

WTO PUBLICATIONS COPYRIGHT AND ROYALTIES POLICY
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WTO PUBLICATIONS COPYRIGHT AND ROYALTIES POLICY

The WTO Publications Copyright and Royalties Policy is confirmed as follows.

I. OVERALL OBJECTIVES:

- Promote widespread access to legal texts, official WTO publications and research materials, with a particular focus on developing countries, with a view to promoting greater public awareness and affordable and sustainable access to the full range of legal, technical, policy and statistical information published by the WTO.
- Promote the undertaking and the widespread availability of high quality translations of official and other WTO publications, including into languages other than the three official languages.
- Preserve the textual integrity and quality of legal texts and other official publications published in the name of the WTO.
- Contain demand for in-house resources and publications budget, and focus use of existing resources to their most productive purposes in line with overall WTO programme directions.
- Strengthen developing country capacity through direct involvement in translating and publishing WTO publications, including through stronger partnerships with academic and other institutions, such as through the WTO Chairs Programme.
- Generate reasonable revenue from commercial sales of publications, to supplement core budget and to support the development and dissemination of further publications.
- Manage demand for in-house resources and core WTO budget for editing and publications, through strategic partnerships with academic publishers.

II. COPYRIGHT POLICY

2.1 *Ownership*

The WTO will maintain ownership of copyright, to the extent possible and practicable, in the publications for which it is primarily responsible, including web-based publications, extracts, and translations. This approach does not flow from any interest in holding copyright as an end in itself, nor necessarily to impose restrictive licences, but rather to enable the greatest leverage and flexibility in negotiating and undertaking dissemination strategies, including open licensing where appropriate. Accordingly,

- In the case of joint publications undertaken with partners such as other international organizations, the WTO will normally jointly own copyright with the other organizations, subject to adjustment in the light of practical needs.
- Authors and contributors, apart from WTO staff writing in the course of their duties, will maintain copyright over their contributions, with a licence to the WTO for the use of their contribution in the WTO publication concerned (including electronic publication, translation and derivative works).
- The WTO will hold copyright over contributions written by WTO staff in the course of their duties; however, to the extent practicable the WTO will observe moral rights including rights of attribution (acknowledgement of individual authors' contributions). This approach may be taken, as necessary, for material prepared by independent contractors but paid for by the WTO.

2.2 *Licensing*

(i) *WTO website material*

All material on the WTO website – unless otherwise explicitly indicated – will be considered available for non-commercial reproduction and distribution in limited volumes, including educational usages, without further permission from the WTO. Proposals for licences for commercial usage will be considered in the light of the overall publications policy and subject to existing obligations concerning that material. Commercial usage of this material would include reproduction of substantial portions in a publication offered for sale or on a website for which access is charged.

Where the website is used to disseminate specific categories of publications defined below (e.g. electronic texts of flagship or academic publications), the policy relevant to that category of publication would apply. Generally, the electronic text of a distinct hard copy publication (as opposed to material published only on the website) will not be available for reproduction other than for private non-commercial usage, without a specific licence - for example, the electronic version of the *World Trade Report* could not be printed in hard copy in significant quantities and disseminated on a commercial scale merely because it is available on the website, since there is a hard copy version already published by the WTO. An updated copyright notice on the WTO website will advise of these terms.

A non-commercial licence is granted for translations of any material on the WTO website, provided that the WTO is provided with a copy of the translation. Translations for commercial use of substantial portions of material from the website will be subject to the same conditions as apply to other commercial usage of website material.

(ii) *Flagship and other WTO priced publications*

Copyright in these publications will continue to be held and exercised in the name of the WTO, in view of their clear status as WTO publications.

Licensing policy. The main forms of dissemination will be in the form of hard copies and web publication approved and administered directly by the WTO. Licensing of this material will normally be limited to non-commercial uses, so as to promote widespread access and consultation, while maintaining a modest revenue flow from their commercial dissemination to support WTO publications activities. Special arrangements (such as low-cost editions) may be pursued, where possible, to facilitate access to publications by developing countries and LDCs in particular.

Translations (where not already directly produced by the WTO). Such translations will be actively encouraged under a specific licence for translation and subsequent publication, subject to (i) coordination, where appropriate and practicable, through the WTO Chairs Programme, with these partner institutions being the preferred option for translation projects, to ensure focused and sustainable capacity-building and to promote the quality and consistency of WTO-licensed translations (ii) reasonable supply of hard copies or digital files for WTO use (and uploading to the WTO website, as appropriate) (iii) payment of 6% royalties to the WTO (if the translation is to be published and distributed commercially).

