultural diversity
- o Contribution to libraries and literacy



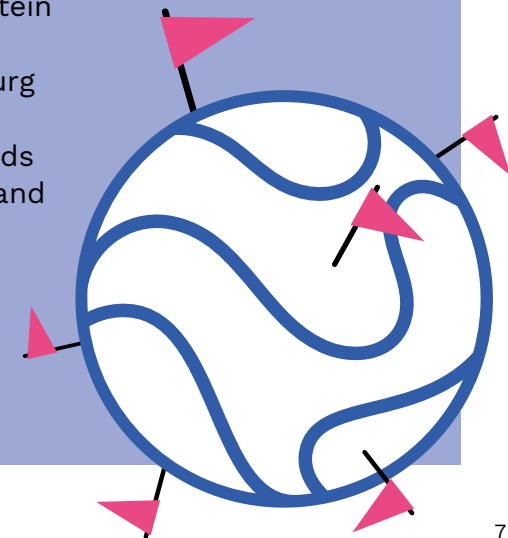
Where does PLR exist?

At the time of writing, 34 countries across the world have a PLR system in place.

The first country to establish a PLR system was Denmark in 1946, followed by Norway in 1947 and Sweden in 1954. Even in 1946, PLR was not a new idea. A resolution had passed at the Nordic Authors' Association meeting in 1919 calling on governments to compensate authors for libraries lending their books.

Countries with PLR systems:

- | | | |
|----------------|---------------|-----------------|
| Australia | Iceland | Slovak Republic |
| Austria | Ireland | Slovenia |
| Belgium | Israel | Spain |
| Canada | Italy | Sweden |
| Croatia | Latvia | United Kingdom |
| Cyprus | Liechtenstein | |
| Czech Republic | Lithuania | |
| Denmark | Luxembourg | |
| Estonia | Malta | |
| Faroe Islands | Netherlands | |
| Finland | New Zealand | |
| France | Norway | |
| Georgia | Poland | |
| Germany | | |
| Greenland | | |
| Hungary | | |



PLR has been recognised in European law since 1992. Many other countries recognise a PLR system in their legislation but have not yet set up the administrative systems to remunerate authors. This may be because there is no collective management organisation (CMO) in place to administer a PLR system, or where governments have not fulfilled authors' demands to provide them with PLR payments.

The most recent PLR system to be established is in Greece.

How is PLR funded?

In most countries, PLR funding is provided by regional or central government. Governments recognise that loans of books have a positive impact on society and literacy. It is important to note that funding for public lending does not usually, and should not, come from library budgets.

In the rare case where libraries provide for PLR from their own budgets, such as in the Netherlands where public libraries operate as independent units, PLR is seen by the library community as an entirely legitimate charge that gives authors fair compensation for the free access to their works.

Generally, PLR payments are made for the use of authors' works in public libraries. However, the principle can and does apply to loans from other types of libraries. Several countries have included loans by educational and other libraries in their PLR schemes.



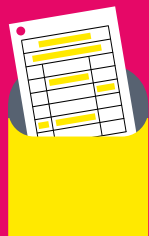
“PLR is important both to rights holders and libraries. In the Netherlands, libraries pay faithfully for PLR because they have an interest in writers: the same writers who are able to reach their readers through the libraries.

For this reason, we have fair compensation for writers covered by our Authors' Law, just like the duty of libraries to freely reveal information.”

**Erna Winters, Director,
Library of the City of Alkmaar, the Netherlands.**

How does PLR operate?

There are different operational approaches to PLR.



Payment per loan approach

PLR is most commonly paid to authors in relation to how often their works have been lent out by libraries. This payment per loan approach can be found in countries like the UK, Germany, the Netherlands, and Sweden. In Sweden, PLR payments are also made to authors of reference works which are used for on-the-spot reference in libraries but are not available for loan.

Stock count approach

Alternatively, payment can be made to authors in line with how many copies of their books are held by libraries. The stock or title count method is operated in countries such as Canada, Denmark, and Australia. Belgium combines the two by using both the payment per loan and the stock account approach.



Book purchase

Payments can also be based on libraries' book purchases. This is the approach in France, where part of the overall PLR fund comes from a small amount collected and paid by booksellers each time they sell a book to a library. The remaining portion of the PLR fund is covered by the state budget according to the number of users registered in the libraries. The users do not have to pay any fees.



How does PLR benefit authors and other contributors?

