

Kluwer Copyright Blog

New Book Explores Collective Management of Copyright in the Digital Age

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This blogpost is part of a series marking the publication of the fourth edition of the book [Collective Management of Copyright and Related Rights](#), edited by Daniel Gervais and João Pedro Quintais.

A new book, “[Collective Management of Copyright and Related Rights](#),” edited by the two coauthors of this post and just published by Kluwer Law, offers a comprehensive examination of Collective Management Organizations (CMOs) and their evolving role in the copyright landscape. The publication provides an analysis of the theoretical and global challenges facing CMOs and describes the current state of CMOs in various parts of the world. The book also addresses the challenges and opportunities facing CMOs in the digital era, including emerging issues related to artificial intelligence.

Understanding Collective Management Organizations

The book defines CMOs as entities that license and administer copyright-protected works on behalf of multiple rights holders. CMOs, in contrast to publishers or other commercial entities, prioritize the collective benefit of rights holders over individual interests. They do not commercially exploit works directly. Unless they are administering a levy, they generally operate as agents of the authors, performer or other right owner or assignees of copyright or related rights.

When they function well, CMOs play a crucial role in streamlining the licensing process, reducing transaction costs, and protecting authors’ interests. However, their structure and function can vary significantly across different legal jurisdictions, reflecting diverse historical contexts and policy

objectives. The shift to digital technology for both creation and dissemination of works, coupled with the rise of artificial intelligence (AI), has introduced unprecedented challenges to copyright management and CMOs. These challenges include:

1. **Mass Individual Use:** In the past, copyright primarily affected professionals. However, the internet has enabled widespread individual use of copyrighted material, creating obstacles to proper licensing or remuneration.
2. **Privacy Concerns:** Relatedly, efforts to enforce copyright online have led to attempts to obtain usage information about individual users, creating a tension between copyright and privacy rights that didn't exist before.
3. **Streaming and Legal Options:** The emergence of legal streaming services and download options has transformed the industry, prompting CMOs to adapt their licensing and collection models.
4. **AI and Copyright Exceptions:** Multiple lawsuits are testing the limits of existing copyright exceptions in relation to AI use of copyrighted works. Licensing is relevant in that context.
5. **Transnational Licensing:** The internet's and AI's global nature challenges the traditional territorial approach to copyright licensing, perhaps even more than the Internet.
6. **Competition from New Entrants:** Commercial entities offering music online and others are trying to combine their service with rights management, potentially circumventing CMOs.
7. **Extended Repertoire System (ERS):** Also known as extended collective licensing or (in the EU and with a broader scope) collective licensing with extended effect, ERS, while offering potential solutions for mass licensing, faces challenges in implementation and acceptance across different jurisdictions.
8. **Technological Disintermediation:** New technologies like blockchain have been promoted as potential replacements for CMOs, but their impact remains limited so far.
9. **Balancing Access and remuneration:** CMOs must balance facilitating easy access to works with ensuring fair remuneration for rights holders in the digital environment.
10. **Adapting to New Use Cases:** The internet and AI have created new ways of using and creating copyrighted material that don't neatly fit into traditional copyright "rights fragments," requiring CMOs to rethink their licensing models.

These challenges underscore the need for CMOs to innovate, adapt their practices, and potentially expand their role to remain relevant and effective in the digital age and emerging AI landscape.

Book Structure and Coverage

The book is structured in two main parts: horizontal issues affecting collective management globally, and jurisdiction-specific analyses. The first part delves into crucial topics such as the role of collectives in the digital age, the intersection of collective management and human rights, the economics of collective rights management in the 21st century, and limitation-based remuneration rights. Notably, this edition includes new chapters on economics and limitation-based remuneration rights, reflecting the evolving nature of copyright management. The Kluwer Copyright Blog will publish two posts on the coming days reflecting on these issues.

The second part provides an in-depth look at CMOs across various jurisdictions. It provides comprehensive coverage of Europe, including the European Union, France, Germany, Italy, Nordic countries, and the United Kingdom and Ireland. The book also explores North America (USA and

Canada), South America (Brazil), Africa, Asia (China and Japan), and Oceania (Australia and New Zealand).

The selection of these jurisdictions was made by the editors based on several criteria, including economic impact, diversity in regulatory and cultural situations, historical significance in collective management, variety in legal systems, different models of government oversight, and geographical diversity. This approach enables readers to draw comparisons and contrasts between different CMO models and understand their operations in various contexts.

While not following a strict template, contributors were asked to address the history, functions, legal oversight, and challenges facing CMOs in their respective jurisdictions. This framework provides a coherent structure for readers to understand the nuances of collective management across different regions.

The book aims to serve as a comprehensive resource on CMOs, offering updated content from previous editions and addressing new challenges in the digital age, including the impact of artificial intelligence on copyright management. It explores emerging licensing models and technologies, providing valuable insights for copyright scholars, practitioners, and policymakers navigating the complexities of collective rights management in the 21st century.

Conclusion

This book aims to provide timely insights into how these organizations can adapt and innovate to ensure a functional and equitable copyright system in the 21st century. It promises to be an essential resource for copyright scholars, practitioners, and policymakers. By offering a nuanced understanding of CMOs' functions and challenges, it should contribute significantly to the ongoing dialogue about adapting copyright systems to the digital age and beyond. As CMOs navigate the complexities of AI and evolving digital landscapes, their role as critical intermediaries in copyright management becomes increasingly vital.

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