

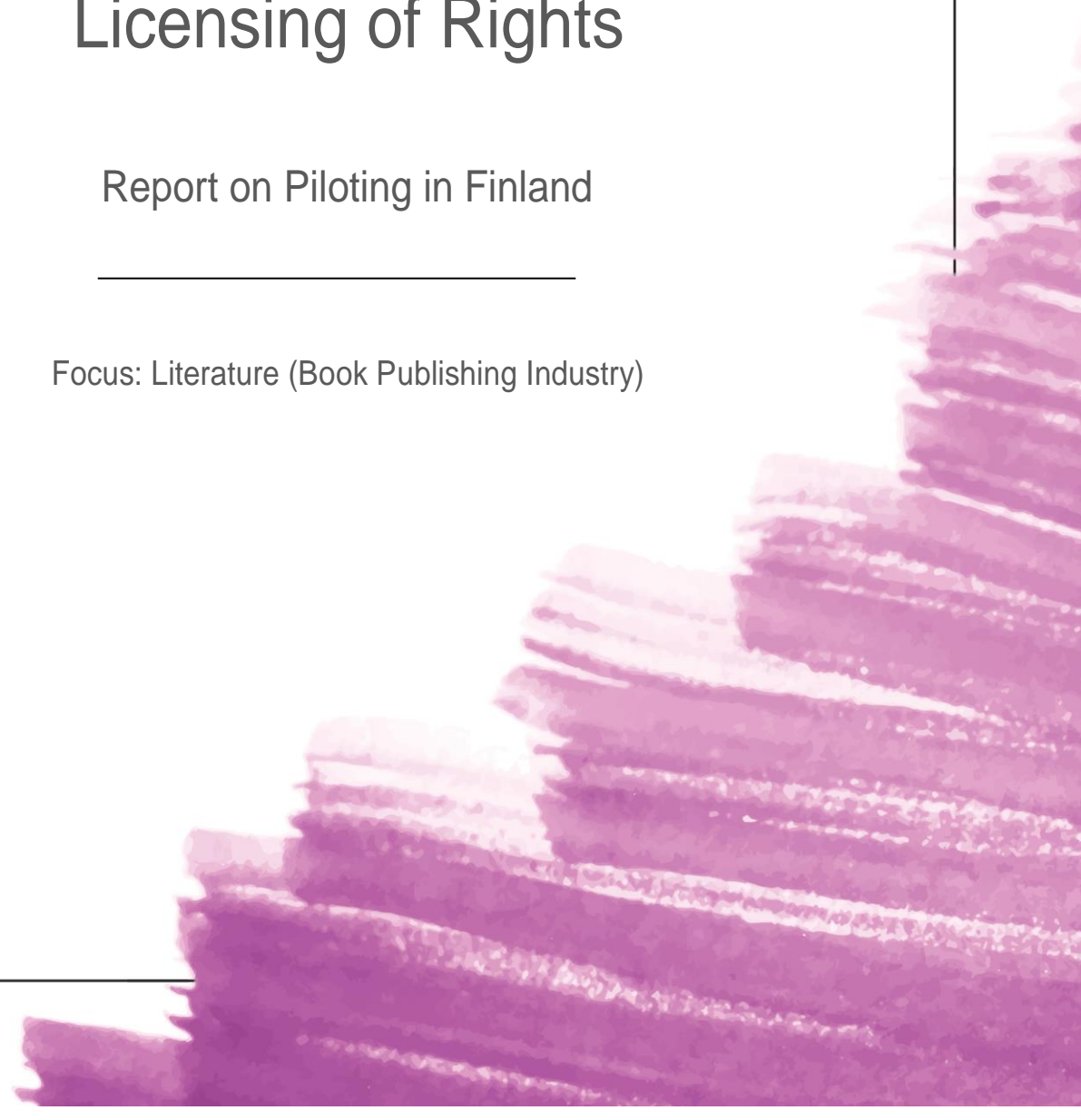
Assessing Copyright and Related Rights Systems

# Transaction Costs in Transfer and Licensing of Rights

Report on Piloting in Finland

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Focus: Literature (Book Publishing Industry)





cupore

**Assessing Copyright and Related Rights Systems: Transaction Costs in Transfer and Licensing of Rights – Focus: Literature (Book Publishing Industry). Report on Piloting in Finland.**

This report is the result of the first pilot study implementing Methodology Card 18 – *Transaction Costs in Transfer and Licensing of Rights*, one of the 37 indicators constituting a methodology framework for assessing the operation of national copyright and related rights systems. The methodology framework has been developed at the Foundation for cultural policy research (Cupore) in Finland as part of a project financed by the Finnish Ministry of Education and Culture. The pilot study was conducted by Project Researcher Milla Määttä together with the core project team (Tiina Kautio and Nathalie Lefever), between April 2014 and January 2015. The results were first published in January 2015 on the website of Cupore.

*A handbook presenting the methodology framework is available on the website of Cupore at [www.cupore.fi](http://www.cupore.fi).*

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## Executive summary

This document presents data collected in application of a methodology framework to assess the operation of copyright and related rights systems. More precisely, the information and analysis below correspond to Methodology Card 18 presented in the methodology handbook, titled “Transaction Costs in Transfer and Licensing of Rights”. The goal of this report is to provide an overview of transaction costs associated with licensing of copyrighted works, such as costs of contract making and acquiring rights. The study focuses on the literature/book publishing industry in Finland.

The research was conducted by interviewing experts in the field and conducting two focus group meetings, the first one composed of representatives of authors’ and translators’ organizations, the second with representatives of publishers’ organizations and individual publishers. They provided answers in writing and orally to a list of questions prepared by the researchers on the basis of the methodology’s handbook. The topics discussed were the transactions costs experienced by the parties when concluding licensing contracts and the measures taken by public actors to reduce them, as well as new possible measures that could meet that purpose.

The research demonstrated that the transaction costs vary between individual authors and companies. Both the representatives of authors and translators and publishers in the field felt that transaction costs are inevitable in the operation of the markets for rights. On the one hand, rights management has become more complex but on the other hand, publishing contracts generally now cover a wider range of rights. Moreover, some publishers are less willing to negotiate on terms of contracts. Altogether, according to participants in the focus groups, the time spent by authors on transactions has not increased. It was also pointed out that a part of the transaction costs related to contract-making and exercising rights actualize in the authors’ organizations and collective management organizations, since they assist their members in different ways and manage a certain part of the market for rights.

Similarly to the authors’ and translators’ representatives, the publishers see transaction cost as a permanent part of their business activities, affecting their business decisions. Time is the most central resource spent by publishers on acquiring and managing the rights they hold. Generally, transaction costs increase when the group of right holders for a publication becomes more complex. Search and information costs do occur especially when rights concerning older works or works written/translated under an alias have to be cleared. Search and information costs have also been high when publishers have wanted to publish an e-book version of a backlist work, to sell the translation rights for an older work or to attach an old photo to a new publication.

