



Situation in Countries of Continental Europe

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SEVEN EUROPEAN COUNTRIES are operating public lending right (PLR) schemes in 1980. They will be described here in the order in which the schemes entered into force: 1946, Denmark; 1947, Norway; 1954, Sweden; 1963, Finland; 1967, Iceland; 1972, the Netherlands; and 1973, the German Federal Republic.

The situation in the United Kingdom is dealt with elsewhere in this issue. In addition to the countries which have enacted PLR programs, the following have taken various actions toward PLR, but the plans have not been put into effect as of this writing. In Belgium, a 2 percent levy on lending from libraries for a national literature fund was made law in 1947, but practical difficulties prevented its implementation.¹ In Austria, a draft bill on PLR drawn up by the Authors' Association together with the Ministry of Justice was presented to the *Ministerrat* in 1976, but was abandoned for economic reasons. The draft envisaged an annual government grant of 8 million schillings, one half to be used as an individual loan-based compensation to authors up to a certain maximum, and the other half to be used for social purposes of authors.²

Denmark

In Denmark, an amendment of the Public Libraries Act in 1946 established a "Public Lending Right" providing for compensation to Danish authors for the loan of their books through libraries. An annual

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government grant corresponding to 5 percent of the state grants to public and school libraries was to be distributed through a special fund to authors or their widows in proportion to the number of volumes by each author in the loan collections of the libraries. The 1946 amendment stated as its object to bring about "an improvement of the financial circumstances of Danish authors" by giving them "a reasonable payment for the use of their works through library lending to the public."³

Later, the scheme was extended to include the use of all books in the libraries, including reference collections, and compensation was also given to authors' widowers and orphans up to the age of twenty-one (but not to other heirs). In 1964, the government grant was increased to 6 percent, and a small share of the grant was reserved for translators. The scheme was administered by the Danish Authors' Fund, an independent body under supervision of the Ministry of Cultural Affairs with a board representing the government, authors and libraries.

The general state grants to public and school libraries were reduced in 1975. In order to indemnify authors, the compensation was converted into a basic fee of 1.60 Dkr per volume (index-regulated).^{*} The 1975 amendment did not alter basic principles, but it led to an administrative reform. Previously, when the government grant was fixed in advance, the census of volumes in the libraries was only a means of calculating each author's share. But now, the record of each volume would release a claim on the treasury. In consequence, the ministry decided that the management of the scheme was really a government responsibility. The fund was abolished, and since 1979 the scheme has been run by the State Inspection of Public Libraries. The statutes of the fund were retained in principle, but rewritten in a Ministerial Order.⁴

A committee of three members representing the government, the library authorities and the authors was appointed to control the administration. Certain cases have to be submitted to the committee, and cases may be brought before the ministry for final decision. The current rules are contained in the 1964 law on public libraries as amended in 1975, and in the Ministerial Order.⁴

Present Administration

The material required by the libraries for their annual census of authors' volumes is prepared by the State Inspection of Public Libraries on the basis of applications from the eligible claimants. All libraries

^{*}A Danish krone exchanged for approximately U.S. \$0.16 in March 1981.

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comprehended by the law, including public libraries and primary school libraries, render a return of the number of volumes by each author held by the library on January 1. The total number of volumes credited to each author is calculated by a data processing center, and the corresponding payment is forwarded by an automatic procedure in October the same year. Since 1979, the Danish law on public registers has prevented the publication of amounts paid to individuals.

Only original works (of all types) by a single author are eligible for payment. Libraries report on a checklist of the names of eligible authors (about 4500 names in 1980). Doubtful cases must be decided by the State Inspection of Public Libraries, and auxiliary lists are necessary to avoid mistakes. The annual census is a serious burden on the libraries, and the accuracy of the results may sometimes be questioned. Computerized catalogs would solve a number of difficulties, but the existing plans in this direction have made little progress.

In 1980 the government grant was 33.8 million Dkr. The compensation was paid at the rate of 2.37 Dkr per volume for 14.5 million volumes. The administrative costs of the State Inspection of Public Libraries amount to 500,000 Dkr, while the costs of the libraries can be estimated at between 2 and 3 million Dkr.