There are more than just financial benefits to PLR for authors and other rightsholders. No two PLR systems are the same and many schemes combine aspects from different approaches to best suit their national needs. In France, PLR funds are partly used to provide authors with pensions. In Norway, Italy and Cyprus, PLR pays for travel grants and scholarships; in Slovenia, it funds study grants and scholarships, while in Spain, aspects of their social policy are supported by PLR. In countries where PLR payments are copyright-based, an author can bequeath their PLR payments to their family for up to 70 years after their death.

Other contributors, such as illustrators, translators, and photographers also qualify for PLR payments. PLR is particularly valuable for illustrators who sometimes receive one-off payments for their original work rather than ongoing royalties based on sales. In some countries such as the Netherlands, Australia and Belgium, publishers

What types of work are covered by PLR?

Generally, PLR payments are made for loans of printed books. In some countries a wider range of formats, like audiobooks and films lent by libraries, are also eligible for payments. In these countries a wider range of contributors are eligible for payment.

PLR is not just restricted to public library loans of authors' works. In Australia, the Educational Lending Right makes payments to authors for the presence of their books in school libraries. This is very popular with children's writers. In Germany and in France, higher education libraries are included in PLR.

What is the involvement of libraries in making PLR systems work?

In general, libraries and librarians support PLR and recognise its value for authors.

Most countries either base payments on the number of copies of an author's book held by public libraries or how often they have been borrowed. Libraries provide this data electronically. In countries where libraries have an infrastructure deficit, the introduction of a PLR system with the support of government can be an opportunity to improve and expand what they offer. PLR offices can also provide libraries with fascinating data on the most borrowed authors and books, and on trends in book borrowing.

How is PLR administered?

There are two main approaches:

- o Through a collective management organisation (CMO), often alongside other authors' rights. This is the case in Germany, the Netherlands, Spain, Slovakia and Lithuania.
- o As a right to remuneration with its own legislation. This is the case in the UK, Ireland and Australia, where PLR is administered by a government body. PLR remuneration systems can also be set up without any legislation, as they were in Canada and Israel, but this can leave them vulnerable to closure.

In the UK and New Zealand, PLR is run by the national libraries. The British Library has responsibility for PLR in the UK and has been outspoken in its support for PLR principles as well as hosting the 2019 PLR International conference.

What is the legal basis for PLR?

Many countries already recognise lending right in their legislation, although PLR systems have not been fully implemented. Regional groups of countries can also act to introduce PLR. For example, the member states of the European Union made PLR the subject of the Rental and Lending Right Directive, which makes setting up a PLR system a legal requirement.

The existing national PLR systems fall into three broad categories:

As part of state support for culture



A separate remuneration right recognised in law



Copyright-based systems where lending is an exclusive right



Some countries incorporate a combination of all three approaches. There is no one correct way to implement a PLR system. One of PLR's biggest strengths is its flexibility to accommodate different approaches.

PLR is an author's right and is already covered by World Intellectual Property Organisation (WIPO) international treaties. PLR is a modern and relevant system that meets the needs of our time.

Charter of Best PLR Practice

The PLR International Steering Committee delivers technical support and other assistance to countries seeking to set up PLR systems for the first time, as well as to countries seeking to improve existing PLR systems. As a result, the PLR International team is often asked for advice on the essential elements of a fair, legal, and effective PLR system.

We've considered the key elements of a fair, appropriate and effective PLR system. We've used the PLR provisions of the EU Rental and Lending Right Directive and subsequent European court judgements arising from it as a yardstick by which PLR systems internationally may be measured.

In determining what is meant by 'adequate' or 'equitable' remuneration or compensation, the PLR International Steering Committee supports the use of a PLR payment formula based on a study conducted in partnership with the International Federation of Reproduction Rights Organisations (IFRRO) in 2016. Please contact PLR International for further details.

This charter recognises that there are many ways that the existing PLR systems operate, and that countries must develop PLR systems that best suit their national circumstances. However, it is possible to identify certain basic criteria that constitute an acceptable PLR system, which can serve as an example of best practice.

