

Assessing the Operation of Copyright and Related Rights Systems

Toolkit of Questionnaires for Interviews,
Focus Group Studies and Surveys

Supplementary material for
the implementation of a methodology framework

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Focus Group Studies and Surveys

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the implementation of a methodology framework

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Introduction

● This handbook presents a toolkit of questionnaires for the assessment of national copyright and related rights systems. The toolkit contains supplementary material to the handbook presenting a methodology framework developed in Finland by the Foundation for Cultural Policy Research (Cupore) between 2009 and 2016. The aim of the methodology is to provide guidelines for producing a comprehensive presentation of a national copyright system and for assessing its operation from different points of view. Implementing the methodology will result in a systematic assessment of the copyright system that will provide reliable information for developing copyright and related rights policies and strategies. Information on the project for developing methods for assessing national copyright and related rights systems as well as the methodology framework established as a result of the project can be found on the Cupore website at www.cupore.fi.

The methodology framework consists of 15 description sheets and 22 methodology cards that outline the methods to describe and assess the operation of a national copyright system from different perspectives. The description sheets specify the descriptive data that will provide a factual basis for the analysis. The methodology cards include an in-depth description of series of parameters. Each parameter corresponds to a specific type of data to be collected. The parameters are designed to be analyzed together and the combination of the information collected provides answers to key questions concerning the functioning, performance and operational balance of a copyright system.

Several indicators of the framework suggest assessment based on interviews, focus group studies or surveys, which allow for the collection of data reflecting the personal opinions and beliefs of the study subjects. This toolkit provides model questionnaires to be used as templates when making use of these data collection methods. The questionnaires will provide general guidelines for researchers undertaking an assessment at national level, offer proposals for questions to be surveyed, and enhance uniformity in the data collected in order to allow benchmarking between countries. They should be adapted depending on the goals of each study and the copyright system of the country in question.

Each questionnaire is introduced with instructions for researchers implementing the data collection. These instructions describe the main goals and the target population of the questionnaire, and provide guidelines for the selection of respondents and the analysis of the results. The instructions are followed by exemplary sets of questions to be asked in a survey or used during interviews and focus group studies. The questions are divided under relevant headings based on the structure of the methodology framework. Both the questionnaires and the methodology frame-

work follow a modular structure and can be utilized as such or in parts to assess the functioning and performance of individual elements, or the balanced operation of different aspects of the copyright system.

The toolkit has been partially tested in the course of piloting the methodology in Finland between 2013 and 2015, and was developed based on the experiences gained during the pilot phase. The relevance of the questions in relation to the description sheets and methodology cards has also been assessed while testing each indicator. Information on the pilot phase of the project as well as a full list of pilot reports are available on the Cupore website at www.cupore.fi.

Research Design

● This toolkit is designed to support research implementing those indicators of the methodology framework that suggest assessment based on surveys, interviews or focus group studies. Before presenting the model questionnaires that provide guidelines for assessing the copyright system's operation at national level, this chapter discusses, on a general level, the definition of research design. In order to ensure the reliability of the results, the following issues need to be considered in each study: the goals and the scope of the study, target population, methods for data collection and sampling, implementation of the questionnaires, data integrity and post-survey adjustments, and finally analysis of the data.

1. Determining the goals and the scope of the study

Each model questionnaire presented in this toolkit focuses on a specific target population and includes all the research topics of the different methodology cards and description sheets that require collecting data from these groups directly. As a result, if the goal of the study is to implement only some of the indicators, parts of the model questionnaires will not be relevant. A first step in preparing the research will therefore be to determine the scope of the study, including the methodology cards and description sheets to be used and the extent of their implementation. Some methodology cards propose collecting data for different industries or different kinds of subject matter separately; in these cases, it will also be necessary to carefully determine the focus of the study.

2. Defining the target population, study population and sampling frame

The scope of the study will indicate the target population to which the researcher would like to generalize the study findings. Broad definitions of target populations are provided for each questionnaire as part of the instructions for researchers. However, depending on the country context, the definitions may need to be redefined.

It is not always feasible to study the whole target population. In such cases a more limited study population needs to be defined for the purposes of data collection and analysis. In order to identify and contact the units of the study population, a sampling frame can be used; it contains all individuals and entities within a population that can be included in a sample. For example, if the study population is public libraries, the sampling frame would be an exhaustive list of public libraries in the country.

The sampling frame will clearly represent the population to be studied (study population) and will help selecting the best method for data collection.¹

In some cases, for example when the study covers a particular industry, it can be useful to compose the group of respondents from industry representatives that will then represent the study population. In a highly organized industry where a majority of various stakeholders are gathered into unions and other groups defending their interests, the opinions of stakeholders can be presented by representatives of relevant organizations that are likely to have a global overview of the most important issues in their fields. However, it will then be very important to include in a balanced manner the representatives of all relevant stakeholder groups, and to take into account the possibility that certain segments of the population might not be represented (since not all stakeholders are organized into representative groups).

3. Selecting the methods for data collection

The questions presented in the model questionnaires can be used as an outline for surveys, stakeholder interviews and focus group studies. These alternative methods are described below and should be chosen on the basis of the scope and the nature of the topic under consideration, as well as the feasibility and costs of collecting data. The selection of the research method will also depend on the country and the industries under scrutiny.

It is also possible to combine different research methods. For example, the participants to a focus group session could be asked to fill in a survey questionnaire as a preparation, or some respondents of a survey could, as a second phase of data collection, be interviewed in order to get more in-depth information on certain topics.

Stakeholder and expert interviews

The exemplary sets of questions provided in this toolkit can be used as an outline for interviews. Interview-based research methods require the number of respondents to remain limited and, for this reason, will be best suited for collecting expert views and opinions. This type of research method will also be particularly useful for collecting additional data on specific topics, or when the themes to be studied involve concepts that might need to be explained or defined in cooperation with the respondents (such as the different types of transaction costs in Methodology Card 18 – *Transaction Costs in Transfer and Licensing of Rights*).

¹ For more information on these terms, see Jelke Bethlehem, *Applied Survey Methods: A Statistical Perspective*, Wiley, Hoboken (2009), Chapter 2 "Basic concepts".

The interviews can be tightly structured or standardized (strictly following the outline of a questionnaire), conversational (based on a set of pre-defined themes) or semi-structured (based on a framework of questions but allowing new ideas to be brought up during the interview).² Interviews can be conducted in person or at a distance through telecommunication means. Questionnaires can be sent to the respondents in advance in preparation for the interview.

In the course of the first piloting of the methodology in Finland, stakeholder and expert interviews have been conducted when collecting data for several indicators, such as Description Sheet 5 – *Copyright Law*, Description Sheet 7 – *Public Administration of Copyright*, and Methodology Card 8 – *Use of Alternative Dispute Resolution Mechanisms for Solving Copyright Disputes*.³

Focus group methods

In focus group studies, questions for example on the opinions, beliefs, attitudes and experiences of specific target populations are discussed in an interactive group of people. Focus group studies can be a useful method for looking into collective views and meanings, or normally unarticulated assumptions behind them, for example when the indicator recommends the collection of opinions (such as Methodology Card 22 – *Stakeholders' Opinions on the Copyright System*). The use of focus groups can also be an efficient research method when the topics involved deal with concepts that might need to be explained or defined in cooperation with the respondents (such as the different types of incentives in Methodology Card 15 – *Stakeholders' Opinions Concerning the Incentive Function of the Copyright System*). Furthermore, the focus group method will be particularly useful for questions that can be analyzed through the opinions of stakeholder representatives. For example, in the course of the first piloting of the methodology in Finland, focus group methods have been successfully used when collecting data for a series of indicators with a focus on the literature and book publishing industry, including Methodology Card 15 – *Stakeholders' Opinions Concerning the Incentive Function of the Copyright System*, Methodology Card 18 – *Transaction Costs in Transfer and Licensing of Rights*, Methodology Card 19 – *Terms for Transfer and Licensing of Rights* and Methodology Card 22 – *Stakeholders' Opinions on the Copyright System*.⁴

² The use of interviews as a research method is discussed in detail for example in Andrea Fontana, & James H. Frey, "The interview: From structured questions to negotiated text" in Norman K. Denzin & Yvonna S. Lincoln (Eds.), *Handbook of qualitative research*, Sage Publications, London (2000), pp. 645-672; in Steinar Kvale, *InterViews: An Introduction to Qualitative Research Interviewing*, Sage Publications (1996); and in Abraham N. Oppenheim, *Questionnaire Design, Interviewing and Attitude Measurement* (2nd edition), Bloomsbury Academic (2000).

³ The pilot reports are available on the website of Cupore at www.cupore.fi.

⁴ The pilot reports are available on the website of Cupore at www.cupore.fi.

The focus group method differs from stakeholder and expert interviews described above: interviews are useful for collecting information from individual respondents and organizations, whereas in the case of focus group studies the data is collected through an interactive discussion among the participants. As a result, another advantage of this method is to allow for a conversation between participants which might produce consensual responses or highlight different points of views. However, the limited number of participants in focus group sessions requires a careful selection of respondents.

Depending on the budget and objectives of the study, the size of a focus group can either be somewhat larger (8 to 10 participants) or smaller (4 to 8 participants). In addition, a neutral facilitator and a secretary are needed. The focus group sessions can be either structured and standardized, semi-structured, or based on free discussion following a pre-defined set of questions and topics. The decision regarding the structure of the focus group discussions should be based on the objectives of the study as well as on the composition and the dynamics of the group. In addition, structured activities such as individual writing and discussion in smaller groups can be incorporated in the session itself or in activities prior to or after the session. The results will be more reliable when tested in several focus groups including stakeholders from the same categories. Focus group sessions can also be prepared with a questionnaire sent to the participants in advance.⁵

Survey methods

In cases where the target population is larger, a sample survey should be considered as the first option as this method can be used to bring together various kinds of data from a large number of respondents. Such is the case for example with data collected using Methodology Cards 10 – *Public Awareness of the Rights* and 21 – *Unauthorized Use of Copyrighted Works in Digital Form*. However, survey-based research methods are likely to be the most expensive research method presented here.

As surveys are typically conducted on samples of the target population, questions of sampling design and data integrity are crucial (see below). The questionnaire will also need to be designed with particular care in order to be understandable and easy to answer, and the questions should be as unambiguous as possible. The survey can be self-administered (respondents answer the survey questionnaire by mail, email, on a computer or on the internet) or administered by an interviewer (the interviewer

⁵ Focus group research is discussed in detail for example in Michael Bloor, Jane Frankland, Michelle Thomas & Kate Robson, *Focus Groups in Social Research*, Sage Publications, London (2001); in Richard A. Krueger & Mary A. Casey, *Focus groups: A Practical Guide for Applied Research* (4th edition), Sage Publications, New York (2008); in Thomas L. Greenbaum, *The Handbook for Focus Group Research*, Lexington Books, New York (1993); and in David L. Morgan (Ed.) *Successful Focus Groups: Advancing the State of the Art*, Sage Publications, Newbury Park (1993).

can be assisted by computer and asks the questions by telephone or face-to-face, at the home of the respondent or in another place).⁶

4. Sampling

After defining the target population and the methods for data collection, the next step will be to determine whether sampling is necessary and decide on the most suitable sampling methods separately for each study, depending on the country context and the characteristics of the population. If the target population is sufficiently small, all the units can be included in the study. If this is not the case, a sample of an adequate size should be defined to represent the target population. If the target population contains different stakeholder categories or other relevant sub-populations, a balanced representation of them all can be achieved by stratifying the population into corresponding sub-populations (i.e. strata). For example, in the context of the questionnaire for schools for basic education, stratification can be based on different levels of education.

