

Extended Collective Licensing

FAQ's

What is Extended Collective Licensing (ECL)?

ECL has been used in the Nordic countries for about 50 years and is recognised in European law. ECL enables licensing bodies that represent a significant class of rightsholder to extend their licences to cover unrepresented rightsholders in the same class.

How does ECL work?

The law provides a licensing body with the necessary rights permission or 'mandate' on behalf of unrepresented rightsholders whose works may be used under a licence. Licensing bodies operating an ECL are required to advertise the scheme giving any rightsholder the opportunity to 'opt-out' their works.

What are the UK rules?

The primary legislation is the Enterprise and Regulatory Reform Act (2013); the more detailed rules governing applying for and operating ECL scheme are contained in The Copyright and Rights in Performances (Extended Collective Licensing) Regulations (2014).

What impact will ECL have on ALCS members?

ALCS members' works are licensed by the CLA in the education, business and public sectors. These 'blanket licences' cover all published works held by a licensee except works that have been specifically excluded. This means that sometimes works by authors who are not ALCS members (and have not therefore mandated CLA) will be copied. In theory this could be challenged as a legal infringement of those author's rights, in practice ALCS contacts the authors who then receive the money and join ALCS, thereby mandating CLA for any subsequent licensed uses.

CLA operating under an ECL authorization will therefore not have any material impact on ALCS members, or authors who join ALCS following an initial use of their work in a CLA licensed sector. ECL will formalise the rights position under CLA licences, enhancing transparency for both rightsholders and end-users.

What if CLA fails to secure a statutory ECL authorisation?

Now that the UK legal regulations have come into force, if CLA failed to secure an ECL authorisation it would in all probability have to amend its current licensing schemes to clarify that they only extended to works mandated by its members. To copy other works, licensees would, in theory, have to seek direct, individual permissions from rightsholders. This would place an additional cost and administrative burden on licensees which would most likely be reflected in a reduction in CLA licence fees which, in turn, would mean reduced distributions to ALCS members.

What if I have already responded to a poll providing my consent for CLA's ECL Application?

If you have already provided consent to ALCS for CLA's ECL application in a previous poll you do not need to do so again now.

What do ALCS members need to do?

To apply for an ECL mandate CLA must demonstrate that their application is supported by the rightsholders it currently represents. These rightsholders are represented by the current CLA members as follows: ALCS (authors), PLS (publishers), DACS (authors of artistic works) and PICSEL (image libraries).

ALCS members are required to vote on whether or not to support application.

If you have any further queries please contact Luke Alcott on telephone: 020 7264 5700 or email Luke.Alcott@alcs.co.uk