

Code of Conduct

The purpose of this code

This Code of Conduct sets out the service levels publishers can expect of PLS when acting on their behalf in administering the voluntary collective licensing of their published material. It provides an overview of how PLS operates, the standards it adheres to, and the procedure for seeking redress if a publisher considers PLS has fallen short in any aspect of its dealings with the publisher, including failure to adhere to this Code of Conduct.

Nothing in this Code of Conduct is intended to limit or amend the terms on which PLS operates and which are set out more fully in the PLS General Terms and Conditions and the Distribution Charter.

This Code of Conduct incorporates the Principles for Collective Management Organisations' Codes of Conduct endorsed by the [British Copyright Council](#) to the extent relevant to the operations of PLS. It also demonstrates that PLS observes the mandatory requirements of the [Collective Rights Management Directive](#) and [The Collective Management of Copyright \(EU Directive\) Regulations 2016](#).

About PLS

PLS enables the legal use of a range of publications* on behalf of publishers and administers copyright and related rights on a collective basis where it would not be efficient or cost effective for publishers to license individually. PLS undertakes to distribute all monies collected from collective licensing regularly, diligently and accurately to those publishers whose publications are used (see How we pay publishers in the following section).

* Where these are text based and excluding newspapers.

Our mandate and its flexibility

All UK and overseas-based publishers of books, magazines, journals and websites are eligible to sign up to PLS to manage certain rights in their works on a collective basis. They can do so by signing a Publisher Account Form (see Flexibility of the Publisher Account below), for which there is no charge, and which is available on request from the PLS website.

By signing a Publisher Account Form (see the Further information section of this Guide), the publisher enters into a contract under which it authorises PLS to license, through collective licensing, the reproduction and other use of limited extracts of the repertoire that is owned or controlled by the publisher.

Flexibility of the Publisher Account

A Publisher Account can be updated and amended by means of PLS's online service, PLS Account Manager, which is accessible through the PLS website. A publisher may terminate its Publisher Account on six months written notice to PLS.

How we license

PLS appoints collective management organisations, including the Copyright Licensing Agency (CLA) and NLA media access (NLA), to license on a collective basis the rights granted to PLS by publishers.

CLA issues licences to copy extracts from books, magazines, and journals of up to 5% or a single chapter or article, whichever is the greater, or an equivalent proportion of a website. CLA licences include the right to copy the works of publishers, authors and visual artists. CLA licence holders include schools, universities, colleges, public bodies (including government departments, local authorities and the NHS) and a wide variety of businesses. PLS also grants CLA permission to license repertoire in Publisher Accounts to reproduction rights organisations abroad with which CLA has a bilateral agreement.

NLA issues licences to copy extracts from magazines and websites. PLS appoints NLA to license limited rights on behalf of certain magazine publishers on its behalf as a licensing agent.

Licence development and consultation

PLS works closely with CLA, NLA and with individual publishers on the development of all new licences and on changes to existing licences. All publishers signed up to PLS are invited by means of the PLS eBulletin to participate in consultations, either in person or online through the PLS website.

All licence developments are closely scrutinised by, and are subject to the final approval of the Association of Learned and Professional Society Publishers (ALPSP), the Independent Publishers Guild (IPG), the Professional Publishers Association (PPA) and the Publishers Association (PA) (see Our Governance section) in consultation with and on behalf of their members, as well as by the PLS Board and (as applicable) the CLA or NLA Boards.

How we pay publishers

We distribute the licensing revenue we receive from collective licensing in accordance with our [Distribution Charter](#), which includes the basis for calculating the distributions we make to publishers, the frequency of such distributions, and the deductions that are made.

Our governance

PLS is a not for profit company limited by guarantee. It is owned and controlled by trade associations representing the interests of publishers. The following trade associations are its current members:

- Association of Learned and Professional Society Publishers (ALPSP);
- the Independent Publishers Guild (IPG);
- Professional Publishers Association (PPA); and
- Publishers Association (PA).

