
STATUTORY INSTRUMENTS

2016 No. 221

**The Collective Management of Copyright
(EU Directive) Regulations 2016**

PART 2

Collective Management Organisations

Licensing

15.—(1) A collective management organisation and a user and an independent management entity and a user must—

- (a) conduct negotiations for the licensing of rights in good faith; and
- (b) provide each other with all necessary information.

(2) A collective management organisation must ensure that licensing terms are based on objective and non-discriminatory criteria (but see paragraph (3)).

(3) Paragraph (2) does not require a collective management organisation to use as a precedent for other online services licensing terms agreed with a user where the user is providing a new type of online service which has been available to the public in [^{F1}the United Kingdom] for less than 3 years.

(4) A collective management organisation must ensure that—

- (a) right holders receive appropriate remuneration for the use of their rights;
- (b) tariffs it determines for exclusive rights and rights to remuneration are reasonable in relation to matters such as—
 - (i) the economic value of the use of the rights in trade taking into account the nature and scope of the use of the work and other subject matter; and
 - (ii) the economic value of the service provided by the collective management organisation;

and;

- (c) it informs the user concerned of the criteria used for the setting of those tariffs.

(5) A collective management organisation must—

- (a) reply without undue delay to requests from users indicating, amongst other things, the information needed in order for the collective management organisation to offer a licence;
- (b) upon receipt of all relevant information without undue delay either—
 - (i) offer a licence; or
 - (ii) provide the user with a reasoned statement explaining why it does not intend to license a particular service;
- (c) allow users to communicate with it by electronic means, including, where appropriate, for the purpose of reporting on the use of the licence; and
- (d) after giving a user a licence, treat that user in good faith (but see paragraph (6)).

(6) Paragraph 5(d) does not apply where the collective management organisation is a [F² company that qualifies as a micro-entity under section 384A of the Companies Act 2006.]

Textual Amendments

- F1** Words in reg. 15(3) substituted (31.12.2020) by The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/605), regs. 1(2), **32(4)** (with reg. 38) (as amended by S.I. 2020/1050, regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 15(6) substituted (1.1.2024) by The Design Right, Artist's Resale Right and Copyright (Amendment) Regulations 2023 (S.I. 2023/1285), regs. 1(2), **7(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Collective Management of Copyright (EU Directive) Regulations 2016, Section 15.