



**Your Content's Children May Surprise You
Recorded at London Book Fair 2019**

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KENNEALLY: Welcome to Olympia Hall and the London Book Fair. My name is Chris Kenneally for Copyright Clearance Center.

Our program this afternoon is called Your Content's Children May Surprise You.

Surrounded by the written word here at the London Book Fair, I want to suggest we take a moment away from the business concerns of our working lives in books and with books to consider the lives of books.

Jonathan Swift said that books are the children of the brain. Judging by the profusion of published works in the hundreds of stalls all over Olympia Hall – books, journals and multimedia databases – our brains don't get very much sleep.

Publisher parents aren't terribly different, in fact, from those parents we see waiting outside grammar school yards or watching around a football pitch. Publishers promote publications just as parents send birth announcements. Publishers work hard too, just like parents, to ensure these children have the best chance for success.

Parents expect the unexpected to happen, and so should publishers. You can choose the original market for a particular work, and your content children will end up making their own ways in the world in spite of you. The situation is familiar to every family. For very sensible business and intellectual reasons, publishers are usually fixated on the original intent for their content. As a result, they may discourage or even reject reuse potential when it appears.

Our objective in the next hour is to learn how to identify and anticipate unrelated potential value locked in existing content and how to be ready to respond when the unexpected happens. And to do that, I want to introduce my panel today. Very happy to welcome, from the very far end to my right, Nilu Mallory. Nilu, welcome.

MALLORY: Hello.

KENNEALLY: Nilu Mallory is Head of Asset Management for Dorling Kindersley (DK), managing all assets used in the publishing process. She is responsible for commissioned images, agency images, fonts and archiving. She has a wealth of



experience with image management systems, archive and content rights and ensures the efficiency of assets across DK's global offices. Prior to working at DK, Nilu managed the rights services for Getty Images.

Also want to welcome for joining us Jim Colbert. James Colbert leads content licensing in the Americas and rights permissions globally for Highlights for Children. Jim helps education partners, ed-tech companies, schools and publishers discover and license high-quality content for use in curricula, reading programs and assessments. I think we have to disclose that, prior to joining Highlights, Jim was rights holder relations management at my own company, Copyright Clearance Center, so it's good to see you, Jim.

COLBERT: Thank you.

KENNEALLY: And then immediately to my right is Jessica Rutt. Welcome.

RUTT: Hi.

KENNEALLY: Jessica is International Rights and Licensing Manager at RCNi, the premier provider of innovative and creative information solutions for the whole nursing team and associated health professionals. Jessica joined RCNi in 2017, and she's responsible for licensing content globally to a range of partners. Before joining RCNi, she spent more than a decade working at Nature Publishing Group and Springer Nature.

And Jessica, I'd like to open with you, because you've had considerable experience in this subject area, which is the when the unexpected happens – when people come to you, they've seen some content and they want to reuse it in a way you had never imagined before. I'm sure some of those are really interesting from a professional perspective, and then some of them make you think, are you sure you want to do that? Give us an example.

RUTT: Yeah. That's very, very true. So harking back to my Nature days, I joined the company there to be permissions assistant. And as you'd probably imagine, everybody wants to be reusing Nature content. They want a bit of Nature magic all over their own works.

But from time to time, we'd get very unusual requests, very nonacademic requests. So I was searching back through my brain, trying to think of something that would interest you. One that came to mind was we had a request to turn a Nature cover into a big cake for an SLA conference. And –



KENNEALLY: SLA is Special Libraries Association.

RUTT: That's right. Yeah.

KENNEALLY: So those librarians – they're really kind of going wild? (laughter)

RUTT: I mean I wish I'd been there to see – to have a taste of the cake – but they got the bakery that's in this TV show – Ace of Cakes – I don't know if any of you know this – they got that bakery to produce it, and apparently it was good.

And from time to time, stuff like this would come up. If you were a Nature author, you might want to tell the world that you'd had a paper published in Nature, and we had requests to make posters, make pictures, once to make some Nature wallpaper, with the same cover all over –

KENNEALLY: Not that long ago.

RUTT: – all over it on a feature wall – yeah. I mean you'd be proud to be published by them, so, yeah.