Plans for the Future

Preparations for a revision of the Danish PLR scheme have been in progress for some years. The Book Committee, appointed by the Ministry for Cultural Affairs to investigate the production, distribution and use of books in Denmark, submitted a report on PLR in 1979, based on a preliminary study by the Working Party reporting in 1977.⁵ Neither report was unanimous; authors and publishers insisted on a purely automatic, individual payment, while others felt that the scheme should also be used for the purposes of an active cultural policy.

The Book Committee discussed the merits of a copyright-based scheme but recommended, for the time being, a special law on PLR along the present lines, but with a number of extensions and technical changes. It was recommended that the scheme be reserved for Danish nationals, but that foreigners with a permanent connection with Denmark be admitted. In principle, the scheme should be extended to all categories of originators of library material, such as composers, illustrators and photographers. This would apply to nonbook materials as well, although the committee's terms of reference were restricted to books. Translators, it was agreed, should be considered generously, while the majority rejected a library compensation to publishers. (The

committee is expected to deal with the question of literature support in a broader context.)

Since the Danish public library law includes provisions for libraries in primary schools, the PLR scheme applies to them as well. While these libraries were insignificant in 1946, they have expanded to such an extent that they account for 52 percent of the volumes that released a payment to authors in 1980. This has given the Danish scheme a strong bias in favor of authors of juvenile literature and educational material. The committee agreed to retain school libraries within the scheme for the time being, although this position would seem difficult to maintain. There is no intention of including libraries in other educational institutions in the PLR scheme. Research and special libraries are dominated by foreign literature and will not be included, either. Libraries in Greenland have belonged under the local authorities since the introduction of home rule in 1979.

The committee found no reason to abandon the present stock-based system, and it is interesting to note the reason: a stock-based compensation will give authors a fairly uniform income over a long period of years and allow them to work in peace on time-consuming works, and aged authors can expect a safe income even when their production has slowed. The present exclusion of books with more than one author is motivated by purely technical reasons. It has often been criticized, and the committee agreed that books with two or three authors should be eligible for payment as soon as possible. The same would apply to books created by two or three originators in different categories (authors, illustrators, photographers, etc.). This would require a complete list of all eligible titles, and a manual census in all libraries would be practically impossible, to say nothing of the extra demands on central administration. Failing a computerized solution, the committee suggested a sample in a smaller number of libraries.

The author at the top of the list receives more than one-half million Dkr per annum, while one-half of the authors received less than 1700 Dkr in 1980. The committee felt that an adjustment would be politically wise, and recommended a tapering scale of fees: 4 Dkr for the first 1000 volumes, 3 Dkr for the next 9000 volumes, and 1 Dkr per volume for the rest.

A Danish author said once, "I do not think all books on the shelves of the libraries are worth the same—not even between brothers."⁶ A slight majority of the committee proposed a reduction of the fee per volume in order to create a "free fund" to remedy the defects of the automatic payment. The report of the Book Committee is being consid-

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ered by the Ministry for Cultural Affairs, but a new bill has not yet been drafted.

Norway

In Norway, a collective scheme based on law was introduced in 1947. The annual government grant has no relation to library circulation or stock and there is no individual compensation. The money is paid into a number of funds (i.e., collecting societies) and is used for scholarships, social purposes, etc.

The 1947 law on public and school libraries provided for collective compensation to authors of fiction to be paid into an authors' fund. The government grant was raised by an amendment in 1971, and at the same time, the Ministry of Church and Education was authorized to include other groups of originators in the scheme, composers and visual artists in the first instance.

In 1976, a government report on the conditions of creative art recommended another increase of the library compensation,⁷ and in 1977 the law was amended accordingly. The amended law provides for an annual government grant corresponding to at least 5 percent of the total state and local grants for the purchase of books and other material for loan and use in the libraries comprehended by the law.⁸ At the same time, however, Parliament accepted a general demand from the artists' organizations for negotiations with the government on compensation for public use of their works. Library compensation for the years 1977-79 was negotiated within the framework of this new agreement.⁹ The result is shown in Table 1.

