

US Copyright Office  
Library of Congress  
101 Independence Ave. S.E.  
Washington, D.C. 20559-6000  
U.S.A.

Submission to the US Mass Digitisation Pilot Program:

Bildrecht Bildrecht GmbH Gesellschaft zur Wahrnehmung visueller Rechte, founded in 1977, is the Austrian collective management organisation for visual authors. Bildrecht represents authors of fine art, painters, graphic designers, sculptors, video artists, illustrators, photographers, designers, architects and choreographers. Bildrecht is member of EVA, European Visual Artists, and CISAC, International Confederation of Societies of Authors and Composers.

Based on reciprocal agreements Bildrecht represents 100.000 authors in Austria. In the US Bildrecht has a long standing reciprocal agreement with Artists Rights Society (ARS), who administers our members' rights in the US. The reciprocal agreement covers the clearing of rights, collection of fees, legal support in case of copyright infringements and bi-annual distribution of the collected royalties.

Bildrecht administers primary rights such as rights for reproductions and broadcasting rights and rights for secondary uses such as reprography, private copying, cable retransmission and public lending for its members.

Bildrecht concluded contracts with museums, archives, libraries, publishers, public broadcasters, which allows them to use the entire repertoire of its members.

Due to the high number of visual works created and used, collective licenses and extended collective licenses are useful tools for many years now. These licenses allows users to operate under legal certainty and to lower the administrative cost for users and authors. At the same time the authors benefits, of the knowledge where their works are used, of the protection of their moral rights and of a fair remuneration for the uses of their work.

It is important that usage under collective licenses and under an extended collective licenses scheme is clearly defined and limited to the extent needed, in order to prevent the possibility to circumvent author's right. The benefit of collective licenses and extended collective licenses are not necessarily linked to big users-institutions. Bildrecht has made the experiences the small user-institutions are in the need of the possibility of extended collective licenses too, as especially for them administrative efforts are higher than for big institutions.

Example:

As CMO Bildrecht operates as trustee for its affiliates and for non-members in case an extended collective license is in place. Subject of the licences are alone standing works, embedded works and graphic designs. A tariff scheme which is approved by our members and user-organisations has been established. Based on a monitoring system collected remunerations are distributed bi-annual. The distribution is linked to a report for the authors, which provides information about the use, the user and the collected remuneration.

Regarding our experience for establishing a functional collective licenses and an extended collective licenses scheme following points should be fulfilled

- The CMO must have the possibility to represent members and non-members.
- The CMO, represent a substantial number of authors of the relevant category of works
- It must be guaranteed that national and international authors are treated equally
- It must be guaranteed that the authors receive the remuneration
- Members and non-member must be treated equally, therefore the CMO must undertake reasonable efforts to contact to non-members

We thank you, to give Bildrecht the possibility to contribute to this consultation  
We will be pleased to provide additional information if required.

Kind regards

Wolfgang Mattiasch  
Chief Operating Officer

Vienna, October 9<sup>th</sup>, 2015