KENNEALLY: Well, now, when you have a brand like Nature or a brand like RCNi, you need to be careful. Not every request that comes in is something you want to say yes to. How do you meet that challenge? Is there a bright line for these kinds of things or is it really something that is a judgment call each time?

RUTT: Yeah. So there's a big gray area, I'd say. I mean, a lot of permissions are automated now, and you tend to set up the automation to handle things that you know you're comfortable with.

But there are reasons why you'd say no to permissions. And one of these might be you wouldn't want to license your content – your pictures – into rival products, necessarily.

A thing that has always been important to me is just trying to think where your brand is going, so RCNi is a very well-respected brand. People will be happy to associate themselves with it, to push products to the nursing world. And we don't want anybody taking advantage of us like that. And we don't want to be associated with anything that's completely inappropriate for our content.

So yeah, there are occasions when you say no. It's just – it's just a judgment call.



KENNEALLY: It's about the scope of the project. It's about its potential reach, then, I would say.

RUTT: Yeah. That's right, yeah. And I think you – I mean, it's hard to know, isn't it? I think, in the olden days, you'd say, OK, you're licensing it into this book or I'm going to put it – you know, a pharma company wants to use this figure in this brochure.

But the world we live in now – you know, you license content out, and then you don't really know who's for sure going to be seeing that, and you don't really know what they might do with it. And it is a bit of a judgment call, a bit of a balancing act knowing when to say yes or when to say no.

I mean I think, if you're overcautious, you lose out and you make life difficult for everyone. But sometimes – yeah – a case-by-case analysis is needed.

KENNEALLY: Right. And Jim Colbert, we want to talk about your experiences there with Highlights – again, a very important brand, a brand I'm sure you want to be very careful about managing. And for those in the audience who may not be familiar with it, if you're from the US, North America, you can't grow up without reading Highlights. Tell us just briefly what Highlights is.

COLBERT: So Highlights is a children's magazine publisher. That's our primary flagship publications – our magazines, from essentially for newborns through age 12. But in addition, we've launched – we have trade books, we have standalone e-books, audiobooks as well as education books.

KENNEALLY: So in this era – the era of digital distribution that Jessica was just talking about, those publications are reaching far beyond the dentist's waiting room, where I remember reading it many years ago. And in particular, for English language learners, that's where the real opportunity – or one of the real opportunities – you've experienced is. Tell us about that.

COLBERT: Absolutely. So until recently, Highlights was pretty unknown outside of the United States, so in the United States, it's a very well known brand with many subscribers.

And what we started to do is we took our magazine articles, fiction and nonfiction. We fully indexed them. We've assigned – turned them into standalone e-books, audiobooks, with ISBNs, and started selling them outside of the United States – or licensing them – both licensing in print, in digital and selling hard copies. And



what we learned is there's a very high demand in Asia, in the Middle East and in South America for English language learning.

KENNEALLY: Give us an example of the kinds of works. Can you tell us any titles or at least some of the subjects or the topics that are particularly interesting to that audience? And I would imagine there's some challenge, because the content in your backlist – some of it would have been created really just thinking about the American audience. So if it's going to move from that American audience to an Asian audience, is there an evolution in the content itself?

COLBERT: There is. So among our most popular titles, to give you examples, are stories about animals or stories about friends playing and engaging in activities.

What's interesting is what we learned is, depending on the country, the content – some of our partners might want to make changes to the content or they might not.

So as an example, in China, which is a very large market for us, not only is our content licensed very heavily for English language learning, but what we learned is that it's very important for schools to teach their students about American culture.

And so as a result, they make no changes to the content at all, so they want the content as is. And if you read Highlights, you'll very quickly notice that the scenes could only be from the United States, generally.

On the other hand, in other countries, they liked the content but they wanted to make changes to it so it might be more neutral, it might be less clear exactly where it's from, and we're very flexible on that. We realized, to work in other countries, that was something important to do.

KENNEALLY: Right. And talk about those audiobooks and e-books that you said you are now either publishing yourself or licensing around the world. How has Highlights created those lists? Are you thinking about certain subject areas? Is it by age groups? Tell us about that.

COLBERT: By a combination of both. So we took our existing catalog and we tried to select some of the more compelling – many of the compelling and interesting stories, but very much focused on our fiction and nonfiction stories as opposed to our hidden-pictures puzzles, for example.