Various sampling methods and their combinations are available.⁷ Probability-based sampling techniques ensure that the sample is representative of the study population. The gross sample size and the costs of conducting the research will be influenced by the desired level of accuracy for the results, which should be determined separately in each study. These accuracy levels can be determined by strata if considered necessary. In other cases, the selection of potential respondents should be made following probability principles as closely as possible. Non-probability sampling techniques include snowball sampling, quota sampling, respondent-driven sampling and adaptive sampling; these methods are acceptable as long as the units are not selected with a subjective purpose instead of for the purpose of objectively representing the population as a whole.⁸ In certain cases, multi-stage sampling can be used. Sampling is then carried out in two or more stages, possibly using different sampling methods, resulting in smaller and smaller sampling units at each stage.

If the study units can be directly selected from a sampling frame that corresponds to the target population, simple random sampling can be used (if necessary, sepa-

⁶ The use of survey methods is discussed in detail for example in Lesley Andres, *Designing and Doing Survey Research*, Sage Publications, London (2012); in Floyd J. Fowler, *Survey Research Methods*, Sage Publications, Thousand Oaks (2009); and in Robert M. Groves, Floyd J. Fowler, Jr., Mick P. Couper, James M. Lepkowski, Eleanor Singer & Roger Tourangeau, *Survey Methodology* (2nd Edition), Wiley, Hoboken (2009).

⁷ Sampling methods are described for example in Edith De Leeuw, Joop Hox & Don Dillman (Ed), *International Handbook of Survey Methodology*, Lawrence Erlbaum Associates (LEA), New York (2008), Chapter 6 "Coverage and sampling", p. 97; Robert M. Groves, Floyd J. Fowler, Jr., Mick P. Couper, James M. Lepkowski, Eleanor Singer & Roger Tourangeau, *Survey Methodology* (2nd Edition), Wiley, Hoboken (2009), Chapter 4 "Sample design and sampling error", p. 97; Mary Hibberts, R. Burke Johnson & Kenneth Hudson, "Common Survey Sampling Techniques" in Lior Gideon (Ed.), *Handbook of Survey Methodology for the Social Sciences*, Springer, New York (2012), p. 53-74; and Sharon L. Lohr, *Sampling: Design and Analysis*, 2nd Edition, Duxbury Press (2009).

⁸ Non-probability sampling techniques are discussed for example in Reg Baker, J. Michael Brick, Nancy A. Bates, Mike Battaglia, Mick P. Couper, Jill A. Dever, Krista J. Giles & Roger Tourangeau, *Summary Report of the AAPOR Task Force on Non-probability Sampling*, *J Surv Stat Methodol* (2013) 1 (2): 90-143 doi:10.1093/jssam/smt008.

rately by strata). In random sampling, each unit of the sampling frame has an equal chance of being selected. Simple random sampling can often be replaced with equi-distance sampling where the sample units are selected from an ordered frame such as a register. This ensures that the sample units will be selected uniformly within the frame.

The sampling method is one factor affecting the level of accuracy of the results. In addition, non-responsiveness may cause problems of representativity if not taken into account when sampling the population. Hence, the sampling design should include a prediction of the amount of non-responsive units on the basis of which the gross sample size should be adjusted in order to achieve a reasonable number of respondents.⁹

5. Implementing the questionnaires

After selecting the data collection methods and defining the sample, there are a number of practical issues to consider regarding the implementation of the questionnaires. For example, it is important to define how the data collection is executed (e.g. in person or at a distance through technical means), what will be the final set of questions presented, and what kind of guidance will be provided to the respondents and participants of the study. The selection of survey modes and questions should take into account the goals of the study, the methods for data collection, the resources available, as well as possible national characteristics affecting the execution of data collection. The types of questions, the response format and the survey mode chosen will also affect the possibilities for analyzing and handling the data. Issues to be considered before implementing the questionnaires are discussed below.

Selecting survey modes

The implementation of a survey through fieldwork will be done using one or multiple modes. Possible single modes include mail, email or online surveys, as well as face-to-face or telephone interviews. Different sub-populations can be approached by different modes. Modes may also be mixed so that the study population is first surveyed through one mode and a smaller sample of respondents is later selected to be surveyed through another mode.¹⁰ When the survey includes questions that might require confidentiality (such as the questions concerning unauthorized use of

⁹ For more information, see Jelke Bethlehem, *Applied Survey Methods: A Statistical Perspective*, Wiley, Hoboken (2009), Chapter 9 "The nonresponse problem" and Jaak Billiet & Hideko Matsuo, "Non-Response and Measurement Error" in Lior Gideon (Ed.), *Handbook of Survey Methodology for the Social Sciences*, Springer, New York (2012), pp. 149-178.

¹⁰ For more information, see Edith De Leeuw, Joop Hox & Don Dillman (Eds.), *International Handbook of Survey Methodology*, Lawrence Erlbaum Associates (LEA), New York (2008), Chapter 7 "Choosing the method of data collection", p. 113; and Robert M. Groves, Floyd J. Fowler, Jr., Mick P. Couper, James M. Lepkowski, Eleanor Singer & Roger Tourangeau, *Survey Methodology* (2nd Edition), Wiley, Hoboken (2009), Section 5.1 on p. 150.

copyrighted works in the questionnaire for the public at large), this should be taken into account in the selection of the survey mode.

Selecting the questions

In order to get meaningful and reliable results there must be a carefully detailed set of questions. The questionnaires in this toolkit are templates aimed at helping in formulating sets of questions for surveys, focus group studies and interviews in different countries. As a result, they should be adapted depending on the goals of the study, the research method selected and the copyright system of the country in question. There might be a need to concentrate on some specific topics only, to screen out the questions not fitting for the specific country context and to add new questions that are interesting from the premise of the study. For the purposes of improving data integrity, preliminary testing of the questionnaires (as adapted to the country context and the subject of the study) is important.¹¹ Survey questionnaires are most likely to be successful if they are kept short and presented within a limited number of pages.

When translating the questionnaires in different languages, particular attention should be paid to adapt the vocabulary to the level of legal knowledge of the intended respondents. Questions should be kept short and clear, with the addition of definitions for technical terms when necessary. The order of the questions should be logical. Some questions can be indicated as optional when it is likely that not all respondents will be able or willing to provide an answer. Depending on the goals of the study and the selection of respondents, there might be a need to adjust the scales used in the questions and to add an option “I do not know” in the list of possible answers. Additionally, the questions requiring exact answers can be modified so that respondents are allowed to provide estimations.

Providing instructions for respondents

When put into practice, the questionnaires should be accompanied with information on the ongoing research and its goals, as well as technical instructions for respondents when considered necessary. The terms of confidentiality and contact information of the researchers should also be provided. Preliminary testing of the questionnaires has shown that long introductions discourage participants to respond. As a result, introductions should be kept short and divided into separate titles so that respondents can focus on the information they are interested in. Respondents should also be offered an estimation of the time needed for an interview, for filling in the survey

¹¹ For more information, see Edith De Leeuw, Joop Hox & Don Dillman (Eds.), *International Handbook of Survey Methodology*, Lawrence Erlbaum Associates (LEA), New York (2008), Chapter 10 “Testing survey questions”, p. 176.

questionnaire, or for discussing different separate topics in a focus group. This information can be provided either in writing or orally (for example when conducting interviews or a focus group study). An example of such introduction accompanying a survey is provided in the box below.

The instructions provided to respondents can also include short definitions of key technical terms used in the questionnaire, such as “copyrighted work”. These definitions can be included in the introduction to the questionnaire or presented in connection to specific questions where these terms appear. In the case of interviews or focus group studies, the terms can also be defined orally during the session.

Introduction to a survey questionnaire (example):

About the research:

This survey is part of a larger project which aims at assessing the copyright and related rights system. The project’s assessment framework is designed to support the development of copyright law and policy, and to improve the copyright system as a whole. Assessment of the copyright system’s operation increases its transparency and the ability of different stakeholder groups to discuss the policy and express their opinions. The project is conducted by Research Organization X. More information on the project can be found on [the project website](#). In case of questions or comments, please contact researcher@organization.org.

The goals of this survey:

The main purpose of this survey is to gather information on

- the knowledge of end-users on their rights and obligations,
- the availability of and access to copyrighted products and services,
- end-users’ opinions on copyright and the copyright and related rights system, and
- the illegal use of copyrighted works or content.

Instructions for respondents:

The responses to this questionnaire will be kept confidential. Answering the questionnaire will take approximately 15 minutes. *(other technical instructions can be added here)*

Thank you for your help!

Box 1. Example of an introduction to a survey questionnaire

6. Addressing data integrity and post-survey adjustments

In order to improve data integrity, possible limitations of the data should be noted and necessary post-survey adjustments should be made. The sample will likely include study units that are non-respondent (those that refused to participate or were not contacted).¹² It is also possible that the sample includes study units that do not belong to the target population due to errors when defining the sampling frame. This should be documented at study unit level in order to analyze the quality of the survey and for the purpose of improving the research design accordingly.

¹² For more information, see Ineke Stoop, “Unit Non-Response Due to Refusal” in Lior Gideon (Ed.), *Handbook of Survey Methodology for the Social Sciences*, Springer, New York (2012), p. 121-147.

The sampling error (uncertainty due to observing a sample instead of the entire population) as well as bias (due to selective non-response and coverage errors in frame, in particular) and other non-sampling errors (problems in the validity of questions, measurement errors due to difficulties in answering the questions, as well as processing and adjustment errors) should be detected when possible and constantly avoided.¹³

In cases of problems with data integrity, improving the quality of the data requires so-called auxiliary information.¹⁴ Post-survey weighting methods have been developed for this purpose.¹⁵

7. Analyzing the data

The analysis of the data should be conducted in accordance with the methodology handbook on assessing the operation of copyright and related rights systems (see in particular the chapter “Presentation of the Methodology Framework”, section “Analysis of the Data”). The methodology handbook also includes, as part of the presentation of each description sheet and methodology card, more detailed recommendations for the interpretation of the data to be collected. The connections between each questionnaire and the methodology cards and description sheets it relates to are listed in the next chapter. It is therefore recommended to consult the methodology handbook for guidelines when interpreting the results of the interviews, focus group studies and surveys conducted with the support of this toolkit. The instructions for researchers accompanying each questionnaire also provide information on the purpose of each set of questions in the context of the implementation of the methodology framework.¹⁶

¹³ For more information, see Jelke Bethlehem, *Applied Survey Methods: A Statistical Perspective*, Wiley, Hoboken (2009), Chapter 8 “The quality of the results”.

¹⁴ Information derived for example from registers, other administrative data, previous studies or the available statistics, that can be applied to both respondents and non-respondents.

¹⁵ For more information, see Robert M. Groves, Floyd J. Fowler Jr., Mick P. Couper, James M. Lepkowski, Eleanor Singer & Roger Tourangeau, *Survey Methodology (2nd Edition)*, Wiley, Hoboken (2009), Section 10.5 on p. 347.