All authors’ organizations were satisfied with the services of CMOs in diminishing the efforts of individual authors when managing their rights. In contrast, only one respondent in the focus group of publishers was satisfied with the services of CMOs in diminishing the efforts of right holders and professional copyright users. It was stated that CMOs should have more up-to-date information concerning right holders in order for their services to have a decreasing effect on transaction costs of publishers.

At the moment no collectively negotiated model contracts are being used in the field of literature due to competition law issues. However, some authors’ organizations have provided examples of balanced publishing contracts for different types of works on their websites.

Altogether, the members of the focus groups agreed on certain situations in which high transaction costs take place, and a number of proposals for possible public and private actions to reduce transaction costs were presented.

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## Introduction

### ***A. CONTEXT OF THE PILOT STUDY***

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A methodology framework for assessing the operation of national copyright and related rights systems has been developed at the Foundation for cultural policy research (Cupore) in Finland. It is a collection of tools for achieving a systematic assessment of the functioning, performance and balanced operation of national copyright and related rights systems.

In the methodology, the assessment is determined through a framework consisting of so-called description sheets and methodology cards. The description sheets constitute guidelines to produce a comprehensive presentation and description of a country's copyright and related rights system and its operating environment. The methodology cards propose the collection of specific sets of data, either quantitative, descriptive or qualitative, that will be used as indicators of the functioning, performance and balanced operation of the system. Description sheets and methodology cards are accompanied by detailed information on the data to be collected, as well as analysis guidelines that will help connect them to each other.

The methodology framework is meant to be continuously improved through application feedbacks. For more information, see the Cupore website, [www.cupore.fi/copyright.php](http://www.cupore.fi/copyright.php).

This report presents data collected in application of Methodology Card 18 of the methodology framework, titled "Transaction Costs in Transfer and Licensing of Rights". It is the result of the first pilot study applying this indicator in Finland.

This study was conducted by Project Researcher Milla Määttä together with the core project team (Tiina Kautio and Nathalie Lefever), between April 2014 and January 2015.

### ***B. PRESENTATION OF THE INDICATOR***

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The indicator implemented here is part of the third pillar of the methodology framework, "Operational balance of the copyright system", and its third area, "Licensing markets". Its aim is to facilitate assessment of the operation of licensing markets with regard to transaction costs on licensing contracts, in order to support the analysis of the operation of the national copyright and related rights system.

As explained in the methodology handbook, copyright is exercised contractually, and therefore, the costs of contract making, exercising rights and acquiring rights represent an important aspect in assessing the functioning of the copyright system<sup>1</sup>.

The issues discussed in this study include the costs of identifying and contacting potential negotiating partners and following through licensing negotiations. The transaction costs that occur when *acquiring* rights for the use of copyrighted works, and the costs incurred by the right owner when *selling, licensing, otherwise exchanging, or enforcing* the rights are studied separately. The rights and contractual situations of both authors and publishers are discussed. Whenever possible, a distinction between commercial and non-profit purposes is made.

This methodology card has connections to several other parts of the methodology framework. Description Sheet 11 – *Individual Exercise of Rights* includes a description of the available model

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<sup>1</sup> The transaction costs cover the search and information costs, the costs of negotiating and bargaining for acquiring the rights, and the costs of enforcing the rights could be studied by looking at the cases of transfer of rights.

contracts and framework agreements. These are examples of how a copyright system can facilitate efficient bargaining, and they could give an indication of the bargaining costs. Methodology Card 19 discusses the terms of contracts on transfer and licensing of rights, and the balance in negotiating power between contracting parties. Methodology Card 17 – *Access to Copyrighted Works for Follow-on Creation* with its parameter on the access to orphan works provides information on search and information costs. Copyright is managed by either individual licensing contracts or collective licensing practices. Collective licensing can effectively reduce transaction costs. Collective management of rights is covered in Description Sheet 12 and Methodology Card 9 of the methodology framework.

The licensing channels as well as the architecture of value creation differ between industries. For this reason, the different types of creative activities and creative industries should be analysed separately on these topics. Moreover, the methodology implemented in this study has been designed to be modular: it is possible to apply it to a national copyright system as a whole, or to specific sections of it. This study illustrates the use of the methodology when applied to one area of the copyright system: the literature/book publishing industry in Finland.

This study concerns both a specific subject matter and a particular industry. The subject matter selected, “literature”, includes both fiction and non-fiction books published in Finland<sup>2</sup>. It does not include news publications, journals and periodicals. When analyzing the market for literature from the economic point of view, the focus is on the book publishing industry, including all actors involved into the creation and publication of a book on the Finnish market: typically writers, illustrators, translators and publishers. The distribution channels of books are not analyzed in this study.

This pilot study covers the following topics determined in the parameters of Methodology Card 18:

- Experiences of stakeholders (authors and translators of literature, and book publishers) on transaction costs; and
- Opinions of stakeholders on the influence of the copyright system on these transaction costs.

A methodology card presenting the indicator can be found in Appendix A of this report.

### ***C. METHODS***

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This pilot study is part of a package of six pilot studies applying the methodology for assessing the copyright and related rights system with a focus on the literature and book publishing industry. This package includes pilot studies made in application of the following indicators:

- *Description Sheet 4. Markets for Copyrighted Products and Services*
- *Description Sheet 11. Individual Exercise of Rights*
- *Methodology Card 15. Efficiency of Copyright as an Incentive to Create and Invest in Creative Works*
- *Methodology Card 18. Transaction Costs in Transfer and Licensing of Rights*
- *Methodology Card 19. Terms for Transfer and Licensing of Rights*
- *Methodology Card 22. Analysis of Stakeholders’ Opinions.*

These studies provide relevant background and complementary information that were used when conducting this study and analyzing its results.

The information collected for this indicator is mainly subjective data that was collected through focus group studies, surveys and interviews with representatives of authors and book publishers. An initial desktop analysis was conducted to identify the relevant stakeholders in the industry and the existing literature.

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<sup>2</sup> When relevant, a distinction has been made between digital and physical material.

## ▪ DESKTOP STUDY AND EXPERT INTERVIEWS

Initial desktop analysis was necessary to identify the relevant stakeholders in the industry considered, and the elements of the copyright law and system that are most likely to affect these stakeholders.

Interviews with experts in the field of literature were conducted in order to better understand the operation of copyright in the industry, and to test the questionnaires that were used when conducting the focus group sessions.