It appears that the 5 percent rule has been reduced to a formality, since the total government grant obtained through negotiation is about three times the legal minimum. In fact, it is agreed that the grant compensates for the use of the works of all groups concerned, not only in the libraries covered by the law, but in all types of libraries that are financed by public authorities.

The money is divided among six funds or collecting societies for the support of various groups of authors and other originators, the three funds for illustrators, photographers and authors of nonfiction having been established in 1979. According to the law, the responsible board of each fund is nominated by the relevant organizations and appointed by the ministry. Each fund administers its share of the government grant according to specific statutes approved by the ministry. The money is used for social purposes such as old age support, travel grants and production aid, support of the organizations, etc.

TABLE 1
NORWEGIAN LIBRARY COMPENSATION, 1977-79

<i>Fund</i>	<i>Amount (1000 NKr)</i>			<i>Percentage 1979</i>
	<i>1977</i>	<i>1978</i>	<i>1979</i>	
Authors & translators (fiction)	6.093	7.007	7.007	85.0
Composers	287.000	331.000	331.000	4.0
Visual artists	110.000	126.000	126.000	1.5
Illustrators of books	232.000	267.000	267.000	3.2
Photographers	52.000	60.000	60.000	0.8
Authors of nonfiction	394.000	453.000	453.000	5.5
Total	7.168	8.244	8.244	100.0

Adapted from *Bok og Bibliotek* 46:240, 1979. (A Norwegian krone exchanged for approximately \$0.19 in March 1981).

So far, the Norwegian scheme has applied to artistic originators only. In 1979 Parliament approved a motion from the ministry that the relevant organizations should be entitled, as of 1980, to negotiate for library compensation to nonartistic originators as well.¹⁰

Sweden

Since 1954, Swedish authors have received compensation from the state for the loan of their books through public and school libraries. Reference works were included in the scheme in 1957, and translations into Swedish in 1961. Since 1978, foreign authors who live permanently in Sweden are treated on a par with Swedish nationals.

In the 1954 motion for the scheme, two major objects were stated: to give authors reasonable compensation for the use of their works through libraries, and to improve the financial conditions of authors. The new appropriation was not intended to replace, but to complete already existing state grants in aid of literature.¹¹

The Swedish scheme is not based on law, as in the other four Scandinavian countries, but on a parliamentary decision. Authors are in a position to influence the construction of the rules in "negotiation-like conversations" with the state.¹² The current rules are published in the regulations for the Swedish Authors' Fund.¹³

The Government Grant

The state pays to the fund an annual amount depending on the total number of loans and the stock of reference works in the libraries.

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The initial payment was 3 öre (0.03 Skr)* per loan, but following several adjustments, the 1979/80 rates of payment are as follows: original works, per loan—29 öre; per reference copy—116 öre; and translations, per loan—14.5 öre; and per reference copy—58 öre. The rates of payment for 1980/81 are 30, 120, 15, and 60 öre, respectively. Annual data on circulation and reference collections are provided by the libraries. Use of foreign original works and books out of copyright does not release compensation, but these categories only account for about 5 percent of the total circulation. The total government grant to the fund for 1979/80 was about 30 million Skr. Part of the money is paid to individual authors in relation to the actual use of their books, while the rest is allotted to a common fund. Originally, 2 öre out of the 3 öre went to individual authors. Today, the common fund clearly has the higher priority.

The Author's Coin

The individual compensation, *författarpenning* or "author's coin," is paid to authors of original works in copyright who are Swedish nationals or permanently resident in Sweden. The amount depends on the number of loans and the number of reference copies of the author's books in the public and school libraries, as indicated by annual test samples. The author's coin is also paid to certain other originators (illustrators, painters, photographers, composers) in cases where books consist mainly of drawings, paintings, photos or music, whereas translators as yet receive nothing.

