

Newspaper Websites

Frequently Asked Questions

Glossary of Terms Used

| Glossary | Definition |
|---|--|
| Press cuttings agency (PCA) | A company which compiles relevant newspaper cuttings for clients based on keywords. Cuttings are sourced through scanning print and scraping websites then searching article text and manual review by agency employees. |
| Web monitoring agency/Web Aggregator | A company which provides cuttings to clients, often in the form of links and a short summary text, to newspaper websites. Cuttings are searched for through eClips or by searching text sourced by 'bots' (computer programmes) which automatically scan or 'scrape' web pages at set intervals. |
| Scrapers | Organisations that 'scrape' content from websites. Scraping or harvesting is the method that many media monitoring organisations use to extract, index and search information from publisher websites. |
| eClips | A database of newspapers' printed content which is supplied by the NLA to PCAs. The database contains PDFs of individual articles so saves the need for PCAs to scan newspaper pages. |
| eClips Web | A database of newspapers' website content supplied directly from the software of the newspaper websites and so is richer, more complete and faster than scraping. The database will be supplied to PCAs and web aggregators from January 2010. |
| NLA Licence | The right to make print or digital copies of the content produced by the 8 national and approximately 1300 local and regional newspapers |

1. What is happening? The NLA is introducing licensing for businesses that use newspaper content sourced from the internet and developing a database of newspaper web content (eClips Web) to improve the quality of web media monitoring. Licensing charges will only affect those businesses who use digital cuttings *for direct commercial gain*. Examples include: press cuttings agencies, automated scraper services, PR agencies, communications teams.

2. When is this happening? Media monitoring organisations, whether cuttings agencies or automated scraping services, will need a licence from September 2009. End users will require a licence from January 2010. (End users include any organisation which forwards or receives links from monitoring agencies systematically. In practice this will mean both PR agencies and in-house teams.)

3. Who is taking part? The new web licences will cover digital content on national and local newspaper websites except FT and NI, which have their separate licence requirements. A full list is here: <http://www.nla.co.uk/pdf/NLAwebsitecoverageoct1008.pdf>

4. Why is the NLA doing this? Newspapers' content costs money to produce and publish, whether in print or online. A number of companies make money from providing links to this content and from September they will have to pay for a licence to do so. The fact that these companies make money from monitoring digital content shows that it has value. Licensing web media monitoring will ensure the market is both fair and legitimised. Investing in the eClips database will improve these services so they are deeper, richer and permanent.

5. How much will a licence cost? The cost will depend on your individual use of monitoring.

End users: the additional costs will vary according to the number of users you have or copies you make. You can estimate licence fees by using the fee estimator on www.nla-web.co.uk and the price list can also be found on www.nla-web.co.uk

Monitoring agencies: the cost of a licence will vary according to the number of clients a monitoring agency or web aggregator has and the type of service they supply.

6. What if I don't think I need a licence? The terms and conditions of newspaper websites are legally binding and newspapers' content is protected by copyright law. Please contact the NLA for advice. The NLA will ensure compliance through auditing, external monitoring, and market intelligence, as it does with its print licences.

7. How will the fees be collected?

The fees due from individual aggregators will be payable monthly direct to the NLA. End user fees can be collected either direct by the NLA or by the client's aggregator. In either case, end user fees will be payable annually subject to annual renewal of each end user's licence.

8. What about Google News? The new licences only cover companies whose business model relies on charging for forwarding links. Google has a different business model to this. Companies systematically forwarding links sourced directly or through a free aggregator such as Google, within their business should be licensed. Existing NLA licenses will automatically incorporate this right from January 2010 with no extra charge.

9. What is the legal basis for the licensing of web content?

As is the case with print content, website content is protected by copyright (Copyright Designs and Patents Act 1988). In addition to having protection against unauthorised copying, the copyright owners have the exclusive right to decide how their work is communicated to the public (which includes making it available electronically) and whether it can be used for commercial purposes.

The use of the content is further subject to the terms and conditions of the relevant newspaper website so any use outside of the specified terms would be a breach of the publisher's rights.