¹⁶ The framework can be found on the website of Cupore at www.cupore.fi.

Topics Covered in the Questionnaires

● The model questionnaires presented in this toolkit are designed to be used as a whole or in parts according to the needs of researchers implementing the methodology framework for assessing the operation of copyright and related rights systems. Each questionnaire is designed for a specific category of copyright stakeholders and covers all the issues and questions presented in the methodology handbook that are addressed to that public. As a result, some questionnaires addressed to different groups are designed to collect data for the same indicators and therefore cover the same topics. For example, the questionnaires for libraries, archives and museums concern similar issues of access and management of copyrighted material. The questionnaires concerning teaching and research institutions focus on awareness and knowledge on copyright issues, as well as on the use and management of copyrighted material. The questionnaires for authors and performers and for professional copyright users both stress the incentive function of the copyright system, fairness of terms of contracts and transaction costs.

Moreover, each questionnaire covers different topics corresponding to various methodology cards or description sheets or to some of their constitutive parameters. They follow a modular structure and are designed to be used either as a whole or in parts. The connections between each questionnaire and the methodology cards or description sheets it relates to are described in the guidelines for the researcher accompanying the questionnaire, as well as hereunder (see below for the same information in table form).¹⁷

- **Questionnaire for libraries**, in application of
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its first parameter aiming at determining, through a set of questions on the experiences of libraries, whether the access to copyrighted works for the public at large as well as for different audiences is assured.
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its third parameter aiming at determining the difficulties in identifying copyright holders when seeking permission to use copyrighted works in libraries, archives, museums, educational organizations, research organizations or other user organizations.

¹⁷ The questionnaires have been partially tested in the course of piloting the methodology in Finland between 2013 and 2015. All the pilot reports can be found on the website of Cupore at www.cupore.fi.

- **Questionnaire for archives**, in application of
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its first parameter aiming at determining, through a set of questions on the experiences of archives, whether the access to copyrighted works for the public at large as well as different audiences is assured.
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its third parameter aiming at determining the difficulties in identifying copyright holders when seeking permission to use copyrighted works in libraries, archives, museums, educational organizations, research organizations or other user organizations.

- **Questionnaire for museums**, in application of
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its first parameter aiming at determining, through a set of questions on the experiences of museums, whether the access to copyrighted works for the public at large as well as different audiences is assured.
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its third parameter aiming at determining the difficulties in identifying copyright holders when seeking permission to use copyrighted works in libraries, archives, museums, educational organizations, research organizations or other user organizations.

- **Questionnaire for art schools and institutions teaching professionals for creative industries**, in application of
 - Methodology Card 11 – *Copyright-related Education as Part of the Education of Professionals for Creative Industries*, in its first and second parameters aiming at determining whether there is education regarding copyright in vocational schools, other professional schools, polytechnics/universities of applied sciences and university-level education in copyright-related branches.
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its first parameter aiming at determining whether the access to copyrighted works for the public at large as well as different audiences is assured, using a set of questions on the reproduction, distribution, communication to the public and public performance of copyrighted works for educational purposes.
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its third parameter aiming at determining the difficulties in identifying copyright holders when seeking permission to use copyrighted works in libraries, archives, museums, educational organizations, research organizations or other user organizations.

- **Questionnaire for institutions offering teacher training**, in application of
 - Description Sheet 14 – *Copyright-related Education for the Public in General*, aiming at describing the copyright-related education part of teacher training (interviews based on this questionnaire can be useful to complement or replace the information provided by national principles for curricula).
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its first parameter aiming at determining whether the access to copyrighted works for the public at large as well as different audiences is assured, using a set of questions on the reproduction, distribution, communication to the public and public performance of copyrighted works for educational purposes.
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its third parameter aiming at determining the difficulties in identifying copyright holders when seeking permission to use copyrighted works in libraries, archives, museums, educational organizations, research organizations or other user organizations.

- **Questionnaire for schools for basic education**, in application of
 - Description Sheet 14 – *Copyright-related Education for the Public in General*, aiming at describing the copyright-related teaching as part of basic education (interviews based on this questionnaire can be useful to complement or replace the information provided by national principles for curricula).
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its first parameter aiming at determining whether the access to copyrighted works for the public as well as different audiences is assured, using a set of questions on the reproduction, distribution, communication to the public and public performance of copyrighted works for educational purposes.
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its third parameter aiming at determining the difficulties in identifying copyright holders when seeking permission to use copyrighted works in libraries, archives, museums, educational organizations, research organizations or other user organizations.

- **Questionnaire for researchers and research institutes**, in application of
 - Methodology card 12 – *Copyright-related Research and Study Programs in Universities and Research Institutes*, aiming at determining the amount of research on copyright conducted at universities and research institutions.
 - Methodology Card 16 – *Access to Copyrighted Works by the Public*, in its third parameter aiming at determining the difficulties in identifying the copyright holders when seeking permission to use copyrighted works in libraries,

archives, museums, educational organizations, research organizations or other users organizations.

- Methodology Card 17 – *Access to Copyrighted Works for Follow-on Creation*, in its second parameter aiming at collecting opinions of researchers on issues related to the access to copyrighted works when using them as part of scientific research.
- **Questionnaire for the public at large**, in application of
 - Methodology Card 10 – *Public Awareness of the Rights*, aiming at determining citizens' awareness of the rules and functioning of copyright.
 - Methodology Card 17 – *Access to Copyrighted Works for Follow-on Creation*, in its second parameter aiming at collecting opinions on issues related to the access to copyrighted works for follow-on creation.
 - Methodology Card 21 – *Unauthorized Use of Copyrighted Works in Digital Form*, in its first and second parameters aiming at estimating the volume of unauthorized file-sharing and the opinions of the public at large on copyright infringement.
 - Methodology Card 22 – *Stakeholders' Opinions on the Copyright System*, aiming at collecting the opinions of the public at large concerning the functioning and performance of the copyright system.
- **Questionnaire for authors and performers** (in separate industries), in application of
 - Methodology Card 11 – *Copyright-related Education as Part of the Education of Professionals for Creative Industries*, in its third parameter aiming at describing the education on copyright received by professionals in creative industries.
 - Methodology Card 15 – *Stakeholders' Opinions Concerning the Incentive Function of the Copyright System*, aiming at evaluating the efficiency of the copyright and related rights system at creating incentives for different stakeholders.
 - Methodology Card 17 – *Access to Copyrighted Works for Follow-on Creation*, in its second parameter aiming at collecting opinions of authors and performers on issues related to the access to copyrighted works for follow-on creation.
 - Methodology Cards 18 – *Transaction Costs in Transfer and Licensing of Rights* and 19 – *Terms for Transfer and Licensing of Rights*, aiming at determining the opinions of licensing parties on the conditions in which they exercise their rights and on the fairness of terms of contracts.

- Methodology Card 22 – *Stakeholders' Opinions on the Copyright System* aiming at collecting the opinions of authors and performers concerning the functioning and performance of the copyright system.
- **Questionnaire for professional copyright users**, in application of
 - Methodology Card 11 – *Copyright-related Education as Part of the Education of Professionals for Creative Industries*, in its third parameter aiming at describing the education on copyright received by by professionals in creative industries.
 - Methodology Card 15 – *Stakeholders' Opinions Concerning the Incentive Function of the Copyright System*, aiming at evaluating the efficiency of copyright and related rights system at creating incentives for different stakeholders.
 - Methodology Cards 18 – *Transaction Costs in Transfer and Licensing of Rights* and 19 – *Terms for Transfer and Licensing of Rights*, aiming at the determining the opinions of licensing parties on the conditions in which they exercise their rights and on the fairness of terms of contracts.
 - Methodology Card 22 – *Stakeholders' Opinions on the Copyright System* aiming at collecting the opinions of the professional copyright users concerning the functioning and performance of the copyright system.
- **Questionnaire for organizations in software or other industry basing their offering on open licensing**, in application of
 - Methodology Card 4 – *Development of Digital Business Models and Income Based on Digital Distribution*, in its second parameter aiming at determining what open licensing digital business models are being used and how successful they are in economic terms.
- **Questionnaire for intermediaries and other parties interested in copyright issues**, in application of
 - Methodology Card 22 – *Stakeholders' Opinions on the Copyright System*, aiming at collecting the opinions of different stakeholders concerning the functioning and performance of the copyright system.

Questionnaires and their connection with the different indicators of the methodology framework	Methodology Card 4 – Development of Digital Business Models and Income Based on Digital Distribution	Description Sheet 14 – Copyright-related Education for the Public in General	Methodology Card 10 – Public Awareness of the Rights	Methodology Card 11 – Copyright-related Education as Part of the Education of Professionals for Creative Industries	Methodology Card 12 – Copyright-related Research and Study Programs in Universities and Research Institutes	Methodology card 15 – Stakeholders' opinions concerning the incentive function of the copyright system	Methodology Card 16 – Access to Copyrighted Works by the Public	Methodology Card 17 – Access to Copyrighted Works for Follow-on Creation	Methodology Cards 18 – Transaction Costs in Transfer and Licensing of Rights and 19 – Terms for Transfer and Licensing of Rights	Methodology Card 21 – Unauthorized Use of Copyrighted Works in Digital Form	Methodology Card 22 – Stakeholders' Opinions on the Copyright System
Questionnaire for libraries							●				
Questionnaire for archives							●				
Questionnaire for museums							●				
Questionnaire for art schools and institutions teaching professionals for creative industries				●			●				
Questionnaire for institutions offering teacher training		●					●				
Questionnaire for schools for basic education		●					●				
Questionnaire for researchers and research institutes					●		●	●			
Questionnaire for the public at large			●					●		●	●
Questionnaire for authors and performers				●		●		●	●		●
Questionnaire for professional copyright users				●		●			●		●
Questionnaire for organizations in software or other industries basing their offering on open licensing	●										
Questionnaire for intermediaries and other parties interested in copyright issues											●

Table 1. Connection of the questionnaires with the different indicators of the methodology framework

The table below presents all the indicators that constitute the methodology framework for assessing national copyright and related rights systems. They are described in detail in a separate handbook presenting the methodology as a whole, available on the Cupore website at www.cupore.fi. The indicators that are connected to the model questionnaires in this toolkit are accentuated.