But we took those and pretty carefully made sure that it was a range of Lexiles, which is a measuring tool in the United States for different grade levels, different ages, to make sure it would appeal to as diverse an audience as possible.



KENNEALLY: All right. Well, so Nilu Mallory, DK is clearly a global brand. You're also concerned with your brand. How do you, at DK, take on that same challenge that Jim and Jessica have been talking about?

MALLORY: So very similarly, so we do sell some of our images and our content to other companies. We try to be careful who those customers are. But even internally, we try to be careful about how we're reusing our content so we're not kind of damaging any particular kind of genre and we're not kind of overusing our content too much so we're diluting it.

KENNEALLY: Right. Well, that's important, because DK is published in a number of languages, obviously, around the world, I'm sure. And this comes to the point about managing content and managing the rights. You really have to know that that image has appeared in the Italian version, in the Arabic version as well as the English version.

MALLORY: Well, I mean knowing that information is key – so information is power – so you need to know what images you're using. You need to know what and which titles, so that, once you have that information or once our designers can see all of those images and how they're being used, they can make good decisions about what content they put in each title, so your product is fresh. Yeah.

KENNEALLY: Right. Well, tell us about the kinds of requests you are getting – and the crazier, the better. (laughter)

MALLORY: (laughter) Well, we get lots of kind of interesting requests. So we also sell some of our pictures. And I think what's interesting is that what might be a very boring picture, for example – so we have a lot of pictures which are of, you know, just plain parchment – kind of old-fashioned kind of yellowing, decaying kind of parchment. But because it's blank, it has a lot of reuse potential, so people can put that as a background on like inside pages or they can put sort of wording and stuff on top.

So what might not be very exciting to some people actually, to a designer, that's actually really useful, because it can go across lots of different products and things like that, so –

KENNEALLY: So what I hear you saying is that you can underestimate the value of something.



MALLORY: Absolutely. Yeah. Some of the things which you really wouldn't think would be – you know, might have just like a onetime usage.

So we've got some images which are of Christmas trees. They're really kind of your stereotypical Christmas tree – it's green and it's got lots of red decorations on it – and so you think that's quite boring.

But actually, if you shrink that down, you can put that on the top corner of a page, or you can reuse that in lots of multiple different ways.

So the key for us is to have those images, to identify that content, keyword them properly, know how they've been used and then that can spawn lots of different kind of reuse.

KENNEALLY: Well, we've been talking about reuse of materials for 15 minutes now, and we haven't used the copyright word yet. Right? And that must be where things get pretty complicated.

MALLORY: Yeah. I mean we are particularly careful with rights. So every image, for example, has those hundreds of fields of metadata, literally, and so there's how it was originally used, who originally shot it, who the model is, what the reuse is, are there any restrictions externally, are there any internal embargoes.

So all of that information we have to have because, if we want to reuse that information, we need to make sure that we've got the photographer's consent, we've got the model's consent, if there's – whatever it is – we need to have that information written down so that we're not going to get into trouble, because we are increasingly in a society that is litigious.

So you've got to make sure that you're doing the right thing, you're paying people properly, you're acknowledging them or crediting them or whatever it is.

But you need to have that information in one centralized place, because otherwise you can't have one book that's translated into 60 languages and, you know, you can't get – have that. You can't get into trouble in any way.

KENNEALLY: Right. And the exposure is global, potentially.

MALLORY: Absolutely. Yeah. Definitely.

KENNEALLY: Right. It's really challenging.



The people who are making the requests, whatever they are – whether they’re the sort of run-of-the-mill requests or extraordinary ones – they’re looking for, I’m sure, black-and-white answers. They want to know they can use it today for this period of time in this many countries. And these complicating legal factors you describe make that difficult, I imagine.

MALLORY: They do. And in fact kind of every single time these things come about, people always want a very clear answer. Is it a yes or is it no? And they almost want it to be like a computer script that you’ll punch it in and you will get X amount of an answer.

But actually, images and content doesn’t work that way. It’s not kind of – you know, there’s always a nuance to it. As Jessica was saying before, it’s – there’s always – there does need to be a judgment call, so you need to have the information to hand so you can make the right decisions. And it depends on your original use, and it depends on your future use.

