

## **ByLine: A Global Online Journalism Bank on trial within the IMPRIMATUR project**

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### **Abstract**

Individual journalists have historically had little control over the republishing and syndication of their work. Open networks like the Internet, however, with their potential for many-to-many transmission, have offered technological opportunities for creators to band together and offer in collaboration what they could not offer alone. Taking up this baton on behalf of its writer members, the UK Authors' Licensing and Collecting Society has applied its twenty years' experience in tandem with technology from the European Commission-sponsored IMPRIMATUR project for the development of electronic copyright management systems, and launched the ByLine project: a global syndication and licensing service for journalists on the Internet. ALCS and IMPRIMATUR are partners in the first six-month trial, which was launched in January 1998 at <http://www.universalbyline.com>

### **Introduction**

In 1996 the Authors' Licensing and Collecting Society (ALCS) extended its commitment to authors' rights in the United Kingdom by setting up a Journalists' Unit. Created to safeguard the intellectual property rights of journalist members and to help them secure fair remuneration for their work, the Unit's activities have broadened greatly in the last year. Nowhere is this truer than in its exploration of the possibilities of licensing and syndicating journalists' work in the electronic information era.

As the British collecting society for writers in all media, ALCS's principal task is to ensure that hard-to-collect sums due to authors, for photocopying, foreign lending rights, cable retransmission, off-air recording and similar uses, are efficiently collected and swiftly distributed. It is owned by its author members, and not for profit, currently paying monies to over 35,000 writers, with over 110,000 writers in total on its database. This collective administration of authors' rights has been a relatively long time coming in Britain, far longer than in continental Europe where collecting societies for writers and artist are the norm. Even though ALCS celebrated 20 years of existence last year there is still much confusion about what it does – even its members, who as a group one would not imagine to be averse to the arrival of an unexpected cheque, are occasionally prone to phoning the offices and harangue the Society to remove money deposited in their accounts immediately, since it cannot possibly belong to them.

ALCS is not so much publisher as facilitator. As technological opportunity moves us towards a broader, many-to-many dissemination of information, its experience makes it remarkably well placed to handle rights associated with these new uses. Its writer database constitutes a mine of information, and it has the potential to operate in an increasing number of cases as a rights clearance service for multimedia publishers, digital radio and television broadcasters and other content providers. Online distribution, pay-per-use systems, electronic commerce: ALCS's experience in the rights aspects of collective administration and its ability to handle payments down to micro-cash units for large numbers of members make it – we believe – a powerful enabler for future licensing developments and the monitoring of uses of rightsholders' work. Authenticity is critical to this scenario. As I hope to show, ALCS's initiatives in developing electronic copyright management systems, via the use of numbering systems and electronic watermarking of texts, mean that it will be able to act as practical guarantor alongside its promotion of a strong moral rights regime for creators – an equally critical component of the digital future. ALCS believes that journalists deserve moral rights protection as much as other creators, even though in British law they do not at present have them. The technical provisions built into the project I am about to outline to you aid and abet that kind of protection.

## **ByLine**

As we move beyond the doors of electronic perception, we encounter a world in which digital content and connections are flourishing in all media. Much of what we perceive is random digital undergrowth. Some of the landscape, however, is highly promising and contains healthy intellectual growth. ByLine, a new online database of electronic versions of journalists' articles, seeks to establish itself in this new country as a genuine place of creativity.

Using the technology of the European Commission-sponsored IMPRIMATUR project for the development of electronic copyright management systems (ECMS), ByLine intends to demonstrate the potential of a fully global online licensing and syndication service for independent journalists. It is presently on trial for six months until 30th June this year. The trial is a precursor to a hoped-for commercial launch later in 1998.

### *How will it work?*

ALCS will acquire licences in a growing bank of freelance journalists' articles which will be available on the Internet at <http://www.universalbyline.com> for reading and syndication to newspapers and magazines worldwide in their own territories, and also for global electronic licensing. Not only will this help journalists retain their electronic rights by providing them with an alternative to simply ceding all rights to an editor on first publication, but with the necessary online purchase arrangements it should prove to offer them a huge increase in their target market. Editors and publishers – the principal purchasers in the scenario – will have access to a growing bank of high-quality journalism.

## **Components**

There are three main components to the ByLine project:

- data capture, or the electronic collection of articles
- sales and marketing to journalists and end-users
- policing of the electronic sale of copyright material.

### **The trial**

ByLine began its six-month trial on 5th January 1998. For the first two months it was viewable but non-operational for purchases while it collected sufficient content from journalists to begin to make the Internet site interesting to the user community. From 1st April it has been operating live. The trial is for the moment open to ALCS journalist members (all freelance members of the three British journalists' unions are automatically associate members of ALCS). Beyond the trial, with the prospect of commercial exploitation and expansion, there is no reason why use of the database should not be open to members of affiliated societies worldwide, and to publishers wishing to exploit further uses in work to which they own the necessary rights. Though ALCS is an authors' organisation, ByLine, I would like to stress, is not particularly partisan. Some journalists of a militant outlook might think we are sleeping with the enemy by inviting proprietors to make use of this new syndication platform, but the important thing, it seems to us, is that it is seen as a platform on which rights may fairly be exploited – the emphasis being on the word 'fair'. It has been suggested to us, for example, that a British regional newspaper chain which owns an archive of Dylan Thomas's journalism would like to use the service. Such work may have been acquired under a less author-friendly copyright regime, but an accumulation of such content can only increase the reach of the service.

