

Newspaper Websites

Frequently Asked Questions July 2011

For Clients of a Paid For Media Monitoring Service

1. When did the Newspaper Licensing Agency (NLA) commence licensing of newspaper website material?

In January 2010 the NLA introduced licences for businesses to make commercial use of content published on websites owned by newspaper publishers. Licensing affects those businesses who supply and receive digital cuttings as a part of a paid for media monitoring service.

2. Why did the NLA extend its licensing scheme to include newspaper websites?

UK newspaper publishers' spend over £1bn a year in the creation of online and print content. The content is copyright protected. The NLA extended its licensing scheme to include newspaper website content for two key reasons (1) it is a growing and important element of clients' media monitoring activity (2) to ensure publishers earn a fair reward for commercial use of their content.

3. The NLA website licensing scheme was subject to legal proceedings - what was the outcome in both the High Court and Court of Appeal?

In July 2011, the [Court of Appeal](#) confirmed the ruling of the [High Court \(Nov 2010\)](#) that online newspapers are copyright protected and gave a clear declaration that most (if not all) businesses subscribing to a paid-for media monitoring service which contains content from online newspapers require a licence. The rulings provide clarity for Publishers, Media Monitoring agencies and their clients. Please note that licences are generally only needed if the content is used commercially.

4. Is that the end of the legal process?

Despite both the High Court and Court of Appeal judging that a licence is required, Meltwater News may appeal the decision and we await news of their response and action. Proceedings in the Copyright Tribunal are scheduled for September 2011. The Copyright Tribunal will assess the reasonableness of certain terms of the NLA's website licensing scheme.

5. What is the implication of the judgments for businesses receiving newspaper website content as part of a paid for media monitoring service?

They require a copyright licence to receive and use such services. Absent a licence commercial use will infringe copyright.

6. What does a licence cost?

Licences start at £59 and average just over £500 per annum. Fees are subject to the number of staff receiving the media monitoring service and/or volume. Clients can get an indicative quote [here](#).

7. What do I need to do now?

If you receive newspaper website content as part of a paid for media monitoring service then advise the NLA and we will quote accordingly. Please note that fees will be backdated to January 2010, or the start of the service if later.

8. Which organisations are licensed to supply newspaper website content?

There are currently 18 licensed agencies details of which can be found [here](#) (see Web Database Licence Holders). Meltwater News remains unlicensed (it has undertaken to sign up at the conclusion of the Copyright Tribunal proceedings). If you continue to receive a service from them without the permission of the publisher, or a licence from the NLA, your organisation is almost certainly infringing copyright.

9. When will charging commence?

The NLA has been providing quotes to licensees since January 2010 and given the ruling in the Court of Appeal, will commence invoicing following the Copyright Tribunal in September 2011. Fees will be backdated to January 2010 or the start date of your service if later.

10. What is the definition of commercial use and does all use require licensing?

While there is no legal definition, 'commercial use' is generally understood to mean use for business purposes, including marketing intelligence, or as part of any profit-making activity.

Paid-for media monitoring organisations use the newspapers' content as part of their business activities, meaning it is for 'commercial use', and their clients, who pay for a service containing publishers' content for use in their business are also making 'commercial' use.

Personal use of newspaper material – such as sending a link to a friend – is not covered by the NLA licensing scheme but will be subject to the publishers' terms and conditions.