Co publications in partnership with academic/commercial publishing house

Copyright would continue to be held in the name of the WTO, in view of their status as WTO publications (subject to individual authorial copyright over particular chapters).

Licensing policy: Specific licences would be negotiated according to the degree of input provided by the different parties, according to the following general provisions:

- exclusive rights to publisher for hard copy publications, subject to a combination of any or all of (i) reasonable royalty to the WTO, with 10% royalties being the reference benchmark (ii) a supply of free copies to the WTO and (iii) possible tiered pricing for developing countries or separate developing country editions;
- non-exclusive rights to publisher for electronic (web, e-book) publication, and default option of continuing access to material on WTO website (which may be waived only if essential for practical publishing agreement), this electronic access being limited to non-commercial uses (in line with the general policy on web publications)

Translations: In the case of priced WTO publications, such as academic works and guidebooks, that are prepared in partnership with and published by external publishing houses, the first option for translations would be offered to the original publisher (with 6% royalties being the reference benchmark), but with clear alternative options in the event the option is not taken up within a reasonable period. In that case, the general policy on translations of priced WTO publications would apply.

Co publications in partnership with other international organizations

Copyright would normally be jointly held by the distinct organizations, with an understanding that each organization would be free to exercise that copyright independently of one another; subject to any adjustment in the light of the policy and practice of partner organizations.

Licensing and translation policy would be adjusted according to mutual agreement, with the default approach being the same as for a WTO publication (defined above), depending on the categories:

- WTO/partner priced publication
- WTO/partner free publication
- WTO/partner priced publication produced in partnership with academic/commercial publishing house.

(iii) *WTO legal texts*

Copyright in WTO legal texts will continue to be held and exercised in the name of the WTO, in line with international practice, while recognizing that widespread free access to and use of the legal texts is vitally important and the practice in some jurisdictions of excluding legal texts from copyright protection.

Licensing policy. An open licensing policy would apply to legal texts to ensure as wide as possible access, possibly subject to specific provisions for official edited layouts in order to maintain their textual integrity as a reference and benchmark. This policy would permit free use of legal texts even in commercial works, subject to possible agreement to provide a copy or copies of any such works to the WTO as required for technical assistance activities, provision to institutions in developing countries, and/or provision to the WTO library.

Translations (into other than official languages). Free licences would be available for all translations of the legal texts into languages other than official WTO languages. Translators would be encouraged to supply such translations to the WTO for possible selective inclusion on a legal texts website (as a technical assistance resource without official endorsement).

(iv) *Official WTO documents*

Copyright in WTO official documents will continue to be held and exercised in the name of the WTO, in line with international practice, while recognizing that widespread free access to and use of these documents is vitally important.

Licensing policy. An open licensing policy would apply to official documents in part or in whole. This policy would permit their free use even in commercial works, but publishers of such works would be encouraged to offer copies to the WTO potentially for technical assistance activities, provision to institutions in developing countries, and/or provision to the WTO library, and would be required to agree on such arrangements in the event that extensive materials were proposed to be used from official WTO documents.

Translations (into other than official languages). Free licences would be available for all translations of official documents into languages other than official WTO languages.

(v) *Dispute settlement reports*

Copyright in dispute settlement reports will continue to be held and exercised in the name of the WTO. A distinction is made between:

- panel and Appellate Body reports initially published in the form of separate WTO documents, bearing symbols of the form WT/DS273/R and WT/DS399/AB/R ('original reports'), and

- the reports as published and formatted in the official series of WTO Dispute Settlement Reports, which is published as a legal reference series with distinct citations (of the form DSR 2005:XII) through agreement with a leading academic publisher ('published reference series').

The original reports, being published in the form of official documents, would be subject to the same standards as apply to official documents in general, as outlined above, while the published reference series would be treated in the same way as the publications in the category *WTO priced publications*.

(vi) Free WTO publications

Copyright in free WTO publications would be held and exercised in the name of the WTO.

Licensing policy. General licences would be limited to non-commercial uses, to promote widespread access and consultation, including free and free of charge access on otherwise commercial sites. Any proposed commercial reproduction of free WTO publications would be subject to a specific licence.

Translations (where not directly produced by the WTO) would be actively encouraged under specific licences, subject to (i) coordination through WTO Chairs Programme, with partner institutions the preferred option for translation projects and others to ensure capacity building and quality and consistency of WTO-licensed translations (ii) reasonable supply of hard copies or digital files for WTO use (and uploading, as appropriate) and (iii) payment of a reasonable royalty, to be based on the benchmark rate of 6%.