KENNEALLY: Right. And Jessica Rutt, looks you want to add something.

RUTT: Yeah. So this has just made me think of something as well, which I’m sure you have both encountered, which is, when you are acquiring content or if you’re getting someone to sign rights to you, you get what you get. And would you be prepared to grant those rights?

So I’m in a permissions working group across quite a few publishers, and this is a thing that comes up quite a lot where we say, well, you know, you’re trying to clear a right to this image and you want rights for the book, and the e-book, and the online Website, and the app. And perhaps if there’s an accompanying song, you might want the rights for that. And any future technology that we haven’t thought about yet – you want to clear it all for that, because we’ve all been a bit burdened by you and I anticipating that.

So you’re trying to clear those rights. But if someone came to you and said that to you, you’d say, well, no – you know, we’re not – we can’t possibly grant you those rights.

So it’s an interesting eco-cycle of that – like this is a thing that I’ve always drilled into my permissions teams is you have to be mindful – like what would we use – when you’re asking for content, what would be prepared to grant?



And if people – I mean, people are pretty similar – and people are reasonable. But it's a good way to think about the discussion when people are demanding things from you.

KENNEALLY: It's a terrific point. It's one that we know only too well at Copyright Clearance Center. And it sounds to me like one way to resolve it or to sort of answer those kinds of questions is think about, so who's asking, right?

RUTT: Yeah.

MALLORY: Yeah.

KENNEALLY: Is there a trust factor there? Is there something that assures you that they're going to be using it in the way they say they will?

RUTT: Yeah. So we publish a lot of research papers and content for academics. And on the whole, people tend to be fairly comfortable with them reusing content.

Where things get a little bit more complicated is where people are going to be like vastly monetizing your content or doing something really interesting with it.

So I think I had talked to you, Chris – at the Royal College of Nursing. A few years ago, we published a book on nursing and the Troubles in Northern Ireland. And it's a really, really interesting book. It's all these firsthand accounts of nursing, and how nurses had to carry on their work in this war zone, and nurses had to nurse people from either side of the Troubles.

Now, the book – we get a lot of requests to reuse stuff from the book. And we have – you know, occasionally, we're talking – a documentary was made based on the book, and we talked with the college in Northern Ireland, a lot about that.

And we are very, very nervous about licensing this book, because it's such a contentious topic still. And the book was created really carefully so that, when you're reading the accounts, it's not really clear who's Catholic and who's Protestant, and it's very, very neutral.

But if we license rights to make that into a TV show or something else, it would be very, very easy to just put a little bit of a spin on that and change the way the book is coming across. And that is not – you know, we would not be comfortable with that.



You know, the people are still alive that have contributed to this book. This is not very long ago.

KENNEALLY: Well, it's interesting because, when we talk about publishers' children, people may think, oh, my gosh, they're going to take care of me. You know, isn't that what all parents think – that my children are eventually going to take care of me.

In that case, though, you really can't expect too much from it. I mean, it's very exciting and something may turn up, but it can't be only about the dollar signs – or the pound sterling signs.

Jim Colbert, you've also had some opportunities for discussions around television rights and movie rights and adaptations and animation and so forth. How do you manage those kinds of requests, because they're coming from a different world than the strictly text publishing world – and they may have different needs?

COLBERT: That's right. So it very much depends on what the content that's being licensed is.

So as an example, we've had recent conversations about taking some of our short-story e-books and turning them into animations. We typically own the rights – full rights – for those, so as long as it's a reasonable proposal and a good partner, we're happy to do that.

We also are engaged in conversations about potential movie rights or film rights for some of our trade books. And that's a little bit more complicated. The primary factor being, on the trade books, the rights are often a little bit less clear, or maybe it involves (inaudible) it involves conversations with agents or authors.

30:11

And so it's very much a case by case. And then, of course, it's also very important to have a conversation on what's the movie going to be like and how it's going to be used, so really important to learn more.

KENNEALLY: Right. And as a publisher, you're taking in content for a variety – or from a variety of sources and with a variety of different rights that you acquire. Right?