## ▪ SELECTION OF PARTICIPANTS

Following the initial desktop study, participants were selected to take part in the focus groups. The main purpose was to gather a number of participants small enough to result in meaningful discussions, but representative enough to offer a broad overview of the opinions of the industry as a whole. Ideally, the focus groups composition should also cover as wide a selection of types of works (fiction books, non-fiction books, comics, works in both national languages and translations) as possible.<sup>3</sup>

The issue of representativeness was dealt with differently when deciding on the composition of each focus group. The stakeholder group of authors and translators is composed of representatives of main organizations in the field. As described in the pilot report on Description Sheet 4 – *Markets for Copyrighted Products and Services*, a number of organizations exist in Finland to represent the interests of this category of stakeholders and to support them with various issues connected to their work. As a result, these associations had the representativeness and the expertise necessary to be able to provide information on the functioning of the copyright system from the point of view of their members. The following representatives from these organizations were invited to take part in this study:

### *Focus group 1: Representatives of authors in the field of literature*

Karola Baran, Executive Director, The Finnish Association of Translators and Interpreters

Merete Jensen, Executive Director, Finlands Svenska Författareförening

Sonia Meltti, In-house Counsel, The Union of Finnish Writers

Suvi Oinonen, Executive Director, The Union of Finnish Writers

Jukka-Pekka Pietiäinen, Executive Director, The Finnish Association of Non-Fiction Writers

Kalervo Pulkkinen, Secretary, The Finnish Comics Professionals

The stakeholder group of publishers, on the other hand, is composed of a limited number of individual organizations which each deal with a large number of works. The idea was to have a balanced representation of publishers of both fiction and non-fiction. The group is therefore able to provide a broad overview of the issues connected to the copyright system. However, this category of stakeholders is also organized in associations, of which the widest in scope and the most representative is The Finnish Book Publishers Association<sup>4</sup>. It was therefore decided to invite a representative of this association together with individual publishers dealing with different categories of literature in the focus group. The following representatives were invited to take part in this study:

### *Focus group 2: Representatives of the Finnish book publishing industry*

Satu Kangas, Director/Copyright Expert, The Finnish Book Publishers Association

Antti Kasper, Editorial Director (Fiction), Otava Publishing Company Ltd

Vesa Kataisto, Editor (Comics), Arktinen Banaani

Tero Norkola, Publishing Director, Finnish Literature Society

Anna Suominen, Rights Manager, Werner Söderström Corporation / Bonnier Books Finland

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<sup>3</sup> For the purposes of the methodology implemented here, four main stakeholder roles in the copyright system were distinguished: authors and performers, professional users, intermediaries and end-users. This study focuses on the opinions of authors and professional copyright users.

<sup>4</sup> The 100 members of the association account for about 80 % of commercially published titles and over 70 % of book sales in Finland.

## ▪ QUESTIONNAIRES

For the purposes of this study, the questionnaires presented in the separate questionnaires toolkit were translated in Finnish and adapted in order to fit in an assessment of the operation of the Finnish copyright system in the field of literature and the book publishing industry. The questionnaires used in the focus group studies are presented in Appendix E.

In order to facilitate the discussion, the questionnaires were sent to the focus group members two weeks before the first group session and answered in writing. Based on these answers, a selection was made to determine the questions that required further discussion. The sets of topics covered in the focus group sessions were narrowed on the basis of this selection.

It should be kept in mind that although the methodology and the piloting studies are conducted in English, both the questionnaire's questions and answers and the opinions during the focus group meetings were provided in Finnish. Some translation issues have arisen, and some terms needed to be clarified together with the participants.

## ▪ FOCUS GROUP MEETINGS

The meetings with representatives of each focus group were organized on 06.06.2014 for the focus group of authors' organizations and on 17.06.2014 for the focus group of publishers.<sup>5</sup> The discussions were structured around the topics selected based on the questionnaires and took the form of a free-flowing conversation rather than a strict questions-answers format. The discussions were recorded and later transcribed. The discussions focused on certain topics that already were covered in the questionnaires but needed more clarification. As a result, some issues were not tackled in details while some topics that had not been part of the questionnaires were also covered. The answers provided in writing were revised orally after discussing the scope of the questions. In the results chapter, the answers provided in writing and the discussions during the focus groups meetings are clearly distinguished whenever necessary.

A list of national and international information sources used for this report as well as a list of interviewees and commentators can be found in the Appendices.

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<sup>5</sup> The discussions were conducted by Project manager Tiina Kautio (Moderator) and Project researcher Milla Määttä (Secretary).



## Results

This pilot study is part of a larger set of pilot studies applying the methodology for assessing the copyright and related rights system and focusing on the literature and book publishing industry. The information collected for this indicator is mainly subjective data collected through focus group studies with representatives of authors and book publishers.

This study focuses on the stakeholders' opinions on the transactions costs experienced by the parties when concluding licensing contracts and the measures taken by public actors to reduce them, as well as on new possible measures that could meet that purpose.

When considering the results of this study, it should be kept in mind that the information provided by the participants is the result of their individual opinions and experiences. The subjective quality of their answers can result in contradictions between the opinions of participants in the same focus groups and the opinions of representatives of the two stakeholder categories interviewed. This study was not designed to be an objective overview of, for instance, the differences in the way stakeholders in the book publishing industry are supported by the copyright system. Moreover, even though this study was designed to include a set of actors as representative as possible of the industry as a whole, it cannot be considered to present all the various points of view of actors in the industry.

### **SECTION 1. EXPERIENCES OF STAKEHOLDERS ON TRANSACTION COSTS**

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The questions covered in this study will measure the experienced transaction costs by authors and publishers. These costs of making an economic exchange might be monetary, but also of other kinds, such as the costs caused by the time consumed and the efforts made.<sup>6</sup>

When exchanging rights or copyrighted works, the different kinds of transaction costs could be divided into

- search and information costs (such as the costs of identifying and contacting potential negotiating partners),
- the costs of negotiating and bargaining for exchanging or transferring the rights or works, and
- the costs of enforcing the rights.

The questions covered in the questionnaires and in the focus group session concern the transaction costs incurred for acquiring or selling rights on copyrighted works and for enforcing copyrights. Transaction costs faced by authors and translators, and transaction costs faced by book publishers are examined separately.

#### ***A. TRANSACTION COSTS FACED BY AUTHORS AND TRANSLATORS OF LITERATURE***

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Transaction costs that occur when the authors and other creators of Finnish literature sell, license and enforce their rights are examined on the basis of the following questions presented to the representatives of authors and translators:

- How significant do you consider the monetary costs faced as well as the time consumed and efforts made by the members of your association during the process of managing transactions

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<sup>6</sup> The term "transaction costs" was perceived by the interviewees as technical and the questions including the term were considered unambiguous. When used, the term should be clearly defined and the possible differing interpretations should be taken into account when analyzing the data.

of their own works or enforcing their rights? (Scale: 1 = Insignificant (or non-existent), 5 = Unaffordable)<sup>7</sup>

- Please describe the situations where these high or unaffordable costs (in money, time or efforts) have occurred.<sup>8</sup>

In addition to these questions asked in a survey questionnaire prior to the focus group sessions, transaction costs were discussed during the focus group session, and the interviewees made clarifying comments on the significance of different types of transaction costs faced by the members of their organizations.

The respondents estimated that the transaction costs faced by the authors and translators of literature are for the most part neutral, i.e. neither high nor low. Transaction costs are generally considered to be an inevitable part of the work of an author.

The monetary *search and information costs* faced by individual authors were considered to be low or insignificant by the respondents. Although the development of information technology can be stated to have decreased the time consumed and the efforts made for identifying and contacting potential negotiating partners, finding a publisher for a work is considered to have become more difficult in recent years. In practice, authors have to spend more time and energy in finding a publisher for their works than they did before, even though information concerning publishers is easier to find.