- o A basic essential of all PLR systems is the inclusion of public libraries in the calculation of payments to authors for the public's use of their works. This is supported by judgements of the Court of Justice of the European Union (CJEU) in relation to certain countries that have sought to exclude public libraries from PLR. Building on this, best practice could involve the inclusion of all publicly funded libraries where rightsholders' works are available for loan, such as public, school, university and scientific libraries.
- o Best practice requires that PLR systems should be funded directly by central and/or regional government and should not be funded by library budgets. The successful Dutch PLR system, where libraries are seen as self-governing units and provide for PLR from their budgets, may be seen as an exception to this rule. But this approach is not recommended to countries looking to establish PLR for the first time.
- o International PLR systems vary in terms of which categories of work are included. But the unifying feature is the lending out of printed books, which should form the basis of any PLR system. In countries where payment is based on lending rather than a shelf-count calculation, there is a case for recommending as best practice a system that will also provide remuneration to authors whose works are not lent out but are held in reference sections for on-the-spot consultation, as is the case in Sweden.

KEY CRITERIA

FOR A FAIR AND EFFECTIVE PLR SYSTEM

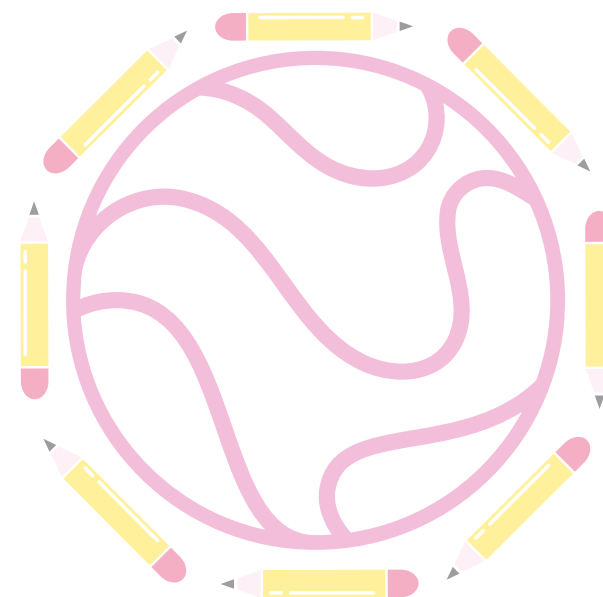
- o The EU Rental and Lending Right Directive requires that authors are a rightsholder and should therefore receive PLR payments. Best practice would require that ‘authors’ should include writers, visual artists, translators, composers, songwriters etc. Countries may also decide to include publishers in their PLR schemes.
- o Payment calculations need not be based on counting loans. Best practice may include payment based on a stock count or book purchases. But whatever the calculation method, payments must in some way reflect the size of the library sector and the level of usage by the public – as determined by the 2011 CJEU judgement against the government of Belgium relating to the funding of its PLR system. If PLR is extended to a wider range of stakeholders, funding should be increased to reflect this.
- o PLR systems must be adequately funded. Several systems are required by national legislation to provide for ‘equitable remuneration’. In determining what is meant by adequate or equitable remuneration, the Committee supports the use of the formula developed by IFRRO. This considers a number of variables such as GNP, the size of library and publishing sectors, and government funding of libraries in order to provide a target figure for the PLR funding of individual countries. Please contact PLR International for further information.

KEY CRITERIA

FOR A FAIR AND EFFECTIVE PLR SYSTEM

While PLR International takes the view that PLR systems should ideally make payments to all authors whose works are lent out by libraries regardless of nationality, we accept that there will be circumstances where this will not be possible. These include payments in countries where PLR forms part of the state’s wider policies to promote national culture and where PLR payments are only paid for loans of works written in the national language(s).

Writers from developing countries can also benefit from PLR in EU and other countries when they are translated. When PLR is copyright-based, national treatment states writers from third countries can also benefit from PLR, such as when their works are translated.



AUTHORS AND PLR

Why are authors so important to society and cultural life?

The contribution of authors to society begins when a child first learns to read. Skilled children's authors tailor their works to encourage reading skills and help children progress to the next level. This process continues throughout formal education. Without the basic skill of literacy, the individual will find only the lowest-paid employment and increasing frustration in our text-based society.

Yet, authors and other rightsholders are not always rewarded adequately for their work, as recent research has shown. Increasingly, and contrary to Article 27 of the Universal Convention on Human Rights which recognises that authors have a right to profit from their work, authors often subsidise their writing with other sources of income and self-publication while society expects them to give their skills and work for free. PLR is part of the essential financing needed to ensure the continuing creation and flow of literary, professional and educational content.

Why is PLR so important for authors?