Each trade association appoints up to three directors to the PLS Board. The Chairman and the Chief Executive of PLS are also directors. The Chief Executive remains a director for the duration of his/her term of office. The Chairman is appointed for three years and is eligible for re-election for a further term of three years. Each member may appoint a director to represent that member for such term as they shall decide. All remaining directors must retire on the fourth anniversary of their appointment and may be re-appointed for one further term of four years. Any publisher wishing to be considered for appointment to the PLS Board should apply to one of the named trade associations.

PLS currently appoints two licensing agents:

CLA, is owned by PLS, the Authors' Licensing and Collecting Society (ALCS), the Design and Artists Copyright Society (DACS) and Picture Industry Collecting Society for Effective Licensing

(PICSEL). They each have the right to appoint directors to the CLA Board. The Chairman and the Managing Director of CLA are also directors of CLA. A further director of CLA is appointed to represent rightholders whose works are licensed under extended collective licensing.

NLA is a limited liability company owned by the eight national newspaper publishing groups, PLS is entitled to nominate a representative of magazine publishers onto the NLA Board.

More information about how PLS is constituted and governed, how publishers can participate in decision making processes, and how and when PLS consults with publishers about changes to its licensing schemes can be found in the PLS Articles of Association and the PLS General Terms and Conditions (see Further information and reading).

Publishers' rights and obligations

- Publishers may exclude certain titles, rights, licences and/or territories from their grant of rights to PLS using the settings in their online Publisher Account in PLS Account Manager.
- Publishers are entitled to attend consultation meetings and participate in our consultations online through the website regarding licence developments.
- Publishers are required to assist PLS in maintaining an accurate and comprehensive database by keeping the title data in their Publisher Accounts accurate and up to date at all times.
- Publishers should update their Publisher Account promptly with any changes in their contact details, their main PLS Account Manager contact or any personnel listed in PLS Account Manager.
- Publishers can nominate as many people within their company as they wish to receive the PLS eBulletin and to have access to their Publisher Account. Any individual wishing to cease receiving the PLS eBulletin can advise PLS by contacting us at pls@pls.org.uk

Our employees

We will ensure that our employee training procedures include training on conduct that enables them to comply with the obligations set out in this Code of Conduct.

Our commitment to publishers

- We will treat all publishers fairly, honestly, reasonably, impartially, courteously, transparently, and in accordance with the rules of our constitution.
- We will operate within the mandate granted to us by publishers and in the best interests of the publishers signed up with us.
- We will distribute licensing revenue to publishers in accordance with our Distribution Charter.
- We will take all necessary measures to identify and contact any publisher who has not signed up with us but for whom we receive licensing revenue.
- We will provide publishers with online access to their Publisher Accounts in PLS Account Manager as far as possible on a 24/7 basis.
- We will treat all data, including personal data, relating to publishers with due care and respect in accordance with all applicable laws and codes of conduct and in accordance with our privacy notice (which can be found on the PLS website).
- We will respond courteously to publishers within our stated response timescales (see Contacting PLS).
- We will publish an Annual Review which will, in respect of the applicable reporting period, include details of the number of publishers we represented; our distribution policy; the total licensing revenue received by us from collective licensing; our administration costs; the allocation and distribution of licensing revenue received by us and the extent to which this complied with our Distribution Charter; procedures for the

appointment of directors to PLS and any appointments made; the remuneration of each PLS director; such further information as we may be required from time to time by law to provide; and our compliance with the requirements of this Code of Conduct including data on the total number of complaints and how they have been dealt with.

Complaints procedure

This complaints procedure applies where a publisher wishes to make a complaint about any aspect of PLS's dealings with that publisher, including failure to adhere to this Code of Conduct.