So, as I understand it, you receive unsolicited submissions for books that come from scientists or engineers who want to help educate children about a certain topic, so there's one set. There's a magazine with staff writers. And then there are freelancers contributing art and so forth.



That means a multiplicity of rights questions have to be answered – and very different ones from the books to the publications to the magazines.

COLBERT: That's exactly right. And one strength at Highlights is that, within our magazines and within our e-books, we'll typically have full rights for the text and the illustrations. Maybe not always with the photographs. A lot of that will be licensed with third parties. So regardless of who's submitting – whether it's a staff writer or a freelancer, we'll typically have the rights.

Now, on the trade book side, that's where it really does come from multiple sources, and so each book might have multiple agreements, in fact, for the photographs and for the text. And the rights can be different. You might have North American rights for text but global rights for images. So it really varies, even within one publication.

KENNEALLY: Right. And Nilu, I know that, when you're looking at a request for reuse, you have to know about the models in the photograph, perhaps, if it's a photograph, have to know about the photographer's rights. But I understand there could even be some interesting rights involving fonts.

MALLORY: Yeah. So I think that's a little bit of an under-the-radar-thing –

KENNEALLY: Absolutely.

MALLORY: – that's becoming – that font-licensing is a thing. And it's becoming more and more kind of prevalent and something that we need to watch.

So you have – font licensing is probably not – it's quite different, in some ways, to image licensing. It's more like computer software licensing. It's like seat licenses. It's a combination of that and also your final usage.

So you do have to be careful – and we are. But you have to be careful where, just because you use something for a print or an e-book, if you then want to promote that on your YouTube channel, or if you then want to do an online advertisement or anything, you have to then re-clear those rights. You have to make sure you have that.

The difference between if the font is a static PDF or as it appears in the book as opposed to if you want to turn that content into an app, for example, and you want to make the font move as your child talks, or whatever. And make that animated in some way – that, in itself, you need to get an additional license for.



So you always have to – you can't just assume that the content of a book can be reused in whatever way you want, just because you've got the rights for the book. It's a different thing.

KENNEALLY: Right. And you can't assume that, because you managed to acquire this block of content, that you could then license this as an entire block.

MALLORY: No. No. And so that's – you know, we are getting some additional kind of interest to reuse it – some of our pages in apps or on a tablet in some kind of educational way, for example. And then we will sometimes swap out the fonts, or we will purchase those kinds of extra licenses.

But it's still, I would say, an educational kind of program that we give to our creative teams globally – and our sales partners – to say, OK, this is fine, but I'll just have to check those rights or I'll have to purchase something additionally in order to make that use work.

KENNEALLY: Right. Well, let's talk about the role of technology here, because we've been implying this global distribution that kind of comes naturally now to publishing. Managing all of that, especially, again, at a brand like DK, you couldn't do it without content-management systems. And those systems, though, have to be rich enough to answer all of these questions.

MALLORY: Absolutely. So we have three or four different systems. So we have systems that manage our images. So just all the kind of information about the raw image itself, and how it was shot, and all the releases and who the photographer was, what the usage is.

Then we have another system, which is our archiving, and it's sort of like a visual display of our books. Again, that helps us track all the various editions of the book, how many languages it's been translated in. It links up to the ISBN and B3.

Then we have another system for all of the third-party images that we get from agencies, our picture research database, and then we have another system for our font-licensing management.

And you can't produce the level of kind of content that we do without managing it, because, otherwise, you will just quickly explode. (laughter)

KENNEALLY: Can I make a suggestion? You need a system to manage all those systems.



MALLORY: I know. It's up here. (laughter) Yes, I know. It's the age-old thing. Everyone wants to bring it all together, but (laughter) –

KENNEALLY: Right. Well, in fact, Jim Colbert, at Highlights, you've done something like that, right? You guys have created –

MALLORY: I need to license it off you then, do I? (laughter)

COLBERT: Absolutely.

KENNEALLY: (laughter) Right. There's an unexpected reuse of something. So you have created a digital library of something like 100,000 assets, which is something that your education partners could kind of look into and search like a catalog, like they're going shopping.

COLBERT: That's exactly right. So we call it the digital asset management system. It has all of the companies' assets in one place. And it's indexed by subject matter, by grade, by age – and as well as the rights, so it gives full visibility to that.