INDICATORS OF THE METHODOLOGY FRAMEWORK

COPYRIGHT ENVIRONMENT

The Context in Which the Copyright System Operates

Description Sheet 1.	National Context
Description Sheet 2.	International and Regional Context
Description Sheet 3.	Technological Development
Methodology Card 1.	Macroeconomic Importance of Copyright Industries

Value Creation and the Markets for Copyrighted Products and Services

Description Sheet 4.	Markets for Copyrighted Products and Services
Methodology Card 2.	Volume of Domestic Production of Copyrighted Products and Services
Methodology Card 3.	Volume of Exported and Imported Copyrighted Products and Services
Methodology Card 4.	Development of Digital Business Models and Income Based on Digital Distribution

FUNCTIONING AND PERFORMANCE OF THE ELEMENTS OF THE COPYRIGHT SYSTEM

Law, Policy and Public Administration

Description Sheet 5.	Copyright Law
Description Sheet 6.	Copyright Policy
Methodology Card 5.	Public Consultation on Law Proposals
Methodology Card 6.	Use of Impact Assessment and Research in Policy Development
Description Sheet 7.	Public Administration of Copyright

Enforcement

Description Sheet 8.	Enforcement by Public and Private Actors
Description Sheet 9.	Sanctions and Remedies for Copyright Infringement
Methodology Card 7.	Application of Sanctions and Remedies for Copyright Infringement
Description Sheet 10.	Availability of Alternative Dispute Resolution Mechanisms
Methodology Card 8.	Use of Alternative Resolution Mechanisms for Solving Copyright Disputes

Management of Rights

Description Sheet 11.	Individual Exercise of Rights
Description Sheet 12.	Collective Management of Rights
Methodology Card 9.	Efficiency of Collective Management Organizations

Dissemination of Knowledge

Description Sheet 13.	Copyright-related Information Activities
Description Sheet 14.	Copyright-related Education for the Public in General
Methodology Card 10.	Public Awareness of the Rights
Methodology Card 11.	Copyright-related Education as Part of the Education of Professionals for Creative Industries
Description Sheet 15.	Research on Copyright-related Topics
Methodology Card 12.	Copyright-related Research and Study Programs in Universities and Research Institutes

OPERATIONAL BALANCE OF THE COPYRIGHT SYSTEM

Incentives

Methodology Card 13.	Direct Copyright Revenue Streams for Different Stakeholders
Methodology Card 14.	Return on Investment for Copyrighted Products and Services
Methodology Card 15.	Stakeholders' Opinions Concerning the Incentive Function of the Copyright System

Access

Methodology Card 16.	Access to Copyrighted Works by the Public
Methodology Card 17.	Access to Copyrighted Works for Follow-on Creation

Licensing Markets

Methodology Card 18.	Transaction Costs in Transfer and Licensing of Rights
Methodology Card 19.	Terms for Transfer and Licensing of Rights

Infringement, Opinions and Public Acceptance

Methodology Card 20.	Unauthorized Use of Copyrighted Works in Physical Form
Methodology Card 21.	Unauthorized Use of Copyrighted Works in Digital Form
Methodology Card 22.	Stakeholders' Opinions on the Copyright System

Table 2. Overview of the methodology cards and description sheets of the methodology framework for assessing national copyright and related rights systems

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Questionnaires

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Questionnaire for libraries

Instructions for researchers implementing the questionnaire

Goal of the questionnaire: To get an overview of the functioning of licensing between libraries and right holders in order to assess the level of access to copyrighted material through libraries (Corresponds to Methodology Card 16 – *Access to Copyrighted Works by the Public*).

Target population: Any kind of libraries open for the public

- for free or against a fee,
- including publicly or privately funded libraries, as well as
- general, scientific and specialized libraries.

Libraries are divided into three categories (definitions based on ISO 2789):

- Public library ("general library that serves the whole population of a regional community and is usually financed, in whole or in part, from public funds")
- Library of an institution of higher education ("library whose primary function is to serve students, academic and professional staff in universities and other institutions of education at the third (tertiary) level and above")
- Special library ("independent library covering one discipline or particular field of knowledge or a special regional interest")

Respondent: The questionnaire should be addressed at a person responsible for the administration of the library and likely to have knowledge of legal and contractual issues. Alternatively, the respondent could be a member of the library staff in charge of the acquisition of material or responsible for legal matters. However, the questionnaire should be answered from the point of view of the library as an organization.

Analysis of the data:

The following topics are covered in the questionnaire:

- Access to information on copyright rules by libraries (questions 9, 10 and 20)
- Steps necessary to deal with copyright issues by libraries (question 11 to 15 and 21 to 23)
- Difficulties in responding to copyright rules: amount of administrative work, difficulties in acquiring licenses, requests from users that cannot be fulfilled (questions 16 to 19 and 24)
- Difficulties in identifying right holders (questions 25 and 26)

As a prerequisite for a correct understanding and analysis of the data, the researcher should inquire whether the use of copyrighted works by libraries enjoys a special copyright regime in the country (exception or limitation to copyright, collective licensing, etc.) and if so, study the conditions of that regime. Such information is collected as part of Description Sheet 5 – *Copyright Law*.

The acquisition and availability of a library's own material and the access to material outside its collection should be distinguished in the analysis of the results. A distinction should also be made between digital and physical material. Moreover, the data can be classified and analyzed according to the differences between general and specialized libraries, as well as the variations in sizes and resources of libraries.

Model questionnaire

BACKGROUND INFORMATION

1. **Optional:** What are the name and location of your library?
2. **Optional:** What are your name, position and responsibilities in your library?
3. Is your library
 - a public library
 - a library of an institution of higher education
 - a special library?
 - In that case, please describe:
4. What kind of material is available in your library's collections (e.g. books, CDs, DVDs, photographs,...)?
.....
5. What is the size of your library's collections (in titles)? *If applicable, distinguish by type of material.*
.....
6. How many loans did your library lend out during the last year
7. How many employees do you have in your library? *In full time equivalents.*
8. **Optional:** What are the financial resources of your library?
Annual budget *or yearly income*

ACCESS TO INFORMATION ON COPYRIGHT ISSUES BY LIBRARIES' STAFF

9. Does your organization provide the staff with information on copyright issues and on legislative and policy changes in the field of copyright?
 - Yes, sufficiently for their professional activity
 - Yes, but insufficiently for their professional activity
 - No
10. Does the staff of your organization have access to support from experts in case of questions concerning copyright issues?
 - Yes
 - In this case: from whom? *Multiple answers possible.*
 - Other members of the staff
 - Other libraries, network of libraries or libraries' collective organization
 - Private actors, such as a consultant, lawyer or a teaching institution
 - Public actors or government agencies
 - Other, please describe:
 - No

ACCESS TO COPYRIGHTED MATERIAL THROUGH LIBRARIES

11. What share of the material used in your library requires individual licensing (the authorization for the use of each individual work is acquired from the right holder(s))? %

12. For what share of the material in your library the authorization is acquired through collective licensing (licenses arranged through collective management organizations or other organizations managing a collection of rights)? %

13. What share of the material in your library does not require copyright authorization? %

For what reason(s) is the authorization not needed?

- The term of copyright has ended
- Limitation or exception for the benefit of libraries
- Creative Commons license (the author gives the permission to use and spread the work for free under certain conditions)
- Other reason, which?

14. Does your library provide access to material from your own physical collection in digital form?

- Yes
 - In this case: on what legal basis does your library arrange this digitalization?
 - Through direct licensing with the copyright holders
 - Through a legal provision allowing you to provide such access
 - Other, please describe:

- No
 - In this case: what prevents your library from doing so? *Multiple answers possible.*
 - Costs for digitalizing
 - Insufficient technical support
 - Legal prohibition
 - Difficulty and cost of obtaining licenses
 - Other, please describe:

15. Does your library provide its visitors with access to digital material?

- Yes
 - In this case: how has your organization acquired the authorization to do this.....
- No

16. *If applicable:* Can you describe some recurring problems encountered in gaining access to copyrighted material (for instance, during copyright licensing negotiations)?
.....

COSTS OF MANAGEMENT OF COPYRIGHTED MATERIAL

17. Please estimate the amount of human resources needed for the licensing and management of copyright in your library (percentage of total working hours of the employed staff during the last year): %

18. Does your library employ specialized staff dealing mainly with copyright issues?

- Yes
 - In this case: how many employees? *In full time equivalents.*
- No

19. How could the amount of administrative duties needed for acquiring licenses and management of copyright in your library be qualified?

- | Insignificant | Low | Neither high
nor low | High | Excessive/
Unaffordable |
|--------------------------|--------------------------|--------------------------|--------------------------|----------------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> |

Instruction for the researcher: Distinguish by type of material if necessary.

20. Does your library get technical support for contract making from external organizations when dealing with copyright issues connected to the acquisition and management of material for example: consortia, collective management organizations, government agencies...)?

- Yes
 - In this case: what kind of support (for example: pre-negotiated agreements, model agreements, resources for localizing the right holders, information on legal issues,...)?
.....
- No

RIGHT TO COPY

21. Does your library provide users with the possibility of making copies of material in its collections?

- Yes
 - In this case:
 - What type of material?
 - What percentage of your collections? %
- No
 - In this case:
 - For what reasons (legal issues, practical issues, no demand from users,...)?
.....

22. How has your organization acquired the authorization to make copies of copyrighted material? *Multiple answers possible.*

- Through an exception in the law – Please describe:
- Through a collective license – Please describe:
- Through individual licenses – Please describe:
- Other, please describe:

23. When your library provides access to digital material, does it also provide the possibility to print?

- Yes
 - In this case:
 - Under what conditions?
 - How is it arranged with the right holder (general exception to copyright, individual or collective license agreement, etc.)?
.....
- No
 - In this case: for what reasons?

SATISFACTION OF USERS

24. Are there certain recurring requests from users that your library cannot fulfill because of issues related to copyright (for example: possibility to copy, availability of some types of materials,...)?

Yes

– In this case, please describe:

No

DIFFICULTIES IN IDENTIFYING COPYRIGHT HOLDERS

25. Has your library ever encountered problems in identifying the copyright holders of material it sought to acquire?

Yes

– In this case, please describe:

Never

Instruction for the researcher: The options Yes and Never can be replaced by a scale [never, rarely, sometimes, often, every time]

26. Does your library have in its collection material whose copyright holder is unknown?

Yes

– In this case:

– Please describe the type and the origin of the material:

– What percentage of your collections (estimate)? %

No

Questionnaire for archives

Instructions for the researchers implementing the questionnaire

Goal of the questionnaire: To study the functioning of licensing between archives and right holders, and between archives and users. The final purpose is to assess the level of access to copyrighted works by the general public through archives (corresponds to Methodology Card 16 – *Access to Copyrighted Works by the Public*).

Target population: Organizations responsible for the collection, preservation and distribution of material for the purposes of reuse. If preferred, the questionnaire can be directed to certain kinds of archives only, for example to scientific archives.

Respondent: The questionnaire should be directed to a person responsible for the administration of the archive and who is likely to have knowledge of legal and contractual issues. Alternatively, the respondent could be a member of the archive's staff in charge of the acquisition of material or responsible for legal matters. However, the questionnaire should be answered from the point of view of the archive as an organization.

Analysis of the data:

The following topics are covered in the questionnaire:

- A.** Access to information on copyright rules by archives (questions 9, 10 and 24)
- B.** Steps necessary for archives to access copyrighted material (questions 11 to 15)
- C.** Steps necessary for archives to provide access of copyrighted material to users (questions 17 to 19 and 25 to 27)
- D.** Difficulties in responding to copyright rules: amount of administrative work, difficulties in acquiring licenses, requests from users that cannot be fulfilled (questions 16, 20, 21 to 23 and 28)
- E.** Difficulties in identifying copyright holders (questions 29 and 30)

As a prerequisite for a correct understanding and analysis of the data, the researcher should inquire whether the use of copyrighted works by archives enjoys a special copyright regime in the country (exception or limitation to copyright, general agreements, etc.) and if so, study the conditions of that regime. Such information is collected as part of Description Sheet 5 – *Copyright Law*.

The acquisition and availability of an archive's own material and the access to material outside its collection should be distinguished in the analysis of the results. A distinction should also be made between digital and physical material. The research should also focus on the difficulties in acquiring new material, in making it available for users, and on the issues connected to the creation of new works based on archived material. Moreover, the data can be classified and analyzed in view of the differences between archives, as well as the variations of sizes and resources of archives.