The author's coin is paid each year at the rate of 17 öre per loan and 68 öre per reference copy (1979/80). Two or three joint authors share the amount equally. No author's coin is paid for books with more than three authors. If the amount due to a single author is less than 255 Skr, no payment is made. Amounts are reduced upward on a tapering scale: amounts exceeding 17,000 Skr are reduced by 50 percent, amounts exceeding 25,500 Skr by 80 percent, and amounts exceeding 32,300 Skr by 90 percent. The author's coin for the year 1979/80 was paid with about 7.5 million Skr to 3456 recipients, with Astrid Lindgren at the top of the list (50,900 Skr for 1.5 million loans).

The right to author's coin is not transferable. After an author's death, his right will pass to survivors according to the laws on marriage and inheritance.

*A Swedish krona exchanged for approximately U.S. \$0.23 in March 1981.

The Solidarity Fund

The part of the fund's resources that is not paid out as author's coin is called the "free" part of the fund. After deduction of administration costs (about 6 percent of the total grant), a sum of about 23 million Skr was available in 1979/80. The free part of the fund's resources can be regarded as a solidarity fund, shared by authors, translators, illustrators (artists and photographers), and their surviving relatives. Within the framework of the fund, a security program has been established in the last few years for authors, etc., providing long-term scholarships, guaranteed author's coin and pensions, together with one-year scholarships, travel grants and other benefits. The long-term scholarships are mainly reserved for young authors, translators and illustrators (artists and photographers), who are given the opportunity of working by means of a fixed, basic income. These scholarships are worth 24,000 Skr a year.

Garanterad författarpennning (guaranteed author's coin) was introduced in 1976, following a test period, and is at present paid to about 160 "established" authors, translators and illustrators who have provided convincing evidence of their work and who do not achieve a minimum of 36,000 Skr through the automatic calculation of author's coin. A guaranteed lifetime income is granted for an unlimited term of years up to pension age, but the recipient is not allowed to accept more than a half-time job.

The main items of expenditure on the budget of the authors' fund for 1979/80 were as follows (in millions Skr):

author's coin	7.7
guaranteed lifetime incomes	5.1
long-term scholarships	4.8
one-year scholarships and travel grants	4.3
pensions	3.9
contributions to organizations	2.9
other grants	1.0
costs of administration	2.1
total	31.8

Random Sampling

The amounts payable in author's coin are calculated on the basis of random samples taken each year of loans and reference copies of works in the public and school libraries. The libraries to be sampled are selected on behalf of the fund by Statistiska Centralbyrån. The three biggest municipalities (Stockholm, Gothenburg and Malmö) participate every year, together with an arbitrary, stratified selection of about 10 percent of the remaining municipalities, which is different each year.

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In each of the participating municipalities, a selection of the loans is registered for a period of four to eight weeks (depending on the loan system), corresponding to a total of about 0.1 percent of all loans. Participation is voluntary, and the fund pays the libraries' costs.

The information which the libraries can give is very summary—normally just the author's surname and the title of the book. The limited size of the sample means that the random variations in an author's loan figures from one year to another can be quite large, especially in the case of authors with small loan figures. However, the fund points out that the total result over a number of years gives a valid picture of an author's loans.¹⁴

The results of the random sample are processed by the fund in the year after the loan-year, and the author's coin is paid at the beginning of the following year. For example, loans made in 1979 are processed in 1980, and the author's coin is paid in March 1981.

The board of the fund has recently worked out a system for individual, statistically-calculated compensation even for translators. The introduction of a translator's coin will require an increase of the government grant.

The Authors' Fund

The board of the fund is composed of four government representatives and ten representatives of the originators (eight for authors, one for translators and one for illustrators). The board has the full responsibility for distribution of the solidarity fund. The fund's secretariat employs the equivalent of 6.75 full-time staff.

Finland

Finnish authors and translators receive state bursaries and grants "for the reason that books written or translated by them are available free of charge in public libraries."¹⁵ A special law to this effect was passed in 1961 and the scheme has operated since 1964.

