

The role of the Authors' Licensing and Collecting Society

The Authors' Licensing and Collecting Society (ALCS) was established in 1977, and grew out of the post-war campaign in the UK for the establishment of a government-funded public lending right (PLR) scheme to pay authors for loans from public libraries. The ALCS's direct operational links with the PLR scheme were, and are, limited to distributing royalties to UK authors from the Dutch and German PLR schemes. Currently, the ALCS is seeking to understand what academic writers want, and fear, at various stages in their careers and across a range of disciplines. What has emerged so far has been a common core of concerns centred around retention of copyright, maximum but controlled access, and protection of their moral rights in digital media.



JANE CARR
Chief Executive, ALCS

Introduction

Unless you have received a letter, and accompanying form, from The Authors' Licensing and Collecting Society Ltd (ALCS) – advising you that a work that you have published has earned you secondary rights royalties as a result of some form of copying somewhere in the world – you probably know little or nothing about us, or about what we do. Perhaps you have received such a letter and put it aside to deal with at a later date but have never quite got around to doing anything with it? Perhaps you wondered whether it was some kind of a scam? Or perhaps you completed the form, returned it to the ALCS and have been receiving the occasional – or even regular – payment ever since.

For those in all but the final category, the ALCS was first incorporated in 1977; but it originates in the post-war crusade by writers for a UK government-funded public lending right payment to authors. The campaign for PLR, with legislation finally enacted in the UK in 1979, and with first payments to authors in February 1984, began in 1951. Michael Holroyd has described it in his essay entitled *The battle for PLR: Whose Loan Is It Anyway?* as 'a modest proposal in the trade press for circulating libraries to pay authors a halfpenny every time their books were lent to a subscriber'¹. John Brophy, Brigid Brophy's father, doubled the stakes with his argument that borrowers would surely

not object to paying a penny – 'less than the cost of half a cigarette' – and the Society of Authors took up the cause of 'Brophy's Penny' throughout the 1950s and early 1960s, but with little success. Indeed, A P Herbert commented wryly at the end of his leadership of the campaign: 'We ... have been using sweet reason and balanced argument. Personally, I am tired of sweet reason. We are entitled now, I feel, to anger – and, if possible, action'.

Action was still slow to come, but was finally taken by the Writers' Action Group (WAG) which was founded in 1972 by Brigid Brophy, Maureen Duffy (who remains as active today as she was then, and is still our President), Lettice Cooper, Francis King and Michael Levey. There is a now legendary story that in November 1973, in a packed upper room of the Queen's Elm pub in Chelsea, a trilby hat was passed round to start the collection which eventually produced sufficient funds (£100) to register the Authors' Lending Rights Society – the first such authors' society in the UK – in December of the same year. Its honorary president was J B Priestley with Lord Ted Willis and V S Naipaul as honorary vice-presidents. Four years later, it was discovered in quick succession, firstly, that funds from public lending right schemes in both Germany and Holland were available to UK writers, if a UK

collecting society were able to receive and distribute them, and, secondly, that the original Authors' Lending Rights Society had no legal existence in spite of the 10p shares purchased by WAG members. The result was that the Authors' Lending and Copyright Society Ltd., as ALCS was known then, was incorporated.² The present structure and name were first introduced in 1981 after a period when the Society struggled to survive. Run initially on the goodwill and energy of a small group of writers, in 1981 the Society of Authors and the Writers Guild of the UK provided the financial underwriting and the membership base which were essential for the survival of the ALCS.

In spite of that early association with the PLR campaign, the ALCS has never been involved with PLR payments in the UK. The collection of UK loans data from public libraries, and the distribution of payments based on those surveys, is handled by the public lending right operation in Stockton-on-Tees, headed by Dr Jim Parker, on behalf of the Department of Culture, Media and Sport. The ALCS does, however, collect international PLR payments due to UK writers, and did so even before the first UK PLR payments were made. Funds are received annually from Holland and Germany, and there is now pressure for action from the European Union on other member states who have either not introduced PLR legislation, or who have not implemented it as intended.

However, the ALCS was, and is, very much involved in the founding and running of the Copyright Licensing Agency (CLA). Although the debate about reprographic licensing – the whether, why, how, what and who – had continued for some years through the Whitford and the Wolfenden Committees, the CLA was founded in 1983 after two years of deliberation by yet another working party, on the Collective Administration of Rights of Copyright, chaired by Denis de Freitas. The founding members of the CLA were the ALCS and the Publishers Licensing Society (PLS), and its board, then and now, is composed of six ALCS members and six PLS members. In 2003, a member of the Design and Artists Copyright Society (DACs) was added. On behalf of writers and publishers, the CLA now collects some £42 million from all levels of education, from government and from various sectors of the business community.