Model questionnaire

BACKGROUND INFORMATION

1. **Optional:** What are the name and location of your organization?
2. **Optional:** What are your name, position and responsibilities in your archive?
.....
3. Is your archive specialized in a particular field of knowledge or type of material?
If yes, please describe:
4. What kind of material do you preserve in your archive (for example: pictures, art works, non-artistic objects, texts,...) and what are its origins?
5. What is the size of your archive's collections? *If applicable, distinguish by type of material.*
.....
6. How many users obtain access to your archive's material per year? *Estimate for the last year.*
7. How much staff does your archive employ? *In full time equivalents*
8. **Optional:** What are the financial resources of your archive?
Annual budget *or yearly income*

ACCESS TO INFORMATION ON COPYRIGHT ISSUES BY ARCHIVES' STAFF

9. Does your organization provide the staff with information on copyright issues and on legislative and policy changes in the field of copyright?
 - Yes, sufficiently for their professional activity
 - Yes, but insufficiently for their professional activity
 - No
10. Does the staff of your organization have access to support from experts in case of questions concerning copyright issues?
 - Yes
 - In this case: from whom? *Multiple answers possible.*
 - Other members of the staff
 - Other archives, network of archives or archives' collective organization
 - Private actors, such as a consultant, lawyer or a teaching institution
 - Public actors or government agencies
 - Other, please describe:
 - No

ACCESS TO COPYRIGHTED MATERIAL THROUGH ARCHIVES

11. What share of the material used in your organization requires individual licensing (the authorization for the use of each individual work is acquired from the right holder(s))? %
12. For what share of the material used in your organization the authorization is acquired through collective licensing (licenses arranged through collective management organizations or other organizations managing a collection of rights)? %

13. What share of the material used in your organization does not require copyright authorization?%

For what reason(s) is the authorization not needed?

- The term of copyright has ended
- Limitation or exception for the benefit of archives
- Creative Commons license (the author gives the permission to use and spread the work for free under certain conditions)
- Other reason, which?

14. Does your archive provide access to material from its own physical collection in digital form?

- Yes
 - In this case: how did your archive arrange this digitalization?
 - Through direct licensing with the copyright holders
 - Through a legal provision allowing you to provide such access
 - Other, please describe:
- No
 - In this case: what prevents your archive from doing so?
 - Costs for digitalizing
 - Insufficient technical support
 - Legal prohibition
 - Difficulty and cost to obtain licenses
 - The material is not appropriate for digitalization
 - Other, please describe:

15. Does your archive provide its users with access to material from the collections of other archives?

- Yes
 - In this case: how does it work from the point of view of copyright (for example: through agreements with other archives)?
- No

16. *If applicable*: Can you describe some recurring problems encountered in gaining access to copyrighted material (for instance, during copyright licensing negotiations)?

.....

ACCESS TO ARCHIVED MATERIAL BY THE USERS OF THE ARCHIVE

17. To whom does your organization provide access to its archived material?

- To anyone
 - In this case:
 - After registration or not?
 - For free or against a fee?
- To a special class of users (for example scientific or academic personnel)
 - In this case: please describe

- 18.** How has your organization acquired the authorization to provide access to copyrighted material for its users?
- Through an exception in law
 - Through private licensing
 - Individually for each work
 - Through collective licensing
 - Other, please describe:
- 19.** Does your archive provide access to its material only under particular conditions (for example, an obligation of giving access to new sets of data created by the user) or limitations (limitation in time, in types of uses,...)?
- Yes
 - In this case, please describe:
 - No
- 20.** *If applicable:* Can you describe some recurring problems encountered in copyright licensing negotiations with users of archived material?

COSTS OF MANAGEMENT OF COPYRIGHTED MATERIAL

- 21.** Please estimate the amount of human resources needed for the licensing and management of copyright in your organization (percentage of total working hours of the employed staff during the last year): %
- 22.** Does your organization have specialized staff dealing mainly with copyright issues?
- Yes
 - In this case: how many employees? *In full time equivalents.*
 - No
- 23.** How can the amount of administrative duties needed for acquiring licenses and management of copyright in your organization be qualified?
- | Insignificant | Low | Neither high
nor low | High | Excessive/
Unaffordable |
|--------------------------|--------------------------|--------------------------|--------------------------|----------------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> |

Instruction for the researcher: Distinguish by type of material if necessary.

- 25.** Does your archive get technical support for contract making from external organizations when dealing with copyright issues connected to the acquisition of material (e.g. consortia, collective management organizations, government agencies,...)?
- Yes
 - In this case: what kind of support (for example: pre-negotiated agreements, model agreements, resources for localizing the right holders, information on legal issues,...)?
 -
 - No

RIGHT TO COPY

26. Does your archive provide users with the possibility to make copies of the material in its collections?

Yes

– In this case:

– What type of material?

– What percentage of your collections? %

No

– In this case:

– For what reasons (legal issues, practical issues, no demand from users,...)?

27. How has your organization acquired the authorization to make copies of copyrighted material? *Multiple answers possible.*

Through an exception in law – Please describe:

Through a collective license – Please describe:

Through individual licenses – Please describe:

Other, please describe:

28. If your archive provides access to digital material, does it provide the possibility to print?

Yes

– In this case:

– Under what conditions?

– How is it arranged with the right holders (general exception to copyright, individual or collective license agreement,...)?

No

– In this case: for what reasons?

SATISFACTION OF USERS

29. Are there certain recurring requests from users that your archive cannot fulfil because of copyright issues (for example: possibility to copy, availability of some types of materials,...)?

Yes

– In this case, please describe:

No

DIFFICULTIES IN IDENTIFYING COPYRIGHT HOLDERS

30. Has your archive ever encountered problems in identifying the copyright holders of material it sought to acquire?

Yes

– In this case, please describe:

Never

Instruction for the researcher: The options *Yes* and *Never* can be replaced by a scale [never, rarely, sometimes, often, every time]

31. Does your archive have in its collection material whose copyright holder is unknown?

Yes

– In this case:

– Please describe the type and the origin of the material:

– What percentage of your collections (estimate)? %

No

Questionnaire for museums

Instructions for the researchers implementing the questionnaire

Goal of the questionnaire: To get an overview of the functioning of licensing between museums and right holders. The final purpose is to assess the level of access to copyrighted works by the general public through museums (corresponds to Methodology Card 16 – *Access to Copyrighted Works by the Public*).

Target population: Organizations arranging public display of works of art or other copyrighted material, whether publicly or privately funded. For example: art, history and scientific museums, art galleries and organizers of exhibitions.

Respondent: The questionnaire should be directed at a person responsible for the administration of the museum and who is likely to have knowledge of legal and contractual issues. Alternatively, the respondent could be a member of the museum's staff in charge of the collection of material or responsible for legal matters. However, the questionnaire should be answered from the point of view of the whole institution or organization.

Analysis of the data:

The following topics are covered in the questionnaire:

- A.** Access to information on copyright rules by museums and exhibition organizers (questions 9, 10 and 14)
- B.** Steps necessary to deal with copyright issues by museums and exhibition organizers (questions 15 to 20, 22 and 23)
- C.** Difficulties in responding to copyright rules: amount of administrative work and difficulties in acquiring licenses (questions 11 to 13 and 21)
- D.** Difficulties in identifying right holders (questions 24 and 25)

As a prerequisite for a correct understanding and analysis of the data, the researcher should inquire whether the use of copyrighted works by museums enjoys a special copyright regime in the country (exception or limitation to copyright, general agreements, etc.) and if so, study the conditions of that regime. Such information is collected as part of Description Sheet 5 – *Copyright Law*.

Two issues that are taken into account are a) access to copyrighted works, and b) access to information on these works (metadata). It should also be noted in the analysis of the results that some of the questions cover museums' collections, and other questions concern exhibitions.

The acquisition and availability of a museum's own material and the access to material outside its collection should be distinguished in the analysis of the results. A distinction should also be made between digital and physical material. Moreover, the data can be classified and analyzed in view of the differences between museums, art galleries or organizers of exhibitions, as well as the variation in sizes and resources of museums.

Model questionnaire

BACKGROUND INFORMATION

1. **Optional:** What are the name and location of your organization?
2. **Optional:** What are your name, position and responsibilities in your organization?
.....
3. Is your organization
 - an art museum
 - a history museum
 - a scientific museum
 - another kind of museum, please describe:
 - an art gallery
 - an exhibition organizer?

Instruction for the researcher: Please note that the options in question 3 can be replaced with other options that are more suitable for the specific country context.

4. Does your organization have collections of its own?
 - Yes, public collections
 - Yes, private collections
 - If yes: what kind of material is available in your collections (e.g. pictures, art works, non-artistic objects, texts, audiovisual works, etc.)?
 - No
 - If not: what types of copyrighted works are put on display?
.....

Instruction for the researcher: In this survey the questions cover both the collections and exhibitions of museums, art galleries and exhibition organizers. The questions concerning collections would be applicable only if the museum has collections of its own. Therefore, if the answer to question 4 "Does your organization have collections of its own?" is "No", then the respondent should be asked to skip all the questions concerning their own collections.

5. What is the size of your organization's collections? *If applicable, distinguish by type of material; in case of non-permanent collections, provide an estimation of the minimum and maximum sizes.*
6. What proportion of the material in your organization's collections is protected by copyright?%
7. How many employees do you have in your organization? *In full time equivalents.*
8. **Optional:** What are the financial resources of your organization?
Annual budget..... *or yearly income*

ACCESS TO INFORMATION ON COPYRIGHT ISSUES BY MUSEUMS' STAFF

9. Does your organization provide the staff with information on copyright issues and on legislative and policy changes in the field of copyright?
 - Yes, sufficiently for their professional activity
 - Yes, but insufficiently for their professional activity
 - No
10. Does the staff of your organization have access to support from experts in case of questions concerning

copyright issues?

- Yes
 - In this case: from whom? *Multiple answers possible.*
 - Other members of the staff
 - Other museums, network of museums or museums' collective organization
 - Private actors, such as a consultant, lawyer or a teaching institution
 - Public actors or government agencies
 - Other, please describe:
- No

COSTS OF MANAGEMENT OF COPYRIGHTED MATERIAL

- 11.** Please estimate the amount of human resources needed for the licensing and management of copyright in your organization (percentage of total working hours of the employed staff during the last year):%
- 12.** Does your organization employ specialized staff dealing mainly with copyright issues?
 - Yes
 - In this case, how many employees? *In full time equivalents.*
 - No
- 13.** How can the amount of administrative duties needed for acquiring licenses and management of copyright in your organization be qualified?

Insignificant	Low	Neither high nor low	High	Excessive/ Unaffordable
1	2	3	4	5
<input type="checkbox"/>				

Instruction for the researcher: Distinguish by type of material if necessary.

- 14.** Do you get technical support for contract making from external organizations when dealing with copyright issues connected to the acquisition and management of material (for example: consortia, collective management organizations, government agencies,...)?
 - Yes
 - In this case, what kind of support (for example: pre-negotiated agreements, model agreements, resources for localizing the right holders, information on legal issues,...)?
 - No

ACCESS TO COPYRIGHTED WORKS THROUGH MUSEUMS

- 15.** What share of the material used in your organization requires individual licensing (the authorization for the use of each individual work is acquired from the right holder(s))?%
- 16.** For what share of the material used in your organization the authorization is acquired through collective licensing (licenses arranged through collective management organizations or other organizations managing a collection of rights)?%
- 17.** What share of the material used in your organization does not require copyright authorization?%
For what reason(s) is the authorization not needed?
 - The term of copyright has ended
 - Limitation or exception for the benefit of museums and/or exhibitions
 - Creative Commons license (the author gives the permission to use and spread the work for free under certain conditions)
 - Other reason, which?