The authors' representatives had varying experiences concerning the *costs of negotiating and bargaining* faced by individual authors when exchanging or transferring their rights. The interviewees agreed that authors have to manage their rights more independently than before, and they are required to know more about different copyright rules and their own rights. This is because the book publishing industry has given up using model contracts and because publishing contracts cover more possible uses of the works than they used to. Even though rights management has become more complex than before, the time spent by authors for negotiating and bargaining was not deemed to have increased. The respondents mentioned the changes in bargaining processes as one reason for this: publishers want to acquire more rights by one contract, and they are less willing to negotiate over contract terms.

According to the authors' representatives, some authors have transferred rights to their works without fully understanding what the agreement actually covers. Sometimes authors ask for outside help, but eventually decide not to propose the recommended changes to the other party in order not to jeopardize their contractual relationship with the publisher. Some authors might be unable to determine the most important issues to negotiate on. In these cases, the role of the authors' organizations has been to point out the things the authors should rather focus on.<sup>9</sup>

Authors' organizations assist their members in many ways when negotiating over terms of contracts. Similarly, the services offered by collective management organizations are an important element in the functioning of the markets for rights. Hence, a part of the transaction costs related to contract-making and exercising rights actualize in these organizations. Both in industry organizations and in collective management organizations there are people working full-time to solve problems related to contractual issues in the industry.

Cases where an author uses the services of a private lawyer or an agent are not very common in the Finnish book publishing industry. The monetary costs related to negotiations may then be high for the

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<sup>7</sup> The question presented in Finnish: *Miten kuvailisit yhdistyksesi jäsenten rahallista, ajallista ja muuta panosta teosten käytöstä sopimiseen ja oikeuksien toteutumisen varmistamiseen? (Asteikolla 1=Vähäpätöinen (tai ei kustannuksia), 5=Erittäin merkittävä).*

<sup>8</sup> The question presented in Finnish: *Kuvaile lyhyesti tilanteita, joihin liittyy merkittäviä rahallisia kustannuksia tai tarvetta muunlaiseseen korkeaan panostukseen (ajallinen tai muu vaivannäkö).*

<sup>9</sup> In the case of Finland, copyright issues are included into the education of professionals in the field of culture as well as in education and information activities for the public in general as studied in the area Dissemination of Knowledge in Pillar II).

individual author. The interviewees were not able to evaluate the share of all transactions between authors and publishers that require outside help.

## ***B. TRANSACTION COSTS FACED BY BOOK PUBLISHERS***

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Transaction costs for book publishers acquiring rights for the use of copyrighted works, or selling, licensing or enforcing their rights were examined on the basis of the following questions presented to the target group of publishers:

- How significant do you consider your monetary costs, the time you use and the efforts you make when acquiring or selling copyrights or enforcing your rights?<sup>10</sup>
- Please describe the situations where these high or unaffordable costs (in money, time or efforts) have occurred<sup>11</sup>.
- Have you ever encountered problems in identifying the copyright owners of material you sought to use?<sup>12</sup>

These questions were part of a survey questionnaire distributed to the participants in the focus groups. In addition, transaction costs were discussed during the focus group session, and the interviewees made clarifying comments on the significance of different types of transaction costs faced by book publishers.

Experiences concerning transaction costs varied between different publishing houses. The publishers see transaction costs as a permanent part of their business activities, and the costs are taken into account when making business decisions. Time is considered to be the most central resource spent by publishers on acquiring and managing the rights they hold. The interviewees also agree that transaction costs increase when the group of right holders for a publication becomes more complex.

All respondents in the publishers' focus group had encountered situations where identifying the author or other right holder had been problematic when acquiring rights. However, it was clarified during the group interview that identifying authors and other right holders that are still alive has been rather easy for the publishers. Foreign rights agents are also usually easy to find if the publisher wants to acquire translation rights for a work.

Instead, from the publishers' point of view, *search and information costs* occur especially when rights concerning older works or works written or translated under an alias have to be cleared. Typical examples of situations where search and information costs have been high concern the publication of e-book versions of older works. Publishers have also had problems with books that are already part of their so-called backlists<sup>13</sup> when wanting to sell the translation rights for an older work or when attaching an old photo to a new publication. In these cases, data concerning the right holders has not been necessarily stored (for example when the rights for the work have been acquired with a lump sum).

According to the interviewees, in some cases the transaction costs related to publishing an older work have been so high that the publisher has decided not to publish the work at all. This indicates that high transaction costs related to rights clearance of older works may decrease the number of works that are

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<sup>10</sup> The question presented in Finnish: *Miten kuvailisit seuraavassa taulukossa esitettyjä kustannuksia, joita organisaatiollanne kuuluu tekijänoikeuksien hankkimiseen, edelleenmyymiseen ja hallinnointiin, sekä teosten käytöstä sopimiseen ja oikeuksiesi toteutumisen varmistamiseen? (Asteikolla 1=Vähäpätöinen (tai ei kustannuksia), 5=Erittäin merkittävä).*

<sup>11</sup> The question presented in Finnish: *Kuvaile lyhyesti tilanteita, joihin liittyy merkittäviä rahallisia kustannuksia tai tarvetta muunlaiseen korkeaan panostukseen (ajallinen tai muu vaivannäkö).*

<sup>12</sup> The question presented in Finnish: *Oletteko kordanneet käyttöluupa-asioita selvittäessänne tilanteita, joissa teoksen tekijän tai muun oikeudenhaltijan löytäminen on ollut ongelmallista?*

<sup>13</sup> Lists of older books available (kept in print) from a publisher, as opposed to titles newly published which are sometimes called the frontlist.

available for example electronically. However, there have been also cases where the publisher has decided to use the work even when no rights have been cleared.

The respondents had varying experiences concerning *the costs of negotiating and bargaining*. The costs faced by the publishers were in most cases classified as neutral (neither high/unaffordable nor low/insignificant) by the respondents. However, it became clear during the focus group session that there are also areas in the book publishing business where the costs of negotiating and bargaining can be considered to be high. For example, negotiations over publishing rights for a foreign work are generally considered to be very costly and, as a result, acquiring the rights on these works is usually considered non-profitable. However, the interviewees believed that covering these transaction costs might still be a good business decision as it is a way for publishers to strengthen their company brand and grow their business.

It was also commented that the costs of negotiating and bargaining over the acquisition of rights might depend on the author's willingness to exercise his own rights. Some authors are not even willing to read the contract, whereas others deal decisively with contractual issues. The business value of certain authors may also be so high for the publisher that there is no need to have costly negotiations over the terms laid down by the author.

The costs related to contract-making were considered higher than 10 years ago owing to the digital operational environment. According to one focus group participant, rights management and contract-making used to be easier when the industry had model contracts and regimes that were applied. The interviewees believe that the publishing industry could lower the transaction costs by using standard terms in contracts and by negotiating contracts covering wider sets of rights.

According to the focus group of publishers, when negotiating licenses with larger international corporations, transaction costs faced by Finnish publishers tend to be rather low because these corporations often refuse to negotiate over their standard contract terms.