The state appropriation is equivalent to 5 percent of the state grants for public libraries in the preceding year and amounted to 1.3 million marks* in 1978. The figures for 1979 and 1980 are expected to be about 2.5 and 4.6 million marks respectively.¹⁶ The funds set aside by the state are normally, though not necessarily, divided with 45 percent paid to creative authors (i.e., not to authors of nonfiction), and 10 percent to

*A Finnish mark exchanged for approximately U.S. \$0.25 in March 1981.

translators. The remainder is distributed among elderly and/or indigent authors and translators.¹⁷ Applications are handled by the Ministry of Education in cooperation with a board representing the government and the organizations of authors and translators from both language groups (Finnish and Swedish).¹⁸

Iceland

The Icelandic PLR scheme came into force in 1967 after an amendment of the Public Library Law in 1963. The present rules are contained in the law of 1976 and the regulations of the Icelandic Authors' Fund.¹⁹ The government pays an annual amount of 12 million Icelandic kr* (index-regulated) to the Icelandic Authors' Fund for the use of books by Icelandic authors in public libraries. The amount for 1980 was 56 million Ikr. The fund is administered by a committee of three members, two nominated by the writer's union and one by the Ministry of Education.

One-half of the sum available is distributed to owners of copyright (authors or their heirs until fifty years after the author's death) in proportion to the number of their books in public libraries. In practice, the representation of the authors in the stock of Reykjavik City Library is taken as the basis of distribution. (The combined stock of the libraries concerned is only about 150,000 volumes). In 1979, 400 copyright holders received 75 Ikr per volume. The other half is divided into a number of larger grants to individual authors as a recognition of their work. Authors feel that the scheme should be extended to include all types of libraries, and that the government grant would have to be increased in order to give them a reasonable income.

The Netherlands

In Holland, a purchase-based system has operated since 1972.²⁰ An annual government grant is distributed by the Literature Fund among Dutch authors of *belles-lettres* in proportion to the annual acquisitions of their books by public libraries. The scheme is not based on law, and the annual grant is fixed by the minister of Culture, Recreation and

*An Icelandic krona exchanged for approximately U.S. \$0.0035 in October 1980.

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Welfare. The initial grant of 200,000 guilders* has gradually been raised to 480,000 guilders for 1980. The scheme is managed by the Literature Fund (*Fonds voor de Letteren*) according to rules laid down by the board of the fund.²¹

Compensation is paid to authors of Dutch nationality writing in the Dutch or the Friesian language who are alive in the year of acquisition. Individual compensation is based on the number of volumes supplied to public libraries by the Nederlandse Bibliotheek Dienst (NBD), and since 1973, also by the Centrale Bibliotheekdienst voor Friesland, serving the Friesian public libraries. Since these central agencies cooperate with nearly all publishers and almost all public libraries, it is possible to estimate each single author's relative share of the total annual acquisitions with a high degree of probability. The compensation, however, is only paid to creative authors, i.e., authors of "*bellettrie*" and juvenile literature, not to authors of nonfiction. Eligibility depends on whether the work belongs to these categories, regardless of quality. In fact, the selection of titles for compensation is based on the bibliographic data appearing on the catalog cards produced by the Dutch Centre for Public Libraries (NBLC).

The sum available is distributed among the authors of the selected works in proportion to their shares of the total acquisitions. Since the sales figures of the NBD are kept confidential, except to the fund, authors are not informed about the actual compensation per volume. Although the annual grants have been raised, the number of titles and volumes has increased as well, and the compensation per volume is probably lower today than the initial figure of 1.05 guilders. The compensation for 1978 was distributed among 718 authors in amounts ranging from 10 guilders to 10,081 guilders. Translators of *belles-lettres* and juvenile literature are comprehended by the scheme, although they do not receive an automatic individual compensation; rather, 18 percent of the annual grant is reserved for special bursaries to translators.

The Dutch scheme is rather simple and causes no extra work in the libraries, but its shortcomings are obvious: there is no legal basis; the annual grant depends ultimately on political benevolence; and the system ignores a considerable number of the authors who are represented in public libraries. The Dutch Authors' Association has been advocating a legal compensation to be paid by the state to authors and their heirs for the loan of all types of books in public libraries.²² H.