18. Does your organization provide access to material from its collections in digital form?

Yes

– In this case: how did you arrange this digitalization?

Through direct licensing with the copyright holders

Through a legal provision allowing you to provide such access

Through a collective management organization

Other, please describe:

Yes, but for certain audiences only

– In this case: for which audiences?

– In this case: how did you arrange this digitalization?

Through direct licensing with the copyright holders

Through a legal provision allowing you to provide such access

Through a collective management organization

Other, please describe:

Not yet, but in the future (the digitalization process is planned or ongoing)

– In this case: how do you plan to organize the digitalization?

No

– In this case: what prevents you from doing so?

Costs for digitalizing

Insufficient technical support

Legal prohibition

Difficulty and cost to obtain licenses

The material is not appropriate for digitalization

Other, please describe:

19. Does your organization lend physical or digital material to other museums (for example, for temporary exhibitions)?

Yes

– In this case: how does it work from the point of view of copyright (for example: through agreements with other museums etc.)?

No

– In this case (if applicable): what prevents you from doing so?

20. Does your organization exchange metadata with other museums?

Yes

– In this case: how does it work from the point of view of copyright?

No

– In this case (if applicable): what prevents you from doing so?

21. *If applicable:* can you describe some recurring problems you have encountered in providing or getting access to a) copyrighted material, or b) metadata (for example, during copyright licensing negotiations or when organizing online exhibitions)?

RIGHTS OF VISITORS

22. Does your organization provide its visitors with the possibility to take pictures of the material?

- Yes, of all material displayed
- Yes, but only of some material
 - In this case:
 - For what reasons (legal issues such as forbidden by the copyright holders, practical issues, no demand from visitors, ...)?
 - What type of material?
- No
 - In this case: for what reasons (legal issues such as forbidden by the copyright holders, practical issues, no demand from visitors, ...)?

23. If your organization provides access to digital material, does it allow its visitors to print it?

- Yes
 - In this case:
 - Under what conditions?
 - How is it arranged with the rights holders (general exception to copyright, individual or collective license agreement, etc.)?
- No
 - In this case: for what reasons?

DIFFICULTIES IN IDENTIFYING COPYRIGHT HOLDERS

24. Has your organization ever encountered problems in identifying the copyright holders of material it sought to acquire?

- Yes
 - In this case, please describe:
- Never

Instruction for the researcher: The options *Yes* and *Never* can be replaced by a scale [*never, rarely, sometimes, often, every time*]

25. Does your organization have in its collections material whose copyright holder is unknown?

- Yes
 - In this case:
 - Please describe the type and the origin of the material:
 - What percentage of your collections (estimate)?
- No

Questionnaire for art schools and institutions teaching professionals for creative industries

Instructions for the researchers implementing the questionnaire

Goal of the questionnaire: The goal of this questionnaire is twofold:

- a. To get an overview of copyright-related education in the institutions teaching professionals for creative industries, whether as a special qualifier/credit for a degree or integrated in the different themes in the curriculum. The final purpose is to assess the awareness of copyright rules by professionals in creative industries (corresponds to Methodology Card 11 – *Copyright-related Education as Part of the Education of Professionals for Creative Industries*).
- b. To study educators' and educational institutions' opinions and experiences on the use of copyrighted material for the purposes of education. The final purpose is to assess the problems of access to copyrighted material in the course of education (corresponds to Methodology Card 16 – *Access to Copyrighted Works by the Public*).

Target population:

Vocational schools, other professional schools and polytechnics/universities of applied sciences in the following branches:

- Media/Communication
- Business
- Culture
- Photography, Audiovisual, Multimedia
- Fine Arts and Design
- Music and Performing Arts
- Arts Management
- Information Technology and Data Processing

Universities in the following branches:

- Art universities
- Faculties specialized in the areas of information technology
- Faculties of media and human sciences (digital media, communications theory, mass media, libraries and journalism)

The questionnaire should be addressed to a representative sample of relevant schools offering education in these areas.

Respondent: The questionnaire should be addressed to schools/teaching institutions' management, or to the persons responsible for teaching copyright issues in the school, teaching institution or faculty. However, the questionnaire should be answered from the point of view of the school or teaching institution as a whole.

Analysis of the data:

The following topics are covered in the questionnaire:

- A.** Inclusion of copyright-related education in the curricula of the teaching institutions considered (questions 8 and 9)
- B.** Access to information on copyright rules by teachers and teaching institutions (questions 6, 7 and 20)
- C.** Steps necessary to deal with copyright issues by teachers and teaching institutions (questions 10 to 13, 15 and 16)
- D.** Difficulties in responding to copyright rules: amount of administrative work, difficulties in acquiring copyright licenses (questions 14, 17 to 19)
- E.** Difficulties in identifying copyright holders (questions 21 and 22)

As a prerequisite for a correct understanding and analysis of the data, the researcher should first inquire how the communication, public performance, reproduction and distribution of copyrighted works for the purposes of education is organized in the country (through an exception or limitation to copyright, through private licensing, by general agreements, etc.) and the types of copyrighted works that schools are allowed to copy and distribute (considering the form, whether physical or digital, and different types of material, such as texts and books, videos, pictures and music). Such information is collected as part of Description Sheet 5 – *Copyright Law*.

All branches of education should be analyzed separately. A distinction can be made between the different types of material when necessary. A distinction can also be made between material displayed in class and material accessible at home or online.

Model questionnaire

BACKGROUND INFORMATION

1. **Optional:** What are the name and location of your institution or the unit you represent?

.....
In the following questions, the term “institution” is used to cover either the institution or the unit you represent.

2. **Optional:** What are your name, position and responsibilities in your institution?

3. **Question for vocational schools, other professional schools and polytechnics/universities of applied sciences:** In what field(s) is your institution offering education? *Multiple answers possible.*

- Media/Communication
- Business
- Culture
- Photography, Audiovisual, Multimedia
- Fine Arts and Design
- Music and Performing Arts
- Arts Management
- Information Technology and Data Processing

Question for universities:

In what field(s) is your institution offering education? *Multiple answers possible.*

- Art
- Information Technology
- Media and Human Sciences (digital media, communications theory, mass media, libraries and journalism)

Instruction for the researcher: Question 3 should be modified according to the structure of the educational system of the country in question.

4. What is the number of professors, teachers and other staff currently working in your institution? *Estimate, in full time equivalents.*
5. What is the number of students currently enrolled in your institution?

ACCESS TO INFORMATION ON COPYRIGHT ISSUES BY TEACHERS AND PROFESSORS

6. Do the teachers and professors in your institution have access to information on rules and legislative or policy changes related to the use of copyrighted material for educational purposes?
- Yes, sufficiently for their professional activity
 - Yes, but insufficiently for their professional activity
 - No

7. Do the teachers and professors in your institution have access to support from experts in case of questions concerning copyright issues?

- Yes
 - In this case: from whom? *Multiple answers possible.*
 - Other members of the staff
 - Other teaching institutions or a collective of teaching institutions
 - Private actors, such as a consultant or lawyer
 - Public actors or government agencies
 - Other, please describe:
- No

INCLUSION OF COPYRIGHT-RELATED EDUCATION IN THE CURRICULUM

- 8. Are copyright-related issues taught in your institution?
 - Yes, and it is included in the curriculum
 - Yes, but it is not included in the curriculum
 - No
- 9. How are copyright-related issues taken into consideration in your institution's operation or activities (for example: has your institution set up and distributed regulations concerning the management of copyrighted material by its staff)?

USE OF COPYRIGHTED MATERIAL BY TEACHERS AND TEACHING INSTITUTIONS

- 10. What share of the material used for teaching in your institution requires individual licensing (the authorization for the use of each individual work is acquired from the right holder(s))? %
- 11. For what share of the material used for teaching in your institution the authorization is acquired through collective licensing (licenses arranged through collective management organizations or other organizations managing a collection of rights)? %
- 12. What share of the material used for teaching in your institution does not require copyright authorization? %
For what reason(s) is the authorization not needed?
 - The term of copyright has ended
 - Limitation or exception for the benefit of education
 - Creative Commons license (the author gives the permission to use and spread the work for free under certain conditions)
 - Other reason, which?
- 13. What types of copyrighted works (for example literature, audiovisual works, music,...) do the members of your institution use in teaching?
- 14. *If applicable:* Can you describe some recurring problems encountered by your institution in copyright licensing negotiations?
- 15. What kind of access to copyrighted material is your institution allowed to provide for its students? *Multiple answers possible.*
 - access to physical material
 - online access to digital material in class or in the institution's library
 - online access to digital material out of class

16. Optional: Have you noticed copyright infringement in your institution?

- Yes
 - In this case, have there been sanctions resulting from the infringement?
 - Yes
 - No
 - In this case, has your institution defined a formal system or process to deal with the problems (violations) concerning copyright issues?
 - Yes
 - No
 - In this case, how many cases of copyright infringement has your institution dealt with during the past three years?
- There have been doubts on copyright infringement, but they were not proven right
- No

Instruction for the researcher: This question might require confidentiality. In this case, the responses should be collected anonymously.

COSTS OF MANAGEMENT OF COPYRIGHTED MATERIAL USED BY TEACHING INSTITUTIONS

17. Who in your institution is responsible for ensuring the compliance to copyright legislation when using copyrighted material for the purposes of teaching (for example, who is responsible for acquiring licenses for the use of copyrighted material)?

- The teachers themselves
- The institution
- Other, please describe:

18. Does your institution have specialized staff to deal with copyright issues?

- Yes
 - In this case, how many employees? *In full time equivalents.*
- No

19. How could the amount of administrative duties connected to dealing with copyrighted material in your institution be qualified?

Insignificant	Low	Neither high nor low	High	Excessive/ Unaffordable
1	2	3	4	5
<input type="checkbox"/>				

Instruction for the researcher: Distinguish by type of material if necessary.

20. Does your institution get technical support from external organizations when dealing with copyright issues connected to the acquisition of material (for example: CMOs, government agencies,...)?

- Yes
 - In this case, what kind of support (for example: pre-negotiated agreements, resources for localizing the right holders, information on legal issues,...)?
- No

DIFFICULTIES IN IDENTIFYING COPYRIGHT HOLDERS

21. Have you ever encountered problems in identifying the copyright holders of material you or one of your teachers/professors sought to use for educational purposes?

Yes

– In this case, please describe:

Never

Instruction for the researcher: The options *Yes* and *Never* can be replaced by a scale [*never, rarely, sometimes, often, every time*]

22. Have some of your teachers/professors used material whose copyright holder is unknown?

Yes

– In this case, please describe the type and the origin of the material:

.....