## **SECTION 2. MEASURES BY PUBLIC ACTORS TO REDUCE TRANSACTION COSTS**

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In this section, certain elements of the national copyright system and their influence on transaction costs related to selling, licensing and the enforcement of rights are discussed. Firstly, the influence the services of collective management organizations have on transaction costs are studied on the basis of the opinions of the stakeholders. Secondly, the availability of model contracts and other available resources for diminishing the monetary costs, time consumed and the efforts needed when managing copyright issues in the book publishing industry is discussed. Thirdly, certain issues raised into discussion during the focus group sessions on government's actions to reduce transaction costs are presented.

The measures taken by the right holders' and users' organizations to facilitate the functioning of the markets for rights have been examined in more detail in the pilot report on Description Sheet 11 – *Individual Exercise of Rights*.

### **A. THE INFLUENCE OF COLLECTIVE MANAGEMENT ORGANIZATIONS' SERVICES ON TRANSACTION COSTS**

The influence of the services of collective management organizations on transaction costs is examined on the basis of the opinions of the stakeholders. The authors' organizations and the focus group of publishers were presented with the following question in the questionnaire:

- Are you satisfied with the services of CMOs in diminishing the monetary costs, the time used and the efforts made when acquiring or selling copyrights or enforcing the rights of different right holders?<sup>14</sup>

All authors' organizations were satisfied with the services of CMOs in diminishing the efforts of authors when managing their rights. Collective management organizations manage a part of the secondary use of works which aims at lowering the transaction costs faced by individual right holders.<sup>15</sup>

In contrast, only one respondent in the focus group of publishers was satisfied with the services of CMOs in diminishing the efforts of right holders and professional copyright users. The publishers felt that the CMOs should have more up to date information concerning right holders in order for their services to have a decreasing effect on transaction costs of publishers.

## ***B. THE AVAILABILITY AND USE OF MODEL CONTRACTS***

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The availability and use of model contracts and other available resources in book publishing was discussed during the focus group session of authors' organizations. The following question was presented to the interviewees:

- Do the members of your organization use model agreements or other available resources for diminishing the monetary costs, time consumed and the efforts needed when managing copyright issues?<sup>16</sup>

According to the interviewees, there used to be model contracts that were negotiated between the publishers' organizations and the authors' organizations to form a basis for individual publishing contracts. However, at the moment no collectively negotiated model contracts are being used in the field of literature, likely because it would be considered to be against competition law. Even though no binding standards for publishing contracts exist at the moment, it is still common that the basic conditions included in earlier model contracts can be found in new publishing contracts.

Some authors' organizations have provided examples of balanced publishing contracts for different types of works on their websites. The authors' organizations and the Finnish Book Publishers Association have also drafted a list of good practices and essential conditions<sup>17</sup> for publishing agreements in order to enhance the mutual interaction and balance between individual authors and publishers. According to one interviewee, mutual discussions between publishers' and authors' organizations on publishing contracts have also decreased disputes concerning the interpretation of contract terms.

## ***C. PROPOSALS BY INTERVIEWEES FOR PUBLIC ACTIONS TO REDUCE TRANSACTION COSTS***

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Both focus groups were given the opportunity to discuss possible proposals for government's actions that would reduce the transaction costs faced by right holders and professional copyright users. The following question was presented:

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<sup>14</sup> The question presented in Finnish: *Oletko samaa mieltä seuraavan väitteen kanssa: Tekijänoikeusjärjestöjen palvelut pienentävät kysymyksessä 17. listattuja kustannuksia tyydyttävässä määrin.*

<sup>15</sup> The efficiency of collective management organizations is discussed in Methodology Card 9.

<sup>16</sup> The question presented in Finnish: *Käyttävätkö yhdistyksesäsi jäsenet apunaan mallisopimuksia tai muita teosten käytöstä sopimista helpottavia apukeinoja?*

<sup>17</sup> The Union of Finnish Writers, Kustannussopimus: <http://www.kirjailijaliitto.fi/kirjailijan-tyo/kustannussopimus/>; The Finnish Association of Non-fiction Writers, Hyvät käytännöt: <https://suomentietokirjailijat-fi.directo.fi/jasenyyshyvat-kaytannot/>. Both visited on 5.1.2014.

- Do you have any proposals for government's actions that would reduce the monetary costs or the time and efforts needed when managing copyright issues?<sup>18</sup>

The proposals of the representatives of Finnish authors concerned the need for regulation on fair remuneration and collective bargaining. The interviewees also felt that transaction costs could be reduced by providing the stakeholders more information on copyright issues.

One of the interviewees in the focus group of publishers proposed that transaction costs could be reduced if the provision of the Copyright Act governing the right to alter the work or transfer the copyright to third parties (Section 28) would be revoked. It was also proposed that, in addition to computer programs, the provision concerning works made under employment (Section 40b)<sup>19</sup> should be extended to cover also other types of works. Furthermore, the duration of copyright protection was under discussion; some publishers felt that the current length of protection may be causing unnecessary transaction costs for the users of works, and hence it should be reassessed.

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<sup>18</sup> The question presented in Finnish: *Ajatuksia tai ehdotuksia julkisiksi toimenpiteiksi, jotka voisivat pienentää rahallisia kustannuksia, tarvittavaa ajallista panostusta, tai muunlaista panostustarvetta teosten käytöstä sopimisessa ja oikeuksien toteutumisen varmistamisessa.*

<sup>19</sup> The provision concerning works made under employment is an exception to the general rule that the initial creator of the work is the legally recognized author of that work. In Finland, if a work is created in the scope of duties in an employment relation, the employer of the initial creator is considered the legal right holder of the work only with regards to computer programs and works directly associated with them (see Section 40b, the Finnish Copyright Act 404/1961).

## Conclusions

### *A. ANALYSIS AND SUMMARY OF THE RESULTS*

The research demonstrated that the transaction costs faced by different stakeholders vary between individual authors and companies. Both the representatives of authors and translators and the focus group of publishers felt that transaction costs are an inevitable part of the book publishing industry and markets for rights.

Representatives of authors' organizations classified the monetary search and information costs faced by individual authors as low or insignificant. However, although information concerning publishers is easier to find than before, authors have to spend more time and energy in finding a publisher for their works than they did before. Furthermore, although rights management has become more complex than before, the time spent on transacting by authors has remained the same, possibly because publishers want to acquire more rights in one contract and are less willing to negotiate over contract terms.

The costs related to negotiation on transfer of rights by individual authors vary significantly depending upon their willingness and capacity to thoroughly evaluate the contents of the contracts proposed, the support they receive in this respect, and the balance of power in their relationship with publishers. As a result, education and information on copyright and the use of rights for professionals of creative industries, as well as the assistance of authors' organizations and collective management organizations are important factors in reducing transaction costs for authors. This assistance also currently includes providing examples of balanced publishing contracts and lists of good practices and essential conditions for publishing agreements. Using the services of a private lawyer or agent is not very common in the Finnish book publishing industry and it typically increases monetary costs significantly. Representatives of Finnish authors also suggested new regulation on fair remuneration and collective bargaining in order to reduce transactions costs.