*A Netherlands guilder or florin exchanged for approximately U.S. \$0.44 in March 1981.

Cohen Jehoram has pleaded for a clear-cut system based on copyright law, while J.H. Spoor has suggested a surcharge system based on the publication of double editions, one for general use and one for library use to be bought at a higher price. Margreet Wijnstroom has indicated a solution through library legislation.²³

However, the Public Libraries Law of 1975 did not change the situation, and, so far, the government has not been in favor of a copyright-based solution. Since 1979, a working party with representatives of the ministry and the Authors' Association has been discussing government policy with respect to literature, including the question of PLR.

West Germany

Büchereitantieme or PLR was introduced in the Federal Republic of Germany in 1972 by an amendment of the copyright law.²⁴ Section 27(1) of the law reads:

For the hiring and lending of copies of a work in respect of which further distribution is permitted under Sec. 17(2), an equitable remuneration shall be paid to the author if the hiring or lending is executed for the financial gain of the hirer or lender, or if the copies are hired or lent through an institution accessible to the public (library, record library or collection of other copies). The claim for remuneration may only be asserted through a collecting society.²⁵

The amendment went into effect on January 1, 1973, and applies to all libraries in the Federal Republic and West Berlin that are open to the public.

The claim for compensation includes all kinds of copyrighted library material (copies of books, periodicals, records, sound and video cassettes, slides, etc.). In German law, the protection period is seventy years after the originator's death. Only 10 percent (in public libraries, 5 percent) of the books held or circulated by libraries are estimated to be out of copyright.²⁶

It is a debatable question whether the use of books in reference collections implies "lending" (as asserted by Nordemann and Kreile-Melichar) or not (as claimed by Dörffeldt).²⁷ The aim of the law, however, was to give originators additional remuneration for the repeated use of one copy of a work by a number of consumers, and to create a pension fund for authors.²⁸ In fact, the real political incentive was the desire to establish social security for authors. Copyright law was used as a tool of social policy.²⁹

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The Parliament pronounced as its expectation that the federal government and the states would meet the claim for compensation with a lump sum without reduction of book budgets and without any extra payment by library users.³⁰ But for a long time, it seemed impossible to implement the law. Was it a "failure from the outset?"³¹

The General Contract

After two years' "struggle of all against everyone,"³² the question of payment was solved in a general contract (*Gesamtvertrag*) between the federal government and the eleven federated states (Länder) on the one hand, and four collecting societies on the other.³³ The contract provides that authors cannot apply for PLR as individuals, but only through a collecting society to whom they assign their PLR rights. The German literary collecting society VG Wort (Verwertungsgesellschaft Wort) which together with the Authors' Association had led the political struggle was joined by three competing societies: VG Wissenschaft, representing the scientific publishers and authors; GEMA, the composers' collecting society; and VG Bild/Kunst, representing illustrators and photographers.

The payment was fixed as an annual lump sum of 9 million DM* as from January 1, 1973, 10 percent of it borne by the federation and 90 percent by the states, which undertook the liability resting on public libraries. The contract runs to 1985, but the size of the lump sum can be renegotiated every second year. An obligation of libraries to provide information on their circulation on a sample basis was stipulated in an additional agreement which is part of the general contract. No extra costs would fall on the libraries.

The general contract of 1975 only covered libraries financed by public authorities. A continuation contract (*Anschlussvertrag*) between the same parties took effect in 1980. The lump sum was increased by 10 percent to cover the claims of the collecting societies on the remaining sector of public libraries, namely church libraries and staff libraries of firms. Since the lump sum had been renegotiated in the meantime to 11.8 million DM, the total sum to be paid by the federation and the states was increased by the continuation contract to 13 million DM in 1980.³⁴

The Collecting Societies

The conflicting interests of the collecting societies were settled in their agreement of November 1975 on the distribution of the lump sum:

*The German Mark exchanged for approximately U.S. \$0.49 in March 1981.

