



INTERNATIONAL FEDERATION OF LIBRARY ASSOCIATIONS AND INSTITUTIONS
FEDERATION INTERNATIONALE DES ASSOCIATIONS DE BIBLIOTHECAIRES ET DES BIBLIOTHEQUES
INTERNATIONALE VEREINIGUNG BIBLIOTHEKARISCHER VERBÄNDE UND EINRICHTUNGEN
FEDERACION INTERNACIONAL DE ASOCIACIONES DE BIBLIOTECARIOS Y BIBLIOTECAS
МЕЖДУНАРОДНАЯ ФЕДЕРАЦИЯ БИБЛИОТЕЧНЫХ АССОЦИАЦИЙ И УЧРЕЖДЕНИЙ
国际图书馆协会与机构联合会

الاتحاد الدولي لجمعيات ومؤسسات المكتبات

Mr Edward Sigei,
Executive Director
Kenya Copyright Board
NHIF Building, Ragati Road
P.O. Box 34670-00100
Nairobi, Kenya

18 January 2021

Re: Comments on the Draft Medium Term Collective Management Organizations (CMOs) Policy Framework

Dear Mr Sigei,

On behalf of the International Federation of Library Associations and Institutions, I would like to submit comments concerning the Draft Medium Term Collective Management Organizations (CMOs) Policy Framework.

We very much welcome your request for such input from stakeholders, given the importance of trustworthy, efficient and fair collective management not just for creators, but for those who buy licences and benefit from them, such as libraries and their users. Your readiness to act, including through suspending the licence of CMOs which have failed to meet necessary standards, has already provided a model for others. The example set by Kenya with the Draft Framework will, we hope, inspire progress elsewhere.

We note our support for the comments submitted by Electronic Information for Libraries (EIFL) and KLISC.

Yours faithfully

Stephen Wyber
Manager, Policy and Advocacy



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Board Propriety (p5)

We welcome the focus on high standards of conduct among Board members of CMOs, given that their actions and decisions can also have a strong impact on the ability of libraries to serve users. We suggest that it may be worth making clear that where directors have been found guilty of misconduct, it would be important to consider the potential for lifelong bans from holding such a role in future.

Membership Agreement of Board Size and Composition (p5)

Efforts to improve skills on CMO boards are a positive step, and we note the role of KECOBO in delivering on this through its appointment of members. Nonetheless, we hope that in the final version of this Framework, CMO members will also have a say in the composition of boards.

Ensuring a functioning website (p7)

The steps proposed in the Policy Framework about better use of information technology in order to make for more efficient management of CMOs are very welcome, and indeed may take Kenyan CMOs ahead of some of their peers in the Global North. We would nonetheless recommend adding to the list of definitions of success, here, that each CMO should have a functioning public website, not least in order to host the financial statements mentioned in the previous point.

Lists of members should be freely and publicly available (p10)

Being able to know which creators are represented by any given collective management organisation can facilitate the work of libraires in knowing whether they can obtain licences, where relevant. The publication of such lists can also help promote transparency, by ensuring that licensing fees are not incorrectly collected on behalf of creators who are not members of the CMO. Clearly, such a list should not include personal information about the members concerned.

Financial statements should be published (p43)

The proposals in the paper around financial statements are strongly welcomed, including concerning the share of revenues going on administration costs and to foreign rightholders, as opposed to Kenyans.

However, to achieve the desired effect, it would be important for CMOs, given their unique position, to publish these statements. This would help those paying for licences to understand where their money is being spent, and of course make it easier for creators themselves to hold CMO management accountable.



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Unclaimed royalties (p56)

It is welcome that the Framework highlights the need for an established approach to unclaimed royalties. However, it appears that there are one or two typographical errors in the proposed text which may need to be rectified before it is possible to judge fully what is intended here. As a general point, unclaimed royalties in the case of money collected claimed for uses by libraries and other educational institutions represent money that could be spent on public interest goals. As a result, the Framework should consider reimbursement of such institutions in this situation.