The costs of negotiating and bargaining faced by publishers were classified as generally neutral (neither high nor low) but they can sometimes be considered high, such as in cases of acquiring translation rights to a work, and sometimes low, such as in cases of negotiation over licenses with larger corporations imposing their own standard contract terms. The costs of negotiating over the acquisition of rights also depend on the author's interest in his/her own rights and the business value of his/her work. The costs related to contract-making appear to be higher than 10 years ago owing much to the digital operational environment and the lack of model contracts in the industry.

Publishers considered that acquiring and managing the rights they hold cost them more time than money as such. Generally, this type of transaction cost increases when the group of right holders for a publication becomes more complex. Search and information costs occur especially when rights concerning older works or works written/translated under an alias have to be cleared, and when publishers want to publish an e-book version of a backlist work, sell the translation rights for an older work or attach an old photo to a new publication. In some cases the transaction costs related to publishing an older work have been so high that the publisher has decided not to publish the work at all, which would indicate that high transaction costs related to rights clearance of older works may decrease the number of works that are available for example electronically.

The representatives of publishers feel that transaction costs could be decreased by using standard contract terms and by acquiring a wider set of rights within one contract. They are not satisfied with the services of CMOs in diminishing the efforts of right holders and professional copyright users, as their information concerning right holders is not considered sufficiently up to date. One interviewee in the focus group of publishers proposed that transaction costs could be reduced if the provision of the

Copyright Act governing the right to alter the work or transfer the copyright to third parties (Section 28) would be revoked and the provision concerning works made under employment (Section 40b) would be extended to cover also other types of works than computer programs. Shortening the current term of protection could limit transaction costs for the users of works.

## ***B. METHODOLOGICAL FINDINGS***

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### **▪ LIMITATIONS**

According to the interviewees, transaction costs are hard to assess. Due to for example differences in the publication rates of their members, the costs vary extensively among individuals. It should also be pointed out that the authors' organizations are mainly contacted by authors who have faced problems when transferring or otherwise exchanging their rights, and hence the interviewees might have overestimated the significance of transaction costs.

The study was limited to the questions presented in the methodology card but the topic of transaction costs could be studied more thoroughly through a wider study with more detailed questions.

### **▪ GUIDELINES FOR FUTURE RESEARCH**

In the case of Finland, data on book publishing industry was relatively easily available. This might, however, not be the case with other industries.

The term "transaction costs" being a technical term, it should be clearly defined and the possible differing interpretations should be taken into account when analyzing the data.

The time needed for this pilot study will depend on the availability of relevant information sources. In the case of Finland, the workload for collecting data and drafting this report could be evaluated at three weeks of full-time work. The information was collected for a package of pilot studies which reduced the total time needed for the study. This should be taken into account when planning future studies based on the methodology card.



## Appendices

### A. METHODOLOGY CARD

Methodology card as presented in the Methodology Handbook, version 20.12.2013.

Aspect: Licensing markets	Methodology card 18. Transaction costs in transfer and licensing of rights
Key question	What kinds of costs are borne by the negotiating parties when arranging licensing contracts?
Type of data	<i>objective data, subjective data</i>
Description	<p>This indicator aims at evaluating the transaction costs that occur when acquiring or selling licenses, or when enforcing the rights. The purpose is to shed light on the functioning of individual exercise of rights from the points of view of different negotiating parties.</p> <p><u>Costs to be considered could include:</u></p> <ul style="list-style-type: none"> <li>- transaction costs incurred for using copyrighted works in an artist's or performer's own work or performance (including               <ul style="list-style-type: none"> <li>- costs to search for goods, their possible suppliers, and possible other necessary information on the goods, and</li> <li>- costs to negotiate and acquire the rights for the use of copyrighted works);</li> </ul> </li> <li>- transaction costs incurred for selling, licensing or otherwise exchanging an artist's or performer's own work or performance (including               <ul style="list-style-type: none"> <li>- costs to search for potential users and buyers, and possible other necessary information,</li> <li>- costs to negotiate and bargain when selling or licensing copyrighted works or performances, and</li> <li>- to enforce the rights);</li> </ul> </li> <li>- monetary costs, as well as the time consumed and efforts made.</li> </ul> <p><u>The parties concerned include:</u></p> <ul style="list-style-type: none"> <li>- creators</li> <li>- performers</li> <li>- professional copyright users that are granted specific rights by law (such as producers of phonograms and films or broadcasting organizations)</li> <li>- professional copyright users without specific rights granted by law.</li> </ul>
Parameters to measure	<p><b>1. Experiences of stakeholders on transaction costs:</b></p> <ul style="list-style-type: none"> <li>- Costs of identifying and contacting copyright holders or copyright users (search and information costs)</li> <li>- Costs of negotiating and bargaining for selling or acquiring rights</li> <li>- Costs of enforcing the rights</li> </ul> <p><u>Alternative method to analyse the issue:</u> Case studies.</p> <p><b>2. Opinions of stakeholders on the influence of the copyright system on these costs: are the copyright system and its actors (such as the government, CMOs) able to lower transaction costs (for example, by lowering legal and administrative requirements, or by providing model contracts)?</b></p>
Guidelines for data collection	<p>The data can be collected by the means of a focus group study, or alternatively through surveys and/or interviews.</p> <p>The study can be made for each creative industry separately (see for instance the WIPO</p>

	list of creative industries in Appendix 3). The costs related to physical and digital works can be studied separately. <b><i>Exemplary questionnaires for surveys and interviews are presented in a separate toolkit.</i></b>	
Definitions	<i>Individual licensing</i>	<i>License contracts negotiated and signed between copyright owner and license seeker without the intermediary of CMOs</i>
	<i>Transaction costs</i>	<i>Costs incurred in the process of making an economic exchange (either monetary, but also of other kinds, such as costs caused by the time consumed and the efforts made)</i>
Limitations of the indicator	<ul style="list-style-type: none"> <li>- Transaction costs are affected by other elements than the copyright system and it might be difficult to distinguish the origin of the costs.</li> <li>- Negotiation procedures can take distinct forms, which makes it challenging to observe the contracts that have been made and to study the operation of copyright as an asset in contract-making.</li> </ul>	

## ***B. INFORMATION SOURCES***

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### *International:*

- Ruth Towse and Richard Watt, 2008: *Recent Trends in the Economics of Copyright*. Edward Elgar.