VG Wort, 67.81 percent; VG Wissenschaft, 19.69 percent; VG Bild/Kunst, 10.00 percent; and GEMA, 2.50 percent.³⁵

The two principal societies agreed to define their spheres of action: VG Wort is concerned with public libraries, and VG Wissenschaft with research libraries. This means, for example, that VG Wort takes care of the interests of scientific authors and publishers who are represented in the public libraries.

The two collecting societies of authors distribute their shares of the lump sum quite differently. After deduction of taxes, administrative costs and 10 percent for a social welfare fund for authors in need, VG Wort divides the remainder into two equal parts.³⁶ One-half is transferred to the Authors' Old Age Security Corporation (Autorenversorgungswerk) in accordance with the general aim of the law. The corporation pays a quasi-employer's contribution to the old-age security of free-lance writers, putting them on approximately the same footing as the average employee. The other one-half (about 38 percent of the VG Wort share) is paid individually to authors (70 percent) and their publishers (30 percent).

For the purposes of the share-out, authors are divided into nine groups according to the loan figures reported by a rotating sample of eighteen public library systems, chosen within six categories of size and type. In these libraries, all loans are recorded twice a year over a fortnightly period, as provided in the "additional agreement." The first individual payment was made by VG Wort in 1976 (for the year 1973). Ninety-six percent of the authors received less than DM 100, the average payment per loan being about 1 Pfennig. The maximum payment was fixed at DM 3150.

In principle, foreign authors are entitled to the same individual payment as German nationals.³⁷ VG Wort is aiming at a system of mutual agreements with foreign collecting societies.³⁸ In addition, direct membership in the VG Wort is open to citizens of all EEC countries, and to Swiss and Austrian authors.³⁹

The VG Wissenschaft has chosen other principles of distribution.⁴⁰ Most scientific authors have other professions and are not dependent on a pension scheme. Moreover, the annual circulation per volume in research libraries is so low (0.6 to 0.8) that a sampling of loans would be deceptive.

After a deduction for administration and other purposes, the remaining 65 percent is divided equally between publishers and authors. The publishers' share is not distributed individually, but is used for, e.g., printing cost subsidies and support of research. The

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authors' share is distributed as a nonrecurring payment in proportion to the number of the author's new publications, new editions and reprints which have appeared within the year in question. In fact, this is a very simplified purchase-based system.

European Issues

At present, there are PLR systems in the five Scandinavian countries and in three other European countries (including a system under development in the United Kingdom). Four of these countries are members of the European Economic Community. Denmark is the only Scandinavian country to have joined the EEC.

Although the Scandinavian countries have been cooperating closely in many ways, their PLR systems are totally different in content, scope and legal basis, and each scheme is reserved for the country's own citizens. Attempts within the framework of the Nordic Council to establish a joint system, or at least bilateral agreements on a reciprocal basis, have not been successful. On the other hand, Denmark, the Netherlands, the German Federal Republic, and the United Kingdom are facing the problem of maintaining different systems within the EEC. Apart from Germany, the countries of Europe have chosen to authorize their PLR systems outside the copyright laws, presumably in order to keep them as national systems for the benefit of each country's own citizens.

It has been asserted that any PLR scheme is *per se* part of the copyright system; consequently, the principle of national treatment as expressed in article 5 of the Berne Convention of Copyright⁴¹ would apply to PLR. In that case, authors from other copyright union countries should have the same rights as national authors regarding PLR. This point of view has been expressed by Wilhelm Nordemann. In his opinion, the Scandinavian and British solutions represent "a flagrant violation of the international copyright treaties."⁴² Eugen Ulmer, on the other hand, assumes that the Scandinavian systems cannot be considered as an outcome of copyright, since they do not imply direct claims from authors on libraries.⁴³ A similar opinion has been stated by Svante Bergström and by the Danish Copyright Committee.⁴⁴

Within the EEC, any discrimination on grounds of nationality is prohibited according to Article 7 of the Treaty of Rome.⁴⁵ It seems to be an open question whether cultural aid granted by a member state, e.g., to its own authors, is compatible with the Common Market. Adolf Dietz has discussed the relations between the rules of the EEC and various