This procedure does not apply to:

- the interpretation of copyright law;
- the licence tariffs quoted or charged by CLA or NLA or any other matter that is within the jurisdiction of the Copyright Tribunal; or
- complaints relating to breach of personal data and infringement of Data Protection Laws

Our employees are fully aware of the procedures for handling complaints and resolving disputes in accordance with this complaints procedure and will always explain those procedures to publishers, licensees and the general public in plain English. We will provide all reasonable assistance to complainants when forming and lodging a complaint and will make adequate resources available for the purpose of responding to complaints. We will aim to deal with and resolve all complaints within four months of the complaint being sent to us in accordance with the procedures set out below:

1) The publisher should send its complaint in writing, together with any supporting evidence, to PLS at the address on the PLS website and marked 'PLS Complaints', or by email to plscomplaints@pls.org.uk. We will acknowledge letters and emails within two working days of receipt, and we will endeavour to provide a substantive response in writing within a further ten working days. We will advise the publisher within this ten day period if we will not be able to resolve the matter within such timescale and of the likely time it will take us to respond in full.

2) If the publisher remains dissatisfied with the response it should write to the Chief Executive of PLS at the address on the PLS website. Letters will be acknowledged within five working days of receipt and the Chief Executive will either:

- undertake to send a further response in writing after appropriate advice has been taken, with an indication of the timescale within which the publisher can expect that further response; or
- confirm in writing the original decision and that it is PLS's final decision, and notify the publisher of its right to refer the matter to an independent reviewer.

PLS reserves the right not to deal with vexatious or frivolous claims.

3) If we have advised the publisher of our final decision under the complaints procedure outlined above and the publisher is not satisfied with our decision, we agree to enter into mediation in good faith to settle such a dispute and will do so in accordance with the Centre for Effective Dispute Resolution (CEDR) Model Mediation Procedure. Unless otherwise agreed between the parties within 14 days of notice of the dispute, the mediator will be nominated by CEDR.

To initiate the mediation a party must give notice in writing (**ADR notice**) to the other party to the dispute, referring the dispute to mediation.

Mediation will not be appropriate for a complaint about a matter which:

- concerns or relates to the licence tariffs quoted or charged by CLA or NLA or any other matter that is within the jurisdiction of the Copyright Tribunal;
- concerns a dispute which is the subject of court action by either party, unless that action has been suspended pending referral to mediation;
- has, substantially, previously been the subject of a settled dispute between the parties;
- Copyright Licensing and any related legal issues; or
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- any matter within the jurisdiction of the Information Commissioner's Office.

PLS will bear the reasonable and proper costs and charges of CEDR and the mediator. If the parties are able to settle the dispute PLS will recommend to the PLS Board that such decision be implemented as soon as practicable.

Contacting PLS

Publishers may contact PLS in any of the following ways:

By telephone:
0207 079 5930

Between the hours of 09.00 and 17.00, Mondays to Fridays.

By email:
pls@pls.org.uk

By post:
Publishers' Licensing Services, **5th Floor, Shackleton House, 4 Battle Bridge Lane, LONDON SE1 2HX**

We will answer the phone within one minute during business hours, acknowledge emails and letters within two days of receipt, and respond in full to all queries – where they cannot be dealt with immediately – within a further ten working days. We will advise the publisher within this ten day period if we will not be able to resolve the matter within such timescale and of the likely time it will take us to respond in full.

Further information and reading

We maintain and make available the following resources for the benefit of publishers. These can all be found on the PLS website, and are also available on request by emailing pls@pls.org.uk.

1. Publisher Account Form;
2. PLS General Terms and Conditions;
3. PLS Distribution Charter;
4. Audited accounts;
5. Articles of Association;
6. Annual Review (which will be published and available to download each July); and
7. Guide to Collective Licensing booklet.

In addition to the PLS resources referred to above, publishers may find the following further resources helpful:

8. CLA website at www.cla.co.uk;
9. NLA website at www.nlamediaaccess.com

We will ensure that all information provided by PLS and referred to above is kept up to date, is readily accessible, and is written in clear language.