### *Finland:*

- The Finnish Association of Non-fiction Writers, Hyvät käytännöt: <https://suomentietokirjailijat-fi.directo.fi/jasenyys/hyvat-kaytannot/>
- The Union of Finnish Writers, Kustannussopimus: <http://www.kirjailijaliitto.fi/kirjailijanty/kustannussopimus/>

## ***C. CONSULTED PARTIES***

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### **Expert interviews:**

- Sakari Laiho, Director, The Finnish Book Publishers Association (Interviewed on 08.04.2014)
- Suvi Oinonen, Executive Director and Tuula-Liina Varis, Chairman, The Union of Finnish Writers (Interviewed on 09.04.2014)
- Annaliina Rintala, Secretary General, WSOY Literature Foundation (Interviewed on 14.04.2014)

### **Focus group of authors' organizations** (Interviewed on 06.06.2014):

- Karola Baran, Executive Director, The Finnish Association of Translators and Interpreters
- Merete Jensen, Executive Director, Finlands Svenska Författareförening
- Sonia Meltti, In-house Counsel, The Union of Finnish Writers
- Suvi Oinonen, Executive Director, The Union of Finnish Writers
- Jukka-Pekka Pietiäinen, Executive Director, The Finnish Association of Non-Fiction Writers
- Kalervo Pulkkinen, Secretary, The Finnish Comics Professionals

### **Focus group of publishers** (Interviewed on 17.06.2014):

- Satu Kangas, Director/Copyright Expert, The Finnish Book Publishers Association
- Antti Kasper, Editorial Director (Fiction), Otava Publishing Company Ltd

- Vesa Kataisto, Editor (Comics), Arktinen Banaani
- Tero Norkola, Publishing Director, Finnish Literature Society
- Anna Suominen, Rights Manager, Werner Söderström Corporation / Bonnier Books Finland

#### **D. QUESTIONNAIRES USED IN THE FOCUS GROUP STUDY**

*The questionnaires are based on a set of exemplary questions for surveys, interviews and focus group studies that can be found in a separate toolkit of questionnaires.*

### **KYSELY KIRJA-ALAN TEKIJÄJÄRJESTÖILLE**

*Tämä pilottitutkimus on osa Kulttuuripoliittisen tutkimuksen edistämissäätiossä (Cupore) käynnissä olevan tekijänoikeusjärjestelmän toimivuuden arviointihankkeen kokonaisuutta ja keskittyy valikoituihin tekijänoikeuskysymyksiin kirja-alalla. Hankekokonaisuudesta löytyy tietoa Kulttuuripoliittisen tutkimuksen edistämissäätiossä (Cupore) internetsivuilta: <http://www.cupore.fi/tekijanoikeus.php>*

*Tämä kysely käsittelee 6.6. klo 9:30-12:30 järjestettävässä ryhmähaastattelussa esiin nostettavia teemoja ja toimii ryhmähaastattelun esikartoituksena. Pyydämme osallistujia vastaamaan kysymyksiin ja **palauttamaan kyselyn ma 26.5. mennessä** osoitteeseen --.--@cupore.fi.*

#### **Ohjeita vastaajalle:**

*Kysymyksiin vastataan sen organisaation puolesta, jota vastaaja edustaa. Vastaukset käsitellään luottamuksellisesti ja mikäli osallistujat eivät halua tuoda nimiään tai organisaatiotaan julki tutkimusraportissa, näin voidaan erillisestä pyynnöstä toimia. Kyselyn täyttämiseen tarvittava aika on n. 30 minuuttia. Kiitos ajastanne!*

TAUSTATIEDOT
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1. Valitse seuraavista vaihtoehdoista yksi tai useampi kategoria, joka parhaiten kuvaa organisaatiosi jäsenkunnan tuotantoa.

- Kaunokirjallisuus (kertomakirjallisuus (proosa, epiikka) ja runous)
- Draama (näytelmät, kuunnelmat, elokuva- ja televisiokäsikirjoitukset)
- Sarjakuva
- Lasten- ja nuortenkirjallisuus
- Tietokirjallisuus
- Oppimateriaali tai –kirjallisuus
- Käännökset
- Muu, mikä?

Mikä on organisaatiosi jäsenkunnan koko?

2. Arvioi, kuinka suuri osuus organisaatiosi jäsenkunnasta työskentelee kirja-alalla päätoimisesti: ..... prosenttia

3. Mitkä seuraavista vaihtoehdoista lukeutuivat organisaatiosi jäsenkunnan suoraan tekijänoikeuteen perustuviin tulonlähteisiin vuonna 2013? *Valitse yksi tai useampi vaihtoehto. (Suluissa mainittu esimerkkejä.)*

- Palkka (kirjailijalle työ- tai virkasuhteessa maksettu palkka)
- Tekijänpalkkio (esim. kustannussopimuksessa määritelty rojalti)
- Muu palkkio (esim. palkkio sanoma- tai aikakauslehteen laaditusta kirjallisesta työstä / palkkio juhlarunosta)
- Käyttöluvasta (lisenssi) maksettava korvaus (esim. korvaus myönnetystä luvasta käyttää kirjallista teosta tai sen osaa muuttamattomana painetussa kortissa)
- Korvaus oikeuden luovutuksesta muutettaessa teos toiseen teoslajiin (esim. kirjailijan saama korvaus teoksen dramatisoinnista / teoksen käytöstä säveltaiteen teoksessa)
- Korvaukset yleisölle lainaamisesta kirjastoissa (lainauskorvaus)
- Muu korvaus teoksen käytöstä tai julkisesta esittämisestä (esim. Sanaston asiakkuussopimuksen perusteella tilittämät korvaukset teoksen esittämisestä runoillassa tai teoksen käytöstä osana radio-ohjelmaa)
- Tekijäjärjestöjen jakamat apurahat ja palkinnot, jotka rahoitetaan yksityisestä kopioinnista ja valokopiointiluvista kerätyistä korvauksista (hyvitysmaksu ja valokopiointikorvaus)
- Muu, mikä?

Mitkä edellä luetelluista vaihtoehdoista ovat organisaatiosi jäsenkunnan pääasiallisimmat tekijänoikeuteen perustuvat tulonlähteet (mainitse 1-3 pääasiallisinta tulonlähdeä):

4. Mitä muita tuloja organisaatiosi jäsenkunta on saanut kirjailijan työstä vuonna 2013?

- Apuraha
- Palkinto
- Esiintymispalkkio (esim. kirjailijavierailu tai esiintyminen televisiossa)
- Opetuspalkkio
- Muu, mikä?

5. Arvioi, mikä osuus organisaatiosi jäsenkunnan tuloista tällä hetkellä on suoraan tekijänoikeuteen perustuvaa tuloa (*tekijänoikeuteen perustuvia tulonlähteitä lueteltu kysymyksessä 3*)? ..... prosenttia

TRANSAKTIOKUSTANNUKSET
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6. Miten kuvailisit yhdistyksesi jäsenten rahallista, ajallista ja muuta panosta teosten käytöstä sopimiseen ja oikeuksien toteutumisen varmistamiseen? (*Valitse yksi vaihtoehto jokaiselle riville.*)

	Vähäpätöinen (tai ei kustannuksia)	2	Neutraali (ei suuri eikä pieni)	4	Erittäin merkittävä
	1		3		5
Tekijänoikeuksien siirtoon/luovutukseen liittyvän tiedon etsiminen (informaatio esim. oikeuksien ostajista):					
a) rahalliset kustannukset	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) kulutettu aika/ajankäyttö	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) muu panostus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tekijänoikeuksien myymiseen liittyvät sopimusneuvottelut:					
a) rahalliset kustannukset	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) kulutettu aika/ajankäyttö	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) muu panostus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tekijänoikeuksien hallinnointi ja toteutumisen varmistaminen:					
a) rahalliset kustannukset	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) kulutettu aika/ajankäyttö	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) muu panostus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Vapaaehtoinen:** Jos valitsit vaihtoehdon 4 tai 5 tai jos kustannukset vaihtelevat merkittävästi jäsenistön sisällä: Kuvaile lyhyesti tilanteita, joihin liittyi merkittäviä rahallisia kustannuksia tai tarvetta muunlaiseen korkeaan panostukseen (ajallinen tai muu vaivannäkö)

7. Oletko samaa mieltä seuraavan väitteen kanssa: *Tekijänoikeusjärjestöjen palvelut pienentävät kysymyksessä 6. listattuja kustannuksia tyydyttävässä määrin.*

- Kyllä  
 En

- **Vapaaehtoinen** kuvailu:

8. **Vapaaehtoinen:** Käyttävätkö yhdistyksesi jäsenet apunaan mallisopimuksia tai muita teosten käytöstä sopimista helpottavia apukeinoja?