10. What do newspaper terms and conditions allow?

Content on national and local newspaper websites is, in general, available for the free use of individuals, but it is subject to copyright and to terms and conditions of use.

If you are a private individual who sometimes sends a link to friends you do not need a licence. In general you only need a licence or permission from the publisher if you are sending links for commercial gain or in some other systematic way.

Whilst each individual website has its particular terms and conditions, the following terms are representative of those which apply to newspaper website content:

- a. making personal links to website pages for reference is acceptable;
- b. sending links is usually acceptable, except for commercial gain. Sending a link to a colleague / friend is usually fine, as is putting a link to an article on an intranet or website;
- c. Regularly sending links as part of your paid work (e.g. monitoring websites for a client or manager) requires a licence;
- d. making copies of the content of newspaper website content (eg multiple prints, PDFs, etc) requires publisher permission.
- e. making copies of newspaper website content in the course of wider activity (for example building a commercial computer index) would require a licence, even if the content was not sent to a third party;

f. archiving or storing copies requires publisher permission.

11. Why has the NLA and the publishers it represents decided that now is the time to license previously unlicensed aggregators? What if anything has changed?

The volume of web content has grown significantly in the last few years and publishers have invested heavily in the creation of that content. To date, some have had individual arrangements with aggregators but inevitably with the growth of the web, the illegitimate harvesting of publisher content has grown and it has been cumbersome to keep track of. The NLA has offered publishers a timely and collective solution to the issue. The web content licence simplifies permissions and the eClips Web service will improve the quality of content and certainty of supply.

12. What is the status of your discussions with third parties? What number do you anticipate will seek authorisation?

The NLA has worked closely with the key players in the UK web aggregation market in ensuring that the licensing model they are creating fits the services aggregators are actually supplying. We have broad agreement that the pricing levels and licensing structure are suitable and sustainable and expect aggregators to take NLA Web Database licences shortly.

13. What impact will the changes have on PRCA and CIPR members?

If members already hold a NLA licence for print monitoring, they will be contacted by the NLA with a briefing on the changes and their implications. Members who receive a web monitoring service but are not NLA licensees will be contacted by their web monitoring service provider. The CIPR has developed some guidelines for their members and this can be found at http://www.cipr.co.uk/member_area/members.asp

14. What will it cost a PR agency to add supply of web content to clients?

A public relations consultancy licence to allow clients to receive digital print content costs £145 per client email address per year. This will increase by 10% (£14.40) to permit receipt of newspaper web content.

15. Are you not simply taxing end users twice?

No, the NLA is charging each tier of the market according to the use that it makes of publishers' web content. To date, many web monitoring companies have accessed editorial content without payment to publishers: consequently their charges to customers have been artificially low because they have not been paying for editorial 'raw material'. End user charges will largely depend upon what use they make of content that they receive. You can estimate licence fees by using the fee estimator on www.nla-web.co.uk and the price list can also be found on www.nla-web.co.uk

16. How will PR agencies who self source links on behalf of clients be treated?

Like any organisation PR agencies are subject to the terms and conditions of the respective newspaper publisher websites and most preclude this type of activity if it is done on a systematic basis. A basic licence from the NLA provides publisher permission and PR agencies are advised to contact the NLA to apply for a basic licence to cover this copying. However, if a PR agency charges its clients for providing web links that the PR agency has self sourced then the PR agency will need to apply for a web copying extension to its basic licence to legitimise this activity.

17. What about bloggers who send links to news stories on their sites? They are generally a free service and therefore not chargeable.

18. What is 'eClips Web' and why is the NLA creating a database of web content?

It's a direct data feed of web content, which improves data quality v scraping services. eClips Web will be available from January 2011. It will be suitable to wholesalers and we do not expect end users to subscribe. It will enable us to offer a significantly improved service to scrapers, and consequently to the PR industry as a whole.

19. What are the benefits of 'eClips Web' over scraping?

More content, reliable and timely delivery, and richer descriptive data, such as journalists name and AVE, permanence and archive functions. Some publishers may elect to make eClips Web the only authorised data source for web content.