No

Questionnaire for institutions offering teacher training

Instructions for the researchers implementing the questionnaire

Goal of the questionnaire: The goal of this questionnaire is twofold:

- a.** To get an overview of copyright-related education in schools offering teacher training. The final purpose is to study the level of awareness of copyright rules; if teacher training includes copyright issues, it can be deduced that there is education available for citizens on the concept of copyright and the rights and obligations of users of copyrighted material (corresponds to Description Sheet 14 – *Copyright-related Education for the Public in General*).
- b.** To study educators' and educational institutions' opinions and experiences on the use of copyrighted material for the purposes of education. The final purpose is to assess the level of access to copyrighted material in the course of education (corresponds to Methodology Card 16 – *Access to Copyrighted Works by the Public*).

Target population: Schools and universities offering teacher training in the country, for example:

- Faculties of pedagogy
- Relevant vocational schools and teaching institutions

Respondent: The questionnaire should be addressed either to school management, to the persons responsible for teaching copyright issues or alternatively, to members of the staff knowledgeable in both the management of copyright issues and the composition of the curriculum. However, the questionnaire should be answered from the point of view of the school or teaching institution as a whole.

Analysis of the data:

The following topics are covered in the questionnaire:

- A.** Availability of education on copyright rules as part of teacher training (questions 6 to 11)
- B.** Access to information on copyright rules by teachers and professors (questions 12, 13 and 23)
- C.** Steps necessary to deal with copyright issues by teaching institutions (questions 14 to 17 and 19)
- D.** Difficulties in responding to copyright rules: amount of administrative work, difficulties in acquiring the licenses, limitations in the use of teaching material (questions 18 and 20 to 22)
- E.** Difficulties in identifying copyright holders (questions 24 and 25)

As a prerequisite for a correct understanding and analysis of the data, the researcher should first inquire how the communication, public performance, reproduction and distribution of copyrighted works for the purposes of education is organized in the country (through an exception or limitation to copyright, through private licensing, by general agreements, etc.) and the types of copyrighted works that schools are allowed to copy and distribute (considering both physical and digital form, and different types of material, such as pieces of texts, videos, pictures and music). Such information is collected as part of Description Sheet 5 – *Copyright Law*.

A distinction can be made between the different types of material and between digital and physical material when necessary.

Model questionnaire

BACKGROUND INFORMATION

1. **Optional:** What are the name and location of your institution or the unit you represent?

.....

In the following questions, the term “institution” is used to cover either the institution or the unit you represent.

2. **Optional:** What are your name, position and responsibilities in your institution?

.....

3. Is your institution

- a school, faculty or a program of pedagogy (university level)
 a school offering teacher training (other than university level)

4. What is the number of students currently enrolled in your institution (students majoring in pedagogy)?

.....

Instruction for the researcher: Alternatively, the question could be: *“What is the number of students who majored in pedagogy during the last year?”*

5. What is the number of professors, teachers and other staff currently working in your institution? *Estimate, in full time equivalents.*

Instruction for the researcher: The existence of copyright-related education as part of teacher training can be studied through desktop analysis of the school/academic curricula. The following questions will be useful in cases when a detailed curriculum is not available.

COPYRIGHT-RELATED EDUCATION AS A PART OF TEACHER TRAINING

6. Is copyright-related education included in the (academic) curriculum of basic degrees offered by your institution?

- Yes
 No

7. Is copyright-related education included in the (academic) curriculum of further training/post-graduate education for teachers offered by your institution?

- Yes
 No

8. Are the copyright issues concerning public performance of material for education taught in your institution?

- Yes, and it is included in the curriculum
 Yes, but it is not included the curriculum
 No

9. Are copyright issues concerning reproduction of material for education taught in your institution?

- Yes, and it is included in the curriculum
 Yes, but it is not included the curriculum
 No

- 10.** Are copyright issues concerning other uses of material for education taught in your institution?
- Yes, and it is included in the curriculum
 - Yes, but it is not included the curriculum
 - No
- 11.** Are copyright issues concerning the use of digital and online material for education taught in your institution?
- Yes, and it is included in the curriculum
 - Yes, but it is not included the curriculum
 - No

ACCESS TO INFORMATION ON COPYRIGHT ISSUES BY TEACHERS AND PROFESSORS

- 12.** Do teachers and professors in your institution have access to information on rules and legislative or policy changes related to the use of copyrighted material for educational purposes?
- Yes, sufficiently for their professional activity
 - Yes, but insufficiently for their professional activity
 - No
- 13.** Do teachers and professors in your institution have access to support from experts in case of questions concerning copyright issues?
- Yes
 - In this case: from whom? *Multiple answers possible.*
 - Other members of the staff
 - Other teaching institutions or a collective of teaching institutions
 - Private actors, such as a consultant or lawyer
 - Public actors or government agencies
 - Other, please describe:
 - No

USE OF COPYRIGHTED MATERIAL BY TEACHERS AND TEACHING INSTITUTIONS

- 14.** What share of the material used for teaching in your institution requires individual licensing (the authorization for the use of each individual work is acquired from the right holder(s))?%
- 15.** For what share of the material used for teaching in your institution the authorization is acquired through collective licensing (licenses arranged through collective management organizations or other organizations managing a collection of rights)?%
- 16.** What share of the material used for teaching in your institution does not require copyright authorization?%
- For what reason(s) is the authorization not needed?
- The term of copyright has ended
 - Limitation or exception for the benefit of education
 - Creative Commons license (the author gives the permission to use and spread the work for free under certain conditions)
 - Other reason, which?
- 17.** What types of copyrighted works (for example literature, audiovisual works, music,...) do your teachers and professors use in teaching?
- 18.** *If applicable:* Can you describe some recurring problems encountered in copyright licensing negotiations?

19. What kind of access to copyrighted material are you allowed to provide for your students?

- access to physical material
- online access to digital material in class or in the institution's library
- online access to digital material out of class

20. Have you been prevented from distributing some interesting teaching material because of issues related to copyright?

- Yes
 - In this case, please describe:
- No

COSTS OF MANAGEMENT OF COPYRIGHTED MATERIAL USED BY TEACHING INSTITUTIONS

21. Who in your institution is responsible for ensuring the compliance to copyright legislation when using copyrighted material for the purposes of teaching (for example, who is responsible for acquiring licenses for the use of copyrighted material)?

- The teachers themselves
- The institution
- Other, please describe:

22. How could the amount of administrative duties connected to dealing with copyrighted material in your institution be qualified?

Insignificant	Low	Neither high nor low	High	Excessive/ Unaffordable
1	2	3	4	5
<input type="checkbox"/>				

Instruction for the researcher: Distinguish by type of material if necessary.

23. Does your institution get technical support from external organizations when dealing with copyright issues connected to the acquisition of material (for example: CMOs, government agencies,...)?

- Yes
 - In this case, what kind of support (for example: pre-negotiated agreements, resources for localizing the right holders, information on legal issues, etc.)?
- No

DIFFICULTIES IN IDENTIFYING COPYRIGHT HOLDERS

24. Have you ever encountered problems in identifying the copyright holders of material you or one of your teachers/professors sought to use for educational purposes?

- Yes
 - In this case, please describe:
- Never

Instruction for the researcher: The options Yes and Never can be replaced by a scale [never, rarely, sometimes, often, every time]

25. Have some of your teachers/professors used material whose copyright holder is unknown?

- Yes
 - In this case, please describe the type and the origin of the material:
- No

Questionnaire for schools for basic education

Instructions for the researchers implementing the questionnaire

Goal of the questionnaire: The goal of this questionnaire is twofold:

- a.** To get an overview of copyright-related education in primary schools and secondary schools. The final purpose is to assess the general awareness of copyright rules; if basic education includes information on copyright, it can be deduced that citizens are made familiar at an early age with the concept of copyright and the rights and obligations of users of copyrighted material (corresponds to Description Sheet 14 – *Copyright-related Education for the Public in General*).
- b.** To study teachers' opinions and experiences on the use of copyrighted works for the purposes of education (corresponds to Methodology Card 16 – *Access to Copyrighted Works by the Public*).

Target population: Schools offering basic education at different levels (compulsory education if applicable).

Respondent: The questionnaire should be addressed to schools' or teaching institutions' management or the person responsible for copyright issues. However, the questionnaire should be answered from the point of view of the school or teaching institution as a whole.

Analysis of the data:

The following topics are covered in the questionnaire:

- A.** Teaching of copyright rules in schools for basic education (questions 5 to 7)
- B.** Access to information on copyright rules by teachers in schools for basic education (questions 8 to 10 and 20)
- C.** Steps necessary to deal with copyright issues by teaching institutions (questions 11 to 14 and 16)
- D.** Difficulties in responding to copyright rules: amount of administrative work, difficulties in acquiring the licenses (questions 15, 17, 18 and 19)
- E.** Difficulties in identifying right holders (questions 21 and 22)

As a prerequisite for a correct understanding and analysis of the data, the researcher should first inquire how the communication, public performance, reproduction and distribution of copyrighted works for the purposes of education is organized in the country (through an exception or limitation to copyright, through private licensing, by general agreements, etc.) and the types of copyrighted works that schools are allowed to copy and distribute (considering the form – physical, digital – and the type of material – texts and books, videos, pictures, music,...). Such information is collected as part of Description Sheet 5 – *Copyright Law*.

The answers from schools offering basic education at different levels should be analyzed separately.

Model questionnaire

BACKGROUND INFORMATION

1. **Optional:** What are the name and location of your school?

.....

2. **Optional:** What are your name, position and responsibilities in your school?

.....

3. Is your school

- a primary school
- a secondary school
- other?

4. What is the number of students in your school?

TEACHING OF COPYRIGHT ISSUES IN SCHOOLS FOR BASIC EDUCATION

5. Is copyright-related education included in the curricula of your school?

- Yes
- No

Instruction for the researcher: This question can be studied through desktop analysis of the school curricula. Question 5 will be useful in cases when a detailed curriculum is not available.

6. Are you offering copyright-related education in your school?

- Yes
 - In this case: in what subject or study area is copyright-related education included?
- No

7. What of the following topics does the copyright-related education offered in your school include:

- The purpose of copyright: why does the copyright system exist?
- The subject matter of copyright: what kind of material is copyrighted?
- The rights of the consumer: what are the consumers allowed to do with copyrighted material?
- The obligations of the consumer: what are the consumers' obligations when dealing with copyrighted material?
- Copyright infringement: what acts are infringing copyright?

ACCESS TO INFORMATION ON COPYRIGHT ISSUES BY TEACHERS

8. Do the teachers in your school have access to information on rules and legislative or policy changes related to the use of copyrighted material for educational purposes?

- Yes, sufficiently for their professional activity
- Yes, but insufficiently for their professional activity
- No

9. Do the teachers in your school have access to support from experts in case of questions concerning copyright issues?

Yes

– In this case: from whom? *Multiple answers possible.*

Other members of the staff

Other teaching institutions or a collective of teaching institutions

Private actors, such as a consultant or lawyer

Public actors or government agencies

Other, please describe:

No

10. Is there education or information available for teachers on how to teach copyright issues?

Yes

No

USE OF COPYRIGHTED MATERIAL BY TEACHERS AND TEACHING INSTITUTIONS

11. What share of the material used for teaching in your school requires individual licensing (the authorization for the use of each individual work is acquired from the right holder(s))?%

12. For what share of the material used for teaching in your school the authorization is acquired through collective licensing (licenses arranged through collective management organizations or other organizations managing a collection of rights)?%

13. What share of the material used for teaching in your school does not require copyright authorization?
.....%

For what reason(s) is the authorization not needed?

