Licensing bodies and collecting societies already operate within the UK, providing rights management and licensing services for their rightsholder members across a range of sectors including publishing, ad and design, music and performance. Extended Collective Licensing (ECL) occurs where a collecting society is given permission to license specific kinds of copyright works across an entire sector. Instead of maintaining the interests of individual rightsholders in addition to that of their users, ECL was first developed in the Nordic countries in the 1960s to simplify the process of mass-licensing broadcast material.

The scheme is intended to deliver a number of benefits. The Hargreaves Review recommended the implementation of ECL in the UK in 2011, noting that the rationale behind licensing regimes would be "good for users by providing legal certainty, good for creators because of their remuneration, and good for consumers because of better access to works."

Under the auspices of the UK scheme, permission to operate at EU level is granted subject to safeguards. The collecting society must be able to demonstrate "significant" representation for the particular type of work which is to be licensed, and must establish contact with their members. Non-member rightsholders of these specified copyright works must be provided with the option of opting out of the scheme, either for some or all of their works. Although once ECL is established, opting out is generally not an option. Collecting societies that wish to apply for permission to operate in ECL, will be expected to review their codes of practice to ensure clear governance, improved transparency, and provide clear and concise information to users, members and non-members alike. They must also provide sufficient publicity about the ECL scheme, and create mechanisms for the distribution of licence fees to non-member rightsholders.

The UK Intellectual Property Office (IPO) conducted a consultation process in advance of the legislation during 2013, and a number of issues have been raised about the operation of collecting societies, collecting societies and potential licensees. The main concerns expressed included uncertainty and confusion as to how the "representation" required for a collecting society to successfully apply for ECL scheme authorisation was to be established, and the review process for the renewal of ECL scheme authorisation. However, there was clear agreement that the proposed five-year duration of the scheme authorisation period, which some licensees worry will be too short.

Supporters of ECL include cultural heritage organisations (including the Wellcome Trust, British Library, and British Museum) who argue that ECL is suitable for particular types of databases for which contracts could not be individually negotiated. Others note that the scheme can assist with access to resources, that ECL simplifies the administrative burden for cultural institutions and provides a mechanism for remuneration.

The legislation is intended to achieve a number of benefits. The Hargreaves Review recommended the implementation of ECL in the UK in 2011 noting that mass-licensing regimes would be "good for users by providing legal certainty, good for creators because of their remuneration, and good for consumers because of better access to works."


2. See the consultation responses provided by the British Library (p.1) and the Wellcome Trust, British Museum, and British Film Institute, (Extended Collective Licensing) Regulations 2014, SI. 2014/2588. Available at: http://www.legislation.gov.uk/uksi/2014/2588/regulation/4/made