TABLE 2
PLR IN CONTINENTAL EUROPE

	Denmark	Norway	Sweden	Finland	Iceland	Netherlands	Germany
First year of operation	1946	1947	1954	1961	1967	1972	1973
Type of law	library	library	—	special	library	—	copyright
Government grant 1979 (mill. US \$)	4.8	1.7	7.3	0.6	0.2	0.2	5.8
Stipulation of grant	law	negotiation	parliament	law	law	government	negotiation
Administration of scheme	government	coll. soc.	fund	fund	fund	fund	coll. soc.
Principle of distribution	automatic	collective	aut./coll.	collective	aut./coll.	aut./coll.	aut./coll.
Basis of automatic distribution	stock	—	loan	—	stock	purchase	loan/purchase
Eligible materials	books	all	books	books	books	books	all
Eligible originators	authors*	artistic originators	authors, etc.	creative au- thors & transl.	authors	creative au- thors & transl.	all originators
Nationality criterion	nationals	nationals	nationals & residents	nationals	nationals	nationals	nationals & foreigners
Population 1977 (1000s)	5.088	4.042	8.255	4.737	222	13.853	61.396

*Special nonautomatic grant for translators.

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PLR systems.⁴⁶ He assumes that Article 7 of the Treaty of Rome prohibits discrimination, whether the rules of PLR are based in copyright law or not. However, he cannot totally disregard the case of small countries like Denmark and Holland for a national scheme. National treatment of foreign authors in such countries would draw the greater part of the library compensation abroad, frustrating the social objective associated with the compensation. A standardized regulation within the Common Market, ensuring strict reciprocity, would, in his opinion, offer at least a partial solution.

Although it has been proposed to standardize the PLR systems within the EEC, the introduction of parallel copyright-based systems in all member states is presumably still a long way off. Owing to the joint-Scandinavian character of the copyright legislation, none of the Scandinavian countries is likely to change over to a copyright-based PLR system except in the event of a wide Scandinavian unanimity.

Conclusions

It is a general feature of all the PLR schemes described that they are based on a combination of partially conflicting principles. We can isolate three different arguments for a library compensation scheme: (1) the originators are entitled to remuneration, (2) most authors are poorly situated financially, and (3) the state should support the cultural life of the community. In other words, we have three principles: a principle of copyright, a principle of social policy, and a principle of cultural policy.

The copyright principle has been formally implemented in West Germany, but the political incentive behind the German scheme has really been a wish for social security for a specific group of authors. The Danish scheme is, perhaps, the scheme which, within its limitations, most closely approaches the copyright principle, although it is at the same time found politically untenable for individual authors to earn large sums of money.

It is the social-political principle that wins through; why should successful authors get the lion's share, while poets go hungry? An attempt to solve this problem is made by a graduated scale of payments to individual authors and others, and by reserving part of the funds for collective purposes, as is the case, for instance, in Sweden and Germany. Dietz recognizes the conflict between the copyright principle and the social-political principle, and formulates a theory on collective copyright.⁴⁷ Kreile expresses the relationship in a paradox: "Die Bibliotheks-

tantieme wurde von Staaten entweder als Urhebergesetz in der Form eines Sozialgesetzes—so vornehmlich in Skandinavien—oder als Sozialgesetz im Gewande und in der Form eines Urhebergesetzes eingeführt” (“The public lending right was introduced by the states either as copyright law in the form of a social law—as principally in Scandinavia—or as social law in the guise and form of a copyright law”).⁴⁸ It cannot be said, either, that the cultural principle has been clearly implemented anywhere—and if one did wish to implement it, it would be meaningless to link it with costly censuses of library loans.

Considering each scheme apart, as we have done, it is difficult to say whether they serve their purposes. The only fact that remains is a political decision to let the state grant a payment to certain groups of originators who are represented in certain types of libraries. But then, the schemes should not be considered in isolation. It will only be possible to put them in the proper perspective if they are viewed in the context of the various countries' other social and cultural legislation. If that is true, attempts to harmonize the various schemes must appear utopian.

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