Although ByLine is at the moment no more than one elegant but small research branch of ALCS's activities, it is confidently expected that the trial will accumulate proof of the project's technical and commercial viability during its six-month period, witnessing an increasing rate of deposit of content on the site and a strongly positive cash-flow. ALCS believes ByLine's potential in financial and professional terms is very large, not only providing a 'place of safety' for journalists' electronic rights but also offering journalists a market they have never had until now. It should be stressed that ByLine will be capable of licensing journalists' work on a global basis and need not be restricted in either content or user audience to the UK. Journalists from all over the world will eventually be able to deposit their works in all languages and seek to find a market anywhere else in the world.

The quality threshold of any online database must be as much of a concern to those operating it as its rate of 'refreshment' with new material. The electronic territory may aim to be a republic of equals, but content is still king; a high re-use rate depends on quality. We anticipate that most content will come from journalists wanting to syndicate work which has already had first publication in a UK newspaper or magazine, thus in part avoiding the traditional pitfall of the Net as a textual garbage dump. Use of the database will also require a membership of a professional organisation, which we hope will avoid ByLine's containing any work of the 'Nazi paedophiles rule OK' sort, as well perhaps as the purely dull kind. Not that any ALCS members would ever be guilty of being bigoted, or boring.

Content is one thing. An essentially simple idea like ByLine requires a business model which will apply the available technology and retain simplicity of use for both journalists and

purchasers. In an implacably global environment like the Internet, where sophisticated relations are in play between large numbers of rightsholders and licensees and the rights they are trading, the business model is the greatest challenge.

Once a journalist posts or uploads an article onto ByLine, the model comprises 3 stages:

- rights checking, unique number issuance and text watermarking
- licensing by means of online purchase
- tracking and policing of use.

A journalist is able to upload an article electronically in an agreed format – at present as a cut-and-paste email text – while simultaneously granting ByLine a licence to sell licences on their behalf. (Users are warned that they may have already signed over some rights to a newspaper, magazine or other publisher, and that the responsibility for authorising ByLine to license specific rights and uses remains theirs – in fact, as it would in their dealings with any other agent or publisher.) The uploading is verified and a report returned electronically to the journalist. The ByLine database registry issues a unique number which includes an International Standard Work Code (ISWC-L) and IPI or author number and routes the article to its watermarking authority, in the form of its trial partner Croft Communication, from where it returns containing two watermarks, one identifying the journalist and work, one the content provider (ALCS). It is then posted for viewing and potential purchase by an end-user.

End-users are able to access articles by search engines arranged under subject categories, keywords, author names and datelines and bylines of first publication. They can then view the background details to any article they call up – its length, a short synopsis, its publication history, the rights available, and so on. They will be able to read the article on a scrollable letterbox screen, to prevent 'print screen' and other forms of unauthorised downloading.

When a viewer finds an article to which they wish to purchase a licence, they proceed by registering as a new purchaser or logging on with a password. The licence request is registered and a non-exclusive licence issued, by territory and term of licence for offline, mainly print-media uses, and by term for online uses. When the electronic cash exchange is completed, the transaction is logged by a rightsholding registry and value filters back to the journalist.

For the database and rights management components of ByLine, ALCS has fully participated in the development of the DOI (digital object identifier) system. ByLine represents a first-ever application of DOI technology to text numbering in this arena: numbering which will enable users to locate articles, and permit ALCS to tag and trace their whereabouts once they have left the home site. This component, necessary to protect work on ByLine from unauthorised use, has been made possible by another genuine international first: the successful application of indelible text watermarking. All work posted on ByLine will be identified by a DOI containing a distributor identifier, a CAE number to identify its creator, and an ISWC-L, this DOI to be packaged in two watermarks placed pervasively within the text of each article. A third watermark is added to identify a purchaser. All watermarking will be provided by ALCS's partner in the IMPRIMATUR project, Croft Communication.

## IMPRIMATUR

A word about ALCS and IMPRIMATUR: ALCS is the lead partner of IMPRIMATUR, whose other partners include publishers, telecommunications organisations, representatives of the user community, electronic information brokers and consultants, and electronic cash developers. All of these parties are involved in finding consensual solutions to common problems related to the trading of intellectual property online. Along with the building of consensus and methodology, all IMPRIMATUR partners have worked to develop electronic copyright management systems technology, including the application of numbering systems, watermarking and fingerprinting in all media.

### Conclusion

We are only just commencing to live in the electronic country I spoke of earlier. It is a place and a time in which the concentration of media and publishing power is growing greater than ever. Those publishers and broadcasters who seek to control the territory are doing so by a variety of means, not the least of which is their demands to control the copyright of creators. Their size and power means that creators risk becoming more and more unequal contractual partners; an undesirable offshoot of this strategy for control is that many of them are reluctant to reward journalists for electronic and other secondary uses of their work. This is a kind of applied postmodernism; it is in a way about the denial of authorship. (A phenomenon incidentally not restricted to journalists, but endured by scriptwriters, musicians, academics, designers and architects as well.) I do not want to finish on a downbeat note, but those proprietors who are embarked on a strategy of outright control of all content could profitably reflect that in the chain of expression which goes from the creator through the media distributor to the marketplace, there is only one person who can fulfil every single one of the necessary roles, and that person is not the accountant, the planner, the executive, the editor, the marketing person, or even the head of resources. I leave you to guess who that person might be.

In the context of these developments, and of that debate about fairness and control that I have been talking about, I believe that ByLine represents a revolutionary step in the protection of the intellectual property rights of journalists, and a remarkable, high-quality commercial opportunity for rightsholders who grasp its advantages. I should perhaps add that its business model for trading copyright material is a highly adaptable one, capable of being used in different ways for different forms of content provided by many different kinds of content providers. We have evidence that a number of other would-be electronic content providers believe so too. Backed by IMPRIMATUR technology and the twenty years' experience of ALCS in collecting and distributing payments, however small, on behalf of large numbers of members, we are unshakably convinced that it is an idea and a reality whose time has come.