And what we do is we provide our partners with access to it and view rights, so that they're able to do searches and they're able to find the content that they want. And we, of course, provide search assistance as well.

KENNEALLY: Right. But nevertheless, people – well, those are your partners. Those are the ones you can give the password to so that they can get in there. How are most people who come to you with permissions requests coming to the content in the first place?

COLBERT: That was one of the interesting things. I started working at Highlights a year ago, and I very quickly realized that most of our partners placing permission requests do not use our systems. They find – they discover the content on their own. So everything from doing Google searches, using EBSCO, and even going to the public library and looking at hard copies of magazines and books. So really a wide range.

And it's great they do that. At the same time, whenever possible, it's ideal for them to use our system because it'll, of course, have a lot more flexibility in terms of searching, and we have a closer contact as well with the customer.



KENNEALLY: And I think you have found that there's a need – there's a fine line there between helping people and maybe helping them too much. They like uncovering that diamond in the rough, and they don't want any help doing it.

COLBERT: That's right. So one of my early initiatives was to offer, not just training but search assistance at any time. So essentially sort of a concierge service, which would help people. And after about six months, not a single person took me up on it.

And so I asked one of our partners that we were friendly with, saying, you know, what do you think of this idea, because it's not being taken up on? They said nobody's ever going to take you up on that because the permission seekers, the content selection teams – that's what they do. That's what they're good at, and that's what they love doing. And if you can help them, great. But they're going to want to do the searching on their own.

KENNEALLY: Well, so what about that, Jessica?

RUTT: Yeah. Well, I was just thinking about that, the disconnect between the person that's creating the work and then the person – the company who clears the permissions. And then we know that there's people – there's agencies – and all they do is clear permissions.

And a lot of the big publishers outsource that, so they would just say, oh, this is all the stuff I'm using for this article or for this book. Go away and clear the permissions.

So then those people will then know how to use your systems. But the ones that have found the content, they've already discovered it or they knew it was there in the first place, before they started doing their work.

I think that is a thing that comes up quite a lot in the permissions world, the slight disconnect between the people creating the content and the people clearing permissions. And then again the people who are granting permissions. You know, making sure that everybody is on the same page with what's being granted.

KENNEALLY: Right. Well, let's close, before we take questions from the audience, with an interesting story about when the unexpected happens to somebody who owns some intellectual property.

I understand you were going to be married. And you were planning a wedding reception at something that – somewhere that some of the Londoners here may



recognize, a place called Toynbee Hall in the East End, which is historic. It's a Tudor Gothic building, gorgeous listed building. And the site itself is a place that's important in the history of social reform here in London. So what happened?

RUTT: So it's this arts-and-crafts building down on Commercial Road and Shoreditch, and we – so we wanted to do the wedding there. We there looking at the thing – and I saw that one of the – they've got the Tree of Life motif all over the wood paneling.

And I said, oh, can we use that? I contacted the manager. Oh, can we use that on our wedding stationery? I was like, you know, can you go and ask permission to use this? And they were flummoxed.

And I was like, look, they were just going to say, yeah. And then I just – because of my job – I just had to say, look, I'm just going to advise that you just think about it. Make sure you definitely want us – you're OK with us using this. And then, you know, you could charge us some money for this. This isn't what – they're not a commercial organization.

And in the end, we did use it all over our stationery, but we did – we gave a donation to their foundation.

KENNEALLY: It's a wonderful story, because it does kind of illustrate the challenge here. People who are creating this content, it's been something they've lived with forever. They didn't see the potential of it. It's probably been done forever. Nobody ever bothered to ask them before.

And I think that's something that a lot of publishers can recommend – I'm sorry – can recognize as an experience they recognize.

RUTT: Yeah. Well, I'm sure, us people that work in copyright are the ones that were dead nervous about, you know, when you hear about friends downloading – illegally downloading work – so we're things that you know that they shouldn't be doing. It was like keep it away from me, you know? (laughter)

KENNEALLY: Well, I want to thank our panel. Joining us today from Dorling Kindersley is Nilu Mallory. Thank you very much. From Highlights in the United States, Jim Colbert, and from RCNi, Jessica Rutt. Thank you all for the discussion. Thank you. (applause)

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