PLR payments recognise the achievement and value of authors' work.

In the UK, over 21,000 writers, illustrators, and translators from all walks of life and literary backgrounds receive payments of up to £6,600 each year. In France, more than 66,000 authors and 2,600 publishers benefit each year from PLR.

For many, particularly writers who are not among the small group of bestsellers, this is a stable and dignified source of income at a time when authors' incomes are falling worldwide.

“PLR remuneration is a vital issue in countries where book prices soar, and books become luxury goods due to high printing costs and a small market. Curiously enough, this luxury good is available for free in public libraries, causing some public confusion about the worth of original literature. Fair remuneration and informing the public to whom, how much and for what is paid, helps to evaluate the written word.”

Katrin Pauts, Estonian author

In some of the smaller EU Member States like Malta, where the first PLR payments were made in 2015, PLR is seen as an important future contribution to authors' incomes.

“Besides serving as a new and small source of revenue for authors, Public Lending Right in Malta has also helped enhance the culture of professionalism and boosts authors' fees in our industry. Thanks to PLR, the entitlement of authors to remuneration for the use of their work is now deeply entrenched in the local book industry.”

Mark Camilleri, author and Executive Chairman of the National Book Council which administers PLR in Malta

For authors, PLR payment can be of immense importance at the start of their career.

“I have a lot of loyal readers who borrow my books and that means I’ve been very fortunate in the annual payment I receive from the PLR – a payment which for many writers is an essential part of their earnings, I know it was in my early writing career.”

Erica James, British author of 20 bestselling novels, including *‘Gardens of Delight’* which was Romantic Novel of the Year in 2006



For established writers with long backlists of published works, it can be a lifesaver to have public libraries provide access to the whole of their repertoire, including works that have gone out of print.

PLR annual payments can also be a great morale booster for authors.

“PLR supports both authors and readers. The fact that people borrow my books from libraries actually makes me happier than people buying them. It means that they are equally available to everyone.”

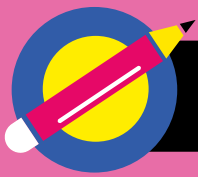
Emmi Itäranta, Finnish author

“PLR is immensely important. I write a niche prose so it’s not so much money. But since I am also a translator the sum is high enough to pay rent once a year because people read translated literature a lot here. It is also always interesting to have a look what people borrow in the libraries. We have to fight to increase them in Czech Republic.”

Tereza Semotamová, Czech author

“Without writers, there would be no books in the world’s libraries, and without libraries the right to literature for all would not exist. Public Lending Right recognizes this and makes a real contribution to the ongoing health of a democratic society. This is why PLR is indispensable, inalienable and must be protected.”

Aline Apostolska, Canadian and French writer



FAQs

Do PLR payments have an adverse effect on library budgets?

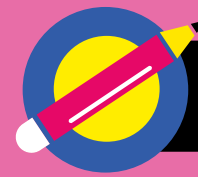
No. In most countries with PLR, the system is funded by central or regional government and is not paid by library budgets. In the Netherlands where individual libraries contribute to PLR funds, PLR is seen by the library community as a legitimate charge to compensate authors.

Is PLR expensive to administer and do running costs adversely impact on what is available for distribution to authors?

It's not expensive. In most countries, only 6-10% of the funds allocated to PLR is spent on administration. In the establishment phase this proportion can be closer to 20%.

Do PLR payments go to the bestselling and therefore most-borrowed authors, leaving little for less well-known and up-and-coming authors?

Most PLR systems operate an upper payment threshold or cap preventing the most successful and most-borrowed authors from receiving all the money. There is no legal requirement in Europe under the EU Rental and Lending Right Directive to cap payments in this way, but it is widely regarded as a fair way to ensure that PLR payments are distributed to as many authors as possible. Individual countries can decide on their own threshold. Of the £6 million paid out by UK PLR in 2021/2022, 303 authors received payments between £5,000 and the maximum capped amount of £6,600, leaving the bulk of the funding to be distributed to the other 20,724 writers, illustrators and translators of printed books and authors, narrators and producers of audiobooks borrowed from public libraries.



FAQs

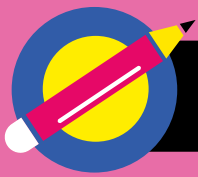
In developing countries where the book market is vulnerable to competition from more established publishing nations, it is open to governments to opt for a non-copyright-based PLR system to protect and promote local authors, particularly those writing in native languages.