III. IMPLEMENTATION OF THE POLICY

The Information and External Relations Division (specifically the Publications Manager) will be responsible for the implementation of the WTO Publications Copyright and Royalties Policy.

ANNEX I: OBJECTIVE OF THE PUBLICATIONS POLICY

The WTO publication programme has expanded significantly over recent years. The ways in which its users access and make use of WTO publications have also changed and diversified. The needs and expectations of Members continue to evolve, as do those of the general public and particular policy and scholarly communities. The growing diversity of possibilities for disseminating publications, driven in part by technological developments and new opportunities for access to these materials, create new opportunities for access to WTO materials. The WTO also seeks to serve a more diverse and geographically and culturally more widely spread public as potential users of its publications and other documents.

In the light of this evolving and diversifying demand, and to respond to the new opportunities for information dissemination, this document clarifies the publications policy for the WTO. It sets out the various purposes of the WTO's development and dissemination of new publications, an array of complementary purposes that are consistent with and supportive of the overall goals and mandate of the Organization. This policy provides a framework for the practical exercise of mechanisms for assigning and licensing copyright in original and derivative works, so as to achieve the goals of the publication policy.

The policy addresses such questions as

- managing the costs and revenues from WTO publications;
- authorizing translations (into WTO official languages and other languages) and other derivative works;
- building capacity and awareness in developing countries;
- maintaining integrity and accuracy of legal texts and official publications; and
- promoting the diffusion of texts and publications for open access and public benefit.

I. SCOPE OF THE PUBLICATIONS POLICY

The WTO produces directly, or is involved in the production of, a wide range of publications, which can be distinguished according to various factors:

- the degree of direct WTO sponsorship,
- the role of and contribution of an external publisher, and
- the participation of other parties in the authorship, editing and production of publications.

The main categories of publications are:

WTO Flagship publications, published by and in the name of the WTO, and serving as a central means of mitigating the work of the Organization to Members and the public in general.

- These include the Annual Report, the International Trade Statistics, and the World Trade Report

Other WTO priced publications, also published by and in the name of the WTO, which are intended to serve more specific needs.

- Examples include the WTO legal texts, Dispute Settlement: One-Page Case Summaries, Trade Profiles, and World Tariff Profiles.

WTO co-publications, published by and in the name of the WTO, but in partnership either with another international organization or academic publishing house.

- Examples of those which represent partnerships with other international organizations include Aid for Trade at a Glance (OECD), Globalization and Informal Jobs in Developing Countries (ILO), and WTO Agreements & Public Health (WHO).
- Examples of those which are published by the WTO in cooperation with academic publishing houses are numerous but include, with Cambridge University Press, Dictionary of Trade Policy Terms, Dispute Settlement Reports, The First Ten Years of the WTO, the Handbook series, the WTO Analytical Index and the WTO Appellate Body Repertory of Reports and Awards.

Free publications, published directly by the WTO, and distributed without charge.

- These include 10 Benefits of the WTO Trading System, Understanding the WTO, The WTO and the Millennium Development Goals, and The WTO in Brief.

II. PARAMETERS FOR THE PUBLICATION POLICY

A publications policy needs to clarify and address the broader objectives for the publications programme. There is a wide range of options for managing, licensing and assigning copyright, and copyright may be held in different hands depending on the nature of authorship and the relationship of authors with the WTO (such as employment or other contractual arrangements). However, it is impossible to exercise these various options effectively without an understanding of the broader publication policy objectives. Equally, depending on the nature of their diverse inputs to one publication, individual authors and co-publishing partners, copyright in one composite publication may be held by several different parties, and this can be a constraint on how copyright is assigned and exercised; a clear policy framework is therefore helpful in setting directions for such partnerships in publication activities.

The elements of a publication policy and the consequent copyright management issues can be taken in a logical order:

- confirming the overall scope and objectives of the publications policy - what is the WTO seeking to achieve through the various publications it develops and disseminates, in line with its overall mandate
- clarifying copyright status, so that it is clear what rights are in the hands of the WTO and what are held by others, and there is no ambiguity about copyright status
- determining how to exercise specific copyright tools, consistent with copyright ownership, in such a way as to achieve the goals of the publication policy.

1. Publications policy

The objectives of the WTO publications policy are necessarily diverse, and emphasis will differ according to the category of the publication and possibly also the nature of the individual publication. However, the key objectives, expressed in general terms, would include the following:

- Ensuring wide dissemination of publications, with a view to promoting greater public awareness and access to legal, technical, policy and statistical information published by the

WTO, in such a way that is practically accessible to the widest possible cross-section of potential users, noting the needs and context of the developing world and of LDCs in particular.

