

October 2003

Dear Librarian,

The CLA Sticker Scheme For Walk-In Users of Public Libraries

The purpose of this letter is to describe the Sticker Scheme and how it can be operated by you to enable you to deal simply and easily with any requests by your patrons to copy copyright material for commercial purposes.

In this letter the term 'Librarian' means the Librarian or any person acting on his or her behalf.

1. Background.

The EU Copyright Directive was implemented into UK law by The Copyright and Related Rights Regulations 2003 SI No. 2498 with effect from 31st October 2003. This amends The Copyright, Designs and Patents Act 1988 (the "Act") by providing that copying for commercial purposes cannot fall within the exemptions from copyright provided by s.29 of the Act (Fair Dealing for Research and Private Study) and ss.38 and 39 of the Act (Library Privileges provisions).

Your patrons may wish to make copies of extracts from the Library's holdings of books, journals, magazines and other periodicals protected by copyright either on self-service copiers within the Library or by asking you, the Librarian, to make the copy on their behalf. In either case, if the copy is made for commercial purposes it would be an infringing copy if the permission of the copyright owner has not been obtained, and assuming none of the other statutory exceptions apply.

The Sticker Scheme is designed to provide a simple, low cost and effective solution which ensures that such material may be copied lawfully. It also frees the Librarian from the risk of liability under the Act as regards copying by the Librarian on behalf of Library patrons.

It is specifically designed for low-volume, occasional use, and is not to be a substitute for other CLA licences covering high volume or regular document delivery. The CLA Low Volume Document Delivery Licence was developed in consultation with representatives of the Library community to cover the needs of those learned societies, membership and trade associations who supply commercial copies on a regular basis, but for whom the Transactional Document Delivery Licence would not be appropriate.

2. The Sticker Scheme.

Following consultations with copyright owners and members of the librarian community, CLA designed the Sticker Scheme as a solution to the concerns expressed by librarians. The Stickers are to be sold at a price of £9 (including VAT) to patrons wishing to make copies for commercial purposes.

The Stickers may be sold individually on each occasion that a patron either requests a Sticker to make a copy at a self-service machine or asks a Librarian to make the copy on their behalf where it is inappropriate for the patron to complete and sign the Declaration Form under the Library Privileges provisions.

A Sticker authorises the making of one copy within licence limits – see the terms of the Sticker Scheme, but broadly speaking a copy of up to one chapter in a book, one article in a journal, one case in a book of law reports, or one poem in an anthology of poems.

When you have sold all the Stickers from a Sticker Book you must return the CLA Copy of each Sticker Form to CLA in the pre-paid envelope provided. CLA will then invoice you for the Stickers sold.

It is for the Library to decide whether to levy an administrative charge in addition to the copyright fee of £9; that is a matter between the Library and its patron.

(Please turn over)

The Sticker Form is in three parts – a front sheet for the patron, a copy for the Library and a copy for CLA. The front sheet, which is to be retained by the patron, contains the terms of the Sticker Scheme and asks the patron to provide some minimal information on what is being copied to assist CLA in distributing fees to the correct author, artist or publisher. The Sticker Form also acts as a VAT invoice.

3. What are you required to do?

- (1) Keep the books of Stickers safely and sell them to patrons in return for payment of the fee of £9 (or entire books of Stickers for £180).
- (2) Keep the CLA Copy of the Sticker Forms in the envelope provided until an entire book of Stickers is sold and then return it to CLA.
- (3) When invoiced by CLA, account for the Stickers sold.
- (4) Ensure that the Sticker Scheme, a copy of the list of Excluded Categories and Works and the list of Participating US Publishers are kept available for patrons wishing to use the Sticker Scheme.

4. What are you not required to do?

- (1) Pay for the books of stickers in advance. You need only account to CLA for Stickers actually sold.
- (2) Monitor private copying or police the use of the Sticker Scheme. It is for each patron at a self-service copier to decide whether or not their copying is for commercial purposes and, if so, whether to ask you for a Sticker.
- (3) Advise on the meaning of "commercial". It is not part of the Sticker Scheme that you, the Librarian, should be required to determine that a proposed copy is for commercial purposes and hence requires the use of a Sticker.
- (4) Ensure the completion of the bibliographic details. It is for the patron to complete these; it would be helpful however if you could draw their attention to this and ask for the completed form to be given to you to place in the CLA envelope.
- (5) Advise on whether or not a particular work is still in copyright. This is again a matter for the patron but as a rule of thumb, CLA suggests that any work published more than 120 years ago can be regarded as out of copyright.

5. Termination of Scheme.

CLA reserves the right to terminate the Sticker Scheme on 3 months' notice in which case all books of Stickers must be returned and the Stickers sold accounted for.

6. Who to contact at CLA.

If you have any question about the operation of the Scheme, please contact CLA on Tel: 020 7400 3128 or email: stickerscheme@cla.co.uk.

CLA always values comments on its licensing schemes, so please use these contact details if you wish to comment on the Sticker Scheme.

Yours faithfully

The Copyright Licensing Agency Ltd