



Best Practice for Establishing a Public Lending Right System that Supports Authors and Libraries and Enables Literacy and Learning

Annex to the 2016 IFLA Position on Public Lending Right

IFLA's existing statement on Public Lending Right (PLR), updated in 2016, sets out IFLA's policy position on Public Lending Right. These best practices are without prejudice to the existing IFLA Statement and are an annex to it.

As highlighted in the Statement, IFLA does not favor the principles of a 'lending right', which can jeopardize free access to the services of publicly accessible libraries, which is the citizen's human right. Under no circumstances should they lead to reductions in library budgets. Moreover, there are also no international instruments, agreements or treaties, that require public lending right schemes.

Libraries nevertheless welcome the provision of support to diverse, local voices, and the creation of new works, and well-managed government-funded grant programs for authors and publishers can be a targeted and effective way to encourage local writing and publishing. Such programmes should be explored and established in preference to instituting new public lending right schemes.

However, for those governments that choose to establish a public lending right scheme, this document sets out best practices on how PLR can best work for libraries and authors.

As a preliminary point, while effective PLR systems can provide welcome support for, and recognition of, the work of writers, IFLA does not agree that such regimes should be established through copyright legislation.

Embedding PLR in copyright implies that lending is an activity that requires permission and payment. This can result in restrictions on free citizen access to education, culture, information and ideas through publicly accessible libraries. As highlighted in the 2016 Statement, IFLA endorses freedom of access to information, and will continue to resist all circumstances that could hamper this access.

Scope and Governance

- PLR should operate as a supplementary public policy support for creators and cultural heritage, separate and additional to support for public libraries.
- PLR should not lead to any restrictions on lending by libraries.
- PLR cannot be a substitute for fair and balanced contracts as a means of supporting the work of writers. Responsibility for guaranteeing a fair income to authors should lie with publishers, distributors and others who manage creator rights.
- PLR should only apply to public libraries. PLR should not apply to academic, scientific or government libraries, where collections are not available to the general population.
- Given the fundamental importance of education, and the users concerned, school libraries should not be covered by PLR.

- A national PLR advisory board of stakeholders should be established to set up and govern the PLR system, including authors, rightsholder representatives and librarians.

Funding

- Funding for PLR must come directly from national or regional governments. It must be additional to (i.e. not reduce) existing funding to creators, and be unrelated to funding for education institutions, and libraries.
- PLR must be appropriately funded, with consideration given to the size of the economy, the size of the library and publishing sectors, and government funding of library, education, creative and publishing sectors.

Eligibility

- Authors should be the primary recipients of PLR payments. Illustrators, photographers, visual artists, translators, and editors who have contributed substantially to the content of a work should be considered where funds are available.
- PLR eligibility is appropriately limited to authors and contributors who are citizens or residents of the state as a support for national culture and linguistic diversity. This is particularly important in countries where holdings of publicly accessible libraries are dominated by foreign authors. As a public policy tool, care must be taken to create PLR systems that encourage local content creation and support local languages.

Payment Calculation

- Holdings of print books made available for loan by libraries should form the basis of PLR payment calculations. PLR should not be considered for the use of reference works within libraries.
- Payment calculation approaches should adopt the most efficient approach, taking into account the costs of administration. Inventory counts are preferred over tracking individual annual loans due to the complexity of tracking loan data and the potential risks to privacy for borrowers.
- Additional formats may be considered such as audiobooks and eBooks. Digital content that libraries license for a limited number of uses should not be eligible for PLR payments because the library separately compensates the supplier for each use.

Reporting

- The authorities charged with operating PLR schemes should abide by the highest standards of governance and efficient operation.
- PLR systems must require transparent annual reporting to the public by government and the organisation charged with managing the system. PLR systems must ensure that the maximum percentage of funds distributed are paid to eligible authors. Transparency will also build trust, and enable authors and libraries to play an active role in monitoring the system.