“PLR is certainly very important to me. Most of my readers borrow my books from the library instead of buying them. That’s why half my income comes from PLR. When your books are lent often by the library, it’s very nice to get good compensation for that. It enables you to stay working as an author. It’s not just the money; the recognition is also very important.”

Gerda van Wageningen, Dutch writer of over 100 romantic fiction titles and recipient of Dutch PLR since 1986

Does PLR have an adverse effect on the primary sales of authors’ books?

Libraries are an important part of the publishing ecosystem, and the establishment of a PLR system will not affect this situation. The role libraries play in supporting reading is uncontested; however the wider book ecosystem is strongly rooted in bookshops. Despite the importance of PLR, individual sales through bookshops and other retailers constitute 95% of the revenues for trade books’ titles.



FAQs

Does PLR restrict access to books?

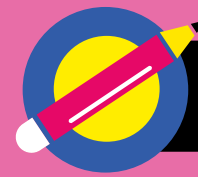
PLR does not represent a threat to the public access of books through libraries. When advocating the benefits of PLR, it is necessary to emphasise the importance of protecting library budgets and of governments funding PLR centrally. Public libraries make authors' works accessible and authors are vocal supporters of libraries. At the same time, authors deserve to be paid for every use of their works.

How has PLR been achieved in different countries?

Most PLR systems are in Europe. PLR has been a legal requirement for EU Member States since the passing of the 1992 Rental and Lending Right Directive. Countries seeking membership of the EU must establish a PLR system as part of their preparation for membership. The Directive allows flexibility in determining which types of libraries should be included, which rightsholders should qualify for payment, which types of works should be included and how the payments should be calculated.

For countries with long-established PLR systems, such as Denmark, Germany and Canada, PLR was only achieved through many years of campaigning and dedicated efforts from authors.

Scandinavian authors led the way. As long ago as 1918, Danish writer Thit Jensen called for authors to be compensated for the lending out of their books free of charge by libraries. In 1946 Danish authors were finally successful when the Danish government introduced the world's first system of payment for library loans. PLR systems followed soon after in Norway and Sweden.



FAQs

In the UK, authors led by Maureen Duffy, Brigid Brophy and their fellow Writers' Action Group members fought a long campaign to achieve a legal right for authors to receive payment for the lending of their books by public libraries. The PLR Act was finally passed by the UK parliament in 1979. The international PLR community celebrated the 40th anniversary of the PLR Act at PLR International's 13th conference at the British Library in London in September 2019.

For authors living in countries outside the EU where there is no legal requirement to establish PLR, campaigning remains the route that authors must take. As we have seen, there are several legal and operational models that can be adopted depending on what best suits their national circumstances. Publishers can also be a good source of support for campaigning.



CAMPAIGNING FOR PLR

Key points

1. Present a workable scheme to government and a strong business case. Decide on the sort of scheme you want to recommend to government. Demonstrate the benefits of PLR but also show that it won't damage libraries or other elements of the publishing ecosystem
2. Press for a centrally-funded scheme, or at least a scheme funded at regional level.
3. Launch an organised and structured campaign supported by all of the local authors' organisations and secure the support of other key stakeholders, particularly librarians and publishers.
4. Mobilise authors from all backgrounds, including well-known bestsellers, to support the campaign.
5. Get the support of prominent public figures, particularly parliamentarians who may also be writers.
6. Aim ultimately for legislation to ensure that your PLR scheme provides a legal right to receive remuneration.
7. Emphasise the widespread societal, cultural, environmental and financial benefits to supporting authors through PLR schemes.

The PLR Community

PLR International

PLR International exists to bring together the 34 countries that have established PLR systems to provide a means for them to exchange information and best practice. It also provides impartial advice and technical assistance to countries seeking to set up their own PLR system. PLR International works closely with a number of organisations to promote the scheme. These include:

European Visual Artists (evartists.org)

European Writers' Council (europeanwriterscouncil.eu)

Federation of European Publishers (fep-fee.eu)

International Authors Forum (internationalauthors.org)

International Federation of Reproduction Rights Organisations (ifrro.org)

International Publishers Association (internationalpublishers.org)

More information about PLR International, its activities, including its bi-annual conference, and on the different approaches to PLR across the world, can be found at www.plrinternational.com. Contact us at info@plrinternational.com if you need any further help or advice.

You can find us on X @PLR_Int

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