The ALCS and serials

Which brings me, at last, to serials, and to some of the key issues which face the ALCS today, and which will face it in the future. The ALCS is the only collecting society representing writers in the UK. It makes annual royalty payments of over £13 million derived from reprographic and broadcast licensing to between 35,000–40,000 UK writers. Since its formation, it has distributed over £100 million in secondary rights royalties to writers. We distribute these royalty payments on the basis of a mandate given to us by writers; that mandate tells us what our members want from us, and the extent to which we can license and collect royalty income on their behalf. We are now in the early stages of considering what writers want, or will want, from collecting societies in the world of digitally-delivered information, and of identifying the ways in which that may differ from sector to sector.

Surveys over the past few years have indicated, naturally enough, that what writers of articles in serials want is, at certain levels, as diverse as the range of subject matter covered. Such responses are, however, not necessarily inconsistent; nor do they obscure some of the more consistent and easily quantifiable priorities that writers have. For example, surveys by the Association of Learned and Professional Society Publishers (ALPSP)^{3 & 4} and the Joint Information Systems Committee (JISC)⁵, among others, have indicated that – in the case of academic journals – academic writers are motivated primarily by the desire for peer review and recognition, by the need for the widest possible circulation of their work within the community of their peers, and by the prospect of career advancement and research support resulting from publication. Our own survey of a self-selected group of 662 academic authors who are also members of the ALCS, which was concerned primarily with licensing in the transition stage from print to digital, suggested that writers were seriously concerned about potential infringement of their moral rights (especially plagiarism, lack of acknowledgement, and derogatory use by such methods as cutting and pasting at the expense of the original words, ideas or argument), by attempts to enforce copyright or 'all rights' assignment of their work, and by the potential loss of secondary rights income from uncontrolled copying of their work.⁶

These apparently different results, when combined rather than viewed as contradictory, may begin to give us a clearer view of the priorities for academic writers, and of how a writer's priorities may change at different stages of his or her career. A tenured professor at the height of a distinguished career in a well-funded STM field may well have different views from a research student at the beginning of such a career. That same professor may also feel differently once retired, but still wishing to continue with his or her research and to develop or use earlier research results. In the case of humanities research, the situation could well be very different at the same three points in their career. The ALCS wants to be able to respond to writers' rights and needs at every stage of their writing life – both at the stage when secondary rights income may be a valuable supplement to a grant or a pension, and at the stage when an individual would prefer that income to be channelled back to a learned society, or a continuing research programme.

In taking this flexible approach to writers' needs, the ALCS also finds some common ground with those who support the 'open access' and 'author pays' models of journal publishing. The principle of retention of copyright, and thus choice, by the author is of fundamental importance to all writers; equally, the possibility for writers to become active participants in the process by which their work is disseminated, accessed and ultimately preserved must be a step forward. The new financial models will need to be tested. So also will the equity of the 'author pays' models, with evidence that research grants include sufficient funds to secure publication and dissemination across a range of disciplines in both the sciences and the humanities. The durability of self-archiving concepts and the need to match short-term speed and facility of access with long-term preservation have been perennial concerns in the world of print. They will be all the more pressing in the digital environment, where we already know that valuable information can be lost as quickly as it is found. But it must surely be in the best interests of academic journal publishing in the future for there to be public debate, such as that which resulted in the recent proceedings and report of the UK House of Commons Select Committee⁷.

Moral rights

To revert briefly to the issue of moral rights, this is an area of considerable concern to writers, as was demonstrated in the ALCS survey earlier this year, because of the perceived vulnerability of the writer in a fully digital environment. This is a topic which has not yet been debated as publicly as have issues of copyright and access. Our survey indicates that there is widespread concern about plagiarism among writers, a concern that has intensified as cutting and pasting from electronic sources becomes ever more easy. It also highlights concerns about attribution (paternity) and the ways in which failure to acknowledge a source, or multiple sources, can lose subsequent citations and thus influence for an academic writer. Perhaps most importantly, writers worry about the many variations of derogatory use – from simple errors, through failure to reproduce sufficient text for the full elaboration of an idea or an argument, to insertion of texts in an inappropriate context, or as part of an argument contradictory to that presented by the original writer.

Moral rights for authors of the written word are not as well protected in the major English-language markets of the UK and the USA as they are in most of mainland Europe, where rights of disclosure, paternity, integrity and modification/adaptation are protected in many types of work.⁸ In both the UK and the USA, the Copyright Acts provide for a statutory waiver of moral rights. It would seem a matter of common concern to the academic and wider writing communities that current inadequacies in protection of moral rights are reviewed as soon as possible in order that there is adequate and equal protection in digital media.

In conclusion, one of the principal tasks for the ALCS in the near future is to determine what the role of a collecting society, traditionally concerned with secondary rights royalty licensing and collection, will be in the digital arena. The transition to digital production and delivery in serials is giving us the opportunity to test different models, and we would welcome all comments and suggestions at what we see as a crucial time in this development.

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■ Jane Carr
Chief Executive
ALCS Ltd
Marlborough Court, 14–18 Holborn
London EC1N 2LE, UK
Tel: +44 (0)20 7395 0600
Fax: +44 (0)20 7395 0660
E-mail: Jane.Carr@alcs.co.uk
alcs@alcs.co.uk