- Preserving the integrity and quality of legal texts and other official materials published in the name of the WTO in each of the official languages (and potentially including promoting quality and accuracy in translations into other languages).
- Strengthening developing country capacity, both directly in translating and publishing WTO publications, and in the broader sense of promoting affordable and equitable access to official texts and other publications.
- Generating reasonable revenue from sales of publications, where appropriate, to offset costs incurred and to support the development and dissemination of further publications.
- Using publication partnerships with established publishing houses to reduce demand on in-house resources for more laborious editorial and publication functions, making substantive budget savings for the Secretariat while maintaining high editorial quality.

2. Clarification of copyright status

Since copyright is a bundle of rights, it is not necessarily the case that the WTO as such would hold all applicable rights to all publications, across all national jurisdictions, or even that this would be a desirable state of affairs for all publications in all countries. Accordingly, this creates both a need to clarify copyright status and to determine the range of practical options that is open to the WTO:

- It is important to clarify who owns what rights, if necessary through specific publication contracts that specify clearly that, where necessary, copyright ownership is assigned to a specific party, so that copyright can be licensed in a transparent and predictable way, without uncertainty or ambiguity; and
- It is possible to exercise the rights in different ways, in different jurisdictions – for example, to allow for a developing country institution to arrange for low-cost editions reserved only for developing country markets.

Accordingly, this step would entail clarifying:

- What rights are held by the WTO, either by virtue of authorship by its employees or by virtue of contract (such as when a consultant or author is contracted to prepare material for a publication)
- What rights the WTO is prepared to license or assign to other parties – in particular where the ownership of certain copyright should be transferred to another party (such as a publishing house) or whether certain, specific rights should be licensed selectively as appropriate (such as the rights to publish a translation, or the right to reproduce the work for a particular market)
- How the WTO ownership of copyright, and its willingness to license copyright, are communicated to the public, for instance through an updated copyright notice on the website, clarifying the terms and conditions under which material published on the website can be used

- How the WTO would monitor and, if necessary, respond to third party infringement of copyright, or in the case of breaches of the terms of a licence

Annex II to this document provides an overview of key terms.

3. Exercise of specific copyright tools

Once the status of applicable copyright is clarified, and, if necessary, steps (such as contracts and assignments) are taken to ensure that clarity, then there is a firmer basis for putting into place specific copyright management tools so as to achieve the particular objectives for any publication or category of publications. The options here would include, as an illustrative range of examples:

- The degree to which WTO publications are available to be reproduced without further permission, and distinctions between reproduction for non-commercial and educational use, and reproduction for directly commercial purposes
- Management of copyright ownership in the case of co-publications with other international organizations, including making arrangements to accommodate publication policies of such partners
- Management of copyright ownership and licensing of rights under copyright in the case of co-publications with academic publishing houses, so as to secure the benefits of editorial and other publication capacity of professional publishers, while leveraging continued open access, such as retaining the right to upload electronic texts on the website while licensing exclusive rights to reproduce hard copies for sale
- Management of the distinct right under copyright to authorize translations, so as to promote access to WTO materials while ensuring reasonable quality: the right of translation may be used to strengthen technical and legal capacity in developing countries, the cooperating institutions with a designated WTO Chair being an example of potential partners for such projects.

ANNEX II: KEY TERMS

Copyright – a term for the bundle of rights associated with a literary or artistic work; in the case of publications, this includes rights over the reproduction, making available to the public (including through uploading on the Internet), adaptation and translation of the published work. Copyright is recognised and exercised under national law, and is territorial in scope, meaning that the same published work can be licensed and published in different ways in different jurisdictions. Copyright is typically subject to limitations and exceptions. For instance, some countries exclude legislative texts altogether from copyright protection; and all countries provide for specific exceptions and limitations to the scope of rights, permitting for example various forms of personal, non-commercial or educational copying without the permission of the copyright holder.

Authorship and assignment – normally, original authorship is considered the basis for copyright. The original author of a work is considered the owner of copyright in that work, but this ownership of copyright may be transferred to a third party, such as the employer of the author, or through a contract; when the ownership of copyright is transferred in this way, it is said to be "assigned" or transferred through "assignment".

Licensing – the owner of copyright can, and very frequently does, licence the content to be used in defined ways. The different rights within the copyright "bundle" can be licensed in different ways – for instance, the right to reproduce the publication can be licensed to one publisher; and the rights to produce a translation or other derivative work, and to reproduce it, can be licensed to another publisher. Licensing can also distinguish according to national jurisdiction, or according to specific markets (such as academic, public sector or developing country markets).