- Kyllä  
 Ei

- **Vapaaehtoinen** kuvailu:

9. **Vapaaehtoinen:** Ajatuksia tai ehdotuksia julkisiksi toimenpiteiksi, jotka voisivat pienentää rahallisia kustannuksia, tarvittavaa ajallista panostusta, tai muunlaista panostustarvetta teosten käytöstä sopimisessa ja oikeuksien toteutumisen varmistamisessa:

## KYSELY KIRJANKUSTANTAJILLE

Tämä pilottitutkimus on osa Kulttuuripoliittisen tutkimuksen edistämissätiössä (Cupore) käynnissä olevan tekijänoikeusjärjestelmän toimivuuden arviointihankkeen kokonaisuutta ja keskittyy valikoituihin tekijänoikeuskysymyksiin kirja-alalla. Hankekokonaisuudesta löytyy tietoa Kulttuuripoliittisen tutkimuksen edistämissätiön (Cupore) internetsivuilta: <http://www.cupore.fi/tekijanoikeus.php>

Tämä kysely käsittelee 17.6. klo 9:30-12:30 järjestettävässä ryhmähaastattelussa esiin nostettavia teemoja ja toimii ryhmähaastattelun esikartoituksena. Pyydämme osallistujia vastaamaan kysymyksiin ja **palauttamaan kyselyn ma 9.6. mennessä** osoitteeseen --.--@cupore.fi.

### **Ohjeita vastaajalle:**

Kysymyksiin vastataan sen organisaation puolesta, jota vastaaja edustaa. Vastaukset käsitellään luottamuksellisesti ja mikäli osallistujat eivät halua tuoda nimiään tai organisaatiotaan julki tutkimusraportissa, näin voidaan erillisestä pyynnöstä toimia. Kyselyn täyttämiseen tarvittava aika on n. 20 minuuttia. Kiitos ajastanne!

### TAUSTATIEDOT

1. Toimenkuvasi ja tehtäväsi organisaatiossa?

**Ohje vastaajalle: Vastaa seuraaviin kysymyksiin koko organisaatiosi puolesta.**

2. Valitse seuraavista vaihtoehtoista yksi tai useampi kategoria, joka parhaiten kuvaa tuotantoanne.

- Kaunokirjallisuus, Vapaaehtoinen täsmennys:
- Sarjakuva
- Lasten- ja nuortenkirjallisuus
- Tietokirjallisuus
- Oppimateriaali tai –kirjallisuus
- Muu, mikä?

Julkaisetteko käännöskirjallisuutta?

- Kyllä
- Ei

3. Kuinka monta teosta olette julkaisseet vuonna 2013?

4. Miten kuvailisit seuraavassa taulukossa esitetyjä kustannuksia, joita organisaatiollanne kuluu tekijänoikeuksien hankkimiseen, edelleenmyymiseen ja hallintaan, sekä teosten käytöstä sopimiseen ja oikeuksiesi toteutumisen varmistamiseen?  
(Valitse yksi vaihtoehto jokaiselle riville.)

	Vähäpätöinen (tai ei kustannuksi)	2	Neutraali (ei suuri eikä pieni)	3	4	Erittäin merkittävä	5
Tekijänoikeuksien siirtämiseen liittyvän tiedon etsiminen (informaatio esim. oikeuksien myyjistä tai teosten ominaisuuksista):							
a) rahalliset kustannukset	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) kulutettu aika/ajankäyttö	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) muu panostus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tekijänoikeuksien hankkimiseen liittyvät sopimusneuvottelut:							
a) rahalliset kustannukset	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) kulutettu aika/ajankäyttö	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) muu panostus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tekijänoikeuksien edelleenmyymiseen liittyvät sopimusneuvottelut:							
a) rahalliset kustannukset	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) kulutettu aika/ajankäyttö	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) muu panostus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tekijänoikeuksien hallinta ja toteutumisen varmistaminen							
a) rahalliset kustannukset	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) kulutettu aika/ajankäyttö	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) muu panostus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Vapaaehtoinen:** Jos valitsit vaihtoehdon 4 tai 5 tai jos kustannukset vaihtelevat merkittävästi esimerkiksi kotimaassa ja ulkomailla tapahtuvan toiminnan välillä: Kuvaile lyhyesti tilanteita, joihin liittyi merkittäviä rahallisia kustannuksia tai tarvetta muunlaiseen korkeaan panostukseen (ajallinen tai muu vaivannäkö)

5. Oletko samaa mieltä seuraavan väitteen kanssa: *Tekijänoikeusjärjestöjen palvelut pienentävät kysymyksessä 4. listattuja kustannuksia tyydyttävässä määrin.*

Kyllä

En

- **Vapaaehtoinen** kuvailu:

6. **Vapaaehtoinen:** Ajatuksia tai ehdotuksia julkisiksi toimenpiteiksi, jotka voisivat pienentää rahallisia kustannuksia, tarvittavaa ajallista panostusta, tai muunlaista panostustarvetta teosten käytöstä sopimisessa ja oikeuksien toteutumisen varmistamisessa:

7. Oletteko kohdanneet käyttö lupa-asioita selvittäessänne tilanteita, joissa teoksen tekijän tai muun oikeudenhaltijan löytäminen on ollut ongelmallista?

Kyllä

- **Vapaaehtoinen** kuvailu:

Ei





**Assessing Copyright and Related Rights Systems: Piloting of the methodology framework in Finland**

Cupore webpublications 39:1	<i>National Context. Report on Piloting in Finland.</i>
Cupore webpublications 39:2	<i>International and Regional Context. Report on Piloting in Finland.</i>
Cupore webpublications 39:3	<i>Technological Development. Report on Piloting in Finland.</i>
Cupore webpublications 39:4	<i>Macroeconomic Importance of Copyright Industries. Report on Piloting in Finland.</i>
Cupore webpublications 39:5	<i>Markets for Copyrighted Products and Services – Focus: Literature (Book Publishing Industry). Report on Piloting in Finland.</i>
Cupore webpublications 39:6	<i>Volume of Domestic Production of Copyrighted Products and Services. Report on Piloting in Finland.</i>
Cupore webpublications 39:7	<i>Volume of Exported and Imported Copyrighted Products and Services. Report on Piloting in Finland.</i>
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