The term of copyright has ended

Limitation or exception for the benefit of education

Creative Commons license (the author gives the permission to use and spread the work for free under certain conditions)

Other reason, which?

14. What types of copyrighted works (for example literature, audiovisual works, music,...) do the teachers in your school use in teaching?

15. *If applicable:* Can you describe some recurring problems encountered in copyright licensing negotiations?
.....

16. What kind of access to copyrighted material is your school allowed to provide for its pupils?

access to physical material

online access to digital material in class

online access to digital material out of class

17. Have you been prevented from distributing some interesting teaching material because of issues related to copyright?

Yes

– In this case, please describe:

No

COSTS OF MANAGEMENT OF COPYRIGHTED MATERIAL USED BY TEACHING INSTITUTIONS

18. Who in your school is responsible for ensuring the compliance to copyright legislation when using copyrighted material for the purposes of teaching (for example, who is responsible for acquiring licenses for the use of copyrighted material)?

- The teachers themselves
- The institution
- Other, please describe:

19. How could the amount of administrative duties connected to dealing with copyrighted material in your school be qualified?

Insignificant 1	Low 2	Neither high nor low 3	High 4	Excessive/ Unaffordable 5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instruction for the researcher: Distinguish by type of material if necessary.

20. Does your school get technical support from external organizations when dealing with copyright issues connected to the acquisition of material (for example: CMOs, government agencies, etc.)?

- Yes
 - In this case, what kind of support (for example: pre-negotiated agreements, resources for locating the right holders, information on legal issues, ...)?
- No

DIFFICULTIES IN IDENTIFYING COPYRIGHT HOLDERS

21. Have you ever encountered problems in identifying the copyright holders of material you or one of your teachers sought to use for educational purposes?

- Yes
 - In this case, please describe:
- Never

Instruction for the researcher: The options *Yes* and *Never* can be replaced by a scale [*never, rarely, sometimes, often, every time*]

22. Have you or one of your teachers used material whose copyright holder is unknown?

- Yes
 - In this case, please describe the type and the origin of the material:
- No

Questionnaire for researchers and research institutes

Instructions for the researchers implementing the questionnaire

Goal of the questionnaire: The goal of this questionnaire is twofold:

- a.** To get an overview of the number of copyright-related study and research programs in universities and research institutes. The final purpose is to assess the awareness of copyright rules by the academic public (corresponds to Methodology Card 12 – *Copyright-related Research and Study Programs in Universities and Research Institutes*).
- b.** To study the functioning of licensing of copyrighted works from researchers' and research institutes' points of view. The answers will tell about the opinions of researchers on the access to copyrighted works used as research material. The final purpose is to assess how the copyright system affects the access to copyrighted works for the purposes of scientific research and to study possible difficulties when seeking permission to use copyrighted material (corresponds to Methodology Card 16 – *Access to Copyrighted Works by the Public* and Methodology Card 17 – *Access to Copyrighted Works for Follow-on Creation*).

Target population: Researchers, research institutes and university faculties in relevant fields

Respondent: The questionnaire should be addressed to research directors, the university management, or alternatively, to members of the staff knowledgeable in both the management of copyright issues and the composition of the curriculum.

Analysis of the data:

The following topics are covered in the questionnaire:

- A.** Amount of research and study programs on copyright-related issues conducted at universities and research institutes (questions 6 to 12)
- B.** Access to information on copyright issues by researchers (questions 13, 14 and 26)
- C.** Application of copyright rules to researchers and research institutes (questions 15 to 18 and 20)
- D.** Difficulties in responding to copyright rules: amount of administrative work, difficulties in acquiring licenses (questions 19 and 21 to 25)
- E.** Difficulties in identifying copyright holders (questions 27 and 28)

The researcher should first inquire how the access to copyrighted material for the purposes of research is organized in the country (through an exception or limitation to copyright, through private licensing, by general agreements, etc.). Another subject for preliminary research is the ownership of works created by researchers (whether it is granted by law to the researcher or the employer, or whether it depends on the work contract of the researcher).

Model questionnaire

BACKGROUND INFORMATION

1. **Optional:** What are the name and location of your institution or the unit you represent?

.....

In the following questions, the term “institution” is used to cover either the organization or the unit you represent.

2. **Optional:** What are your name, position and responsibilities in the institution you represent?

.....

3. Is your institution

a university or a university-based research institution
– in this case: is your faculty/school

a faculty/school of law

a faculty/school of business

a faculty/school of social sciences

other research institution

– in this case: please describe the field(s) in which your institution is specialized:

.....

4. Is your institution

a public institution

a private institution (either commercial or non-commercial)?

5. What is the number of researchers in your institution? *In full time equivalents*.....

Instruction for the researcher: This question can be replaced by the following question:
What is the number of researchers (members of personnel engaged in research activities for over 50 % of their working hours) in your institution?

COPYRIGHT-RELATED RESEARCH AND STUDY PROGRAMS

6. What was the number of copyright-related research programs in your institution during the last year (research programs on issues or topics with significant connection to copyright)?

7. What is the amount of personnel involved in these research programs? *Please give an estimate in full time equivalents*.....

8. What is the amount of public research financing for copyright-related research programs for your institution?
.....

Questions for universities only:

9. What is the number of chairs (professors or equivalent positions such as research directors) in your faculty/school that are directly involved in copyright-related research?

10. What is the number of research fellows (such as researchers and research assistants) dealing primarily with copyright-related issues in your faculty/school?

- 11.** Is copyright-related education included as a specific study program in your faculty/school?
- Yes, as a program leading to a degree (bachelor, master, or doctoral program)
 - Yes, as a multi-discipline program (a program that can be accepted as a part of some degrees)
 - Yes, as another type of study program
 - No
- 12.** Is copyright-related education included as a specific subject or module in the curriculum of your faculty/school?
- Yes
 - No

Instruction for the researcher: The level of copyright-related education can be analyzed through a desktop study of the academic curricula. Questions 11 and 12 will be useful in cases where a detailed curriculum is not available.

ACCESS TO INFORMATION ON COPYRIGHT ISSUES BY RESEARCHERS

- 13.** Do the researchers in your institution have access to education or information on the rules related to copyright and on legislative and policy changes in the field of copyright?
- Yes, sufficiently for their professional activity
 - Yes, but insufficiently for their professional activity
 - No
- 14.** Do the researchers in your institution have access to support in case of questions concerning copyright issues?
- Yes
 - In this case: from whom? *Multiple answers possible.*
 - University management (centralized function for the whole university)
 - University management (faculty-level administration)
 - Other members of the staff
 - Other research organizations or networks of researchers
 - Private actors, such as a consultant or lawyer
 - Public actors or government agencies
 - Other, please describe:
 - No

ACCESS TO COPYRIGHTED MATERIAL BY RESEARCHERS

- 15.** What share of the material used for research purposes in your organization requires individual licensing (the authorization for the use of each individual work is acquired from the right holder(s))?%
- 16.** For what share of the material used for research purposes in your organization the authorization is acquired through collective licensing (licenses arranged through collective management organizations or other organizations managing a collection of rights)?%

17. What share of the material used for research purposes in your organization does not require copyright authorization?%

For what reason(s) is the authorization not needed?

- The term of copyright has ended
- Limitation or exception for the benefit of research
- Creative Commons license (the author gives the permission to use and spread the work for free under certain conditions)
- Other reason, which?

18. Do the researchers in your institution have access to research material online/in digital form?

- Yes
 - In this case: how is the compliance to copyright rules arranged for this material (for example: through an agreement with the service providing the material)?
- No

19. *If applicable:* Can you describe some recurring problems encountered in getting access to copyrighted material (for instance, during copyright licensing negotiations)?

20. How do you think the current copyright system affects the access to copyrighted works for the purposes of scientific research?

The system limits the access to a great extent	The system limits the access to some extent	The system has no effect on access	The system enhances the access to some extent	The system enhances the access to a great extent
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Please explain:

21. Have researchers in your institution faced legal difficulties when building upon existing copyrighted material in the course of research?

- Yes
 - In this case, please describe:
- No

COPYRIGHT OF MATERIAL CREATED BY RESEARCHERS

22. Has your institution faced problems when asked to provide a license for the reuse of content created by the researchers in your institution?

- Yes
 - In this case, please describe:
- No

COSTS OF MANAGEMENT OF COPYRIGHTED MATERIAL BY RESEARCH INSTITUTIONS

23. Please estimate the amount of human resources needed for the licensing and management of copyright in your institution (percentage of total working hours of the employed staff during the last year):%

Instruction for the researcher: This question covers both

- the process of acquiring the necessary rights, and
- licensing out and managing the rights of the research institution.

It could also be divided according to these two points of view.

The copyrights discussed might be either

- rights of the members of the staff of the institution born in the course of research, or
- rights transferred to the organization from its staff by law, contractual arrangements prevailing in the institution, or other kinds of arrangement.

24. Does your institution have specialized staff dealing only with copyright issues?

Yes

- In this case, how many employees? *In full time equivalents*.

No

25. How could the amount of administrative duties needed for the licensing and management of copyright in your institution be qualified?

Insignificant 1	Low 2	Neither high nor low 3	High 4	Excessive/ Unaffordable 5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instruction for the researcher: Distinguish by type of material if necessary.

26. Does your institution get technical support from external organizations when dealing with copyright issues connected to the acquisition of material (for example: collective management organizations, government agencies,...)?

Yes

- In this case, what kind of support (for example: pre-negotiated agreements, resources for localizing the right holders, information on legal issues, ...)?

No

DIFFICULTIES IN IDENTIFYING COPYRIGHT HOLDERS

27. Have the researchers in your institution ever encountered problems in identifying the copyright holders of material they sought to use?

Yes

- In this case, please describe:

Never

Instruction for the researcher: The options *Yes* and *Never* can be replaced by a scale [*never, rarely, sometimes, often, every time*]

28. Have you or one of your researchers used material whose copyright holder is unknown?

Yes

- In this case, please describe the type and the origin of the material:

.....

No

Questionnaire for the public at large

Instructions for the researchers implementing the questionnaire

Goal of the questionnaire: The goals of this questionnaire are:

- a. To study the level of awareness of the public in general of the rules related to the use of copyrighted material. The final goal is to assess citizens' awareness of the rights of authors, performers and other right holders and their knowledge of how they can use protected works (corresponds to Methodology Card 10 – *Public Awareness of the Rights*).
- b. To study end-users' opinions and experiences concerning the functioning of the markets for copyrighted works. The final purpose is to assess the level of access to copyrighted material by the public at large (corresponds to Methodology Card 16 – *Access to Copyrighted Works by the Public*).
- c. To get an overview of the problems encountered by members of the public at large when using copyrighted works as part of their own creative activities (corresponds to Methodology Card 17 – *Access to Copyrighted Works for Follow-on Creation*).
- d. To size up the phenomenon of non-commercial piracy (corresponds to Methodology Card 21 – *Unauthorized Use of Copyrighted Works in Digital Form*).
- e. To study the opinions of the public at large on the copyright system (corresponds to Methodology Card 22 – *Stakeholders' Opinions on the Copyright System*).

Target population: The general public, for example aged 15 - 79 years. The target population may be stratified into sub-populations of for example different age groups, income groups or socio-economic groups in order to ensure the balanced