



EXTENDED COLLECTIVE LICENSE, ECL

A PRACTICAL AND FUNCTIONAL SOLUTION

Visual Copyright Society in Sweden - BUS

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BACKGROUND

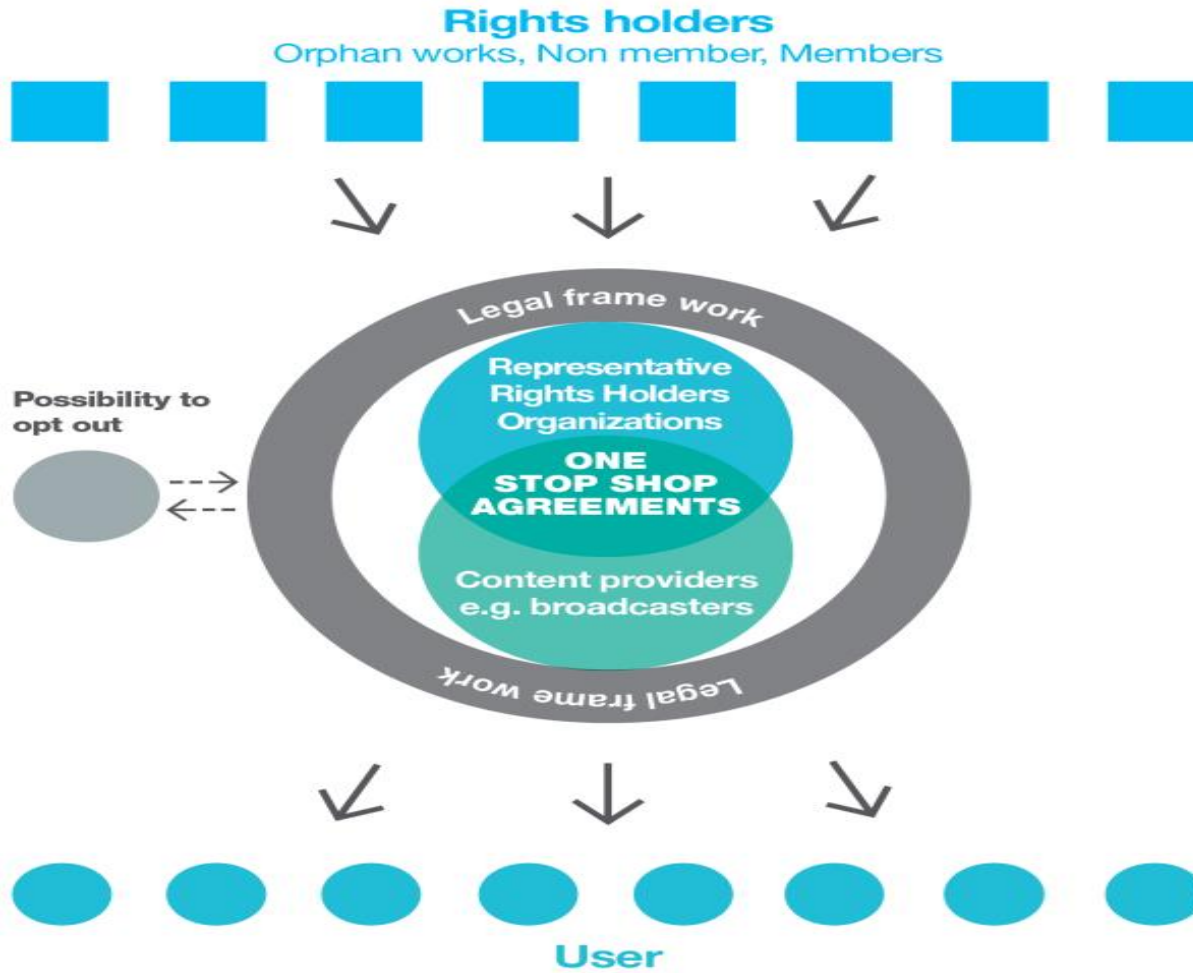
- ECL model successfully applied in the Nordic Countries since 1961
- Rights clearance mechanism for mass uses where individual licensing fails
- Broadcasting first field of application
- ECL in conformity with the Berne Convention and recognized in the Sat/Cab Directive, the Copyright Directive, the Orphan Works Directive and the CRM Directive

ECL – HOW DOES IT WORK?

- Rightsholders freely assign to CMO's to manage their rights
- CMO's and users conclude agreements upon free negotiations
- Specific use and type of works defined
- CMO must meet the criteria for representativity in the legislation
- Authorization of the use in the agreement is extended by law to cover non-represented rightsholders
- Individual right for non-represented rightsholders to opt out
- Non-represented rightsholders must not be treated less favourable
- Non-represented rightsholders always have a right to individual remuneration

ECL MODEL ADVANTAGES

- Contractual freedom – simple and efficient licensing mechanism (=one-stop-shop)
- Users get access to full repertoires
- Fair terms negotiated between stakeholders of equal strength
- No need for diligent search prior to the use
- ECL fosters transparent and effective rights managements by organizations specialized in tracing rightsholders
- Rightsholders benefit economically in countries applying ECL models



AGREEMENT PUBLIC SERVICE BROADCAST (SVT/UR) AND BUS

- Since 2010 ECL, lump sum agreement
- SVT/UR get access to full repertoires except picture stock agencies
- First only broadcasting and now also on demand service (Play services)
- SVT/UR reports and BUS also monitor
- No need for diligent search prior to the use
- BUS distribute to all visual creators who have still images in programs
- No opt outs

AGREEMENT WITH DIGISAM

- DIGISAM represents 24 cultural heritage institutions (CHI)
- ECL agreement on still images in CHI collections – millions of photos etc
- A standard agreement as a basis for an agreement with each CHI when they need it – digitalization can start "with this problem solved"
- Each CHI can calculate their cost and plan their work
- Reporting system must be developed in cooperation
- BUS is building a distribution system on the facts we have



VISUAL COPYRIGHT SOCIETY IN SWEDEN

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