

## Newspaper Websites NLA High Court Action – November 2010

### Licensee Q&A

#### 1. Why did the NLA take action in the High Court?

To achieve legal clarity in respect of the use of newspaper website material by commercial media monitoring organisations and their clients.

#### 2. What was the judgment in the case?

It was ruled that organisations who receive newspaper website content as part of a paid for media monitoring service, in the form of headlines and text extracts, require a copyright licence. A licence provides protection against copyright infringement. The full judgment can be found here <http://www.bailii.org/ew/cases/EWHC/Ch/2010/3099.html>

#### 3. What is the implication for organisations receiving newspaper website content as part of a paid for media monitoring service?

They require a copyright licence to receive and use such services.

#### 4. When did licensing start?

Licensing of newspaper websites commenced in January 2010 for both end users and their respective media monitoring organisations. To date 22 media monitoring companies and over 450 NLA licensees have taken licences.

#### 5. Is that the end of the legal process?

No. Meltwater have requested leave to appeal. Subject to the outcome in the appeal hearing, a further hearing will be heard by the Copyright Tribunal on the commercial terms of the licences. An appeal of the High Court decision could result in a delay to the Copyright Tribunal hearing, scheduled for February 2011.

#### 6. What about Meltwater's claims in their customer communication that:

##### *a) 'Anyone receiving hyper links to newspaper articles is in breach of copyright'.*

The High Court addressed paid-for media monitoring services and their clients – ie organisations.



newspaper licensing agency  
Respect for Copyright

***b) 'Meltwater clients receiving links to online newspaper articles should not require a licence'.***

The judgment covered headlines and text extracts. Where links contain headlines they too would be covered. The judge ruled that Meltwater clients require a licence to receive and use the Meltwater service.

***c) 'The judgment undermines the basic principles of the operation and use of the internet'***

Copyright protects all content wherever it originates. This includes the internet. The judgment recognises this principle. Newspapers actively support use of their content in accordance with their terms of use. The NLA's web licensing scheme is limited to commercial use of website content.

**7. If I continue to receive newspaper clips from Meltwater is my organisation infringing copyright?**

Without the permission of the publisher, or a licence with the NLA, then yes, your organisation is likely to be infringing copyright.

**8. What does a licence cost?**

Licences start from £58.00 per annum and are based on (1) volume of links or (2) organisation headcount and users. Please contact the NLA for a quote. Charges will be backdated to January 2010.

**9. What do I need to do now?**

If you have **received a quote for a web licence extension** we advise you to continue to accrue for this amount until further advised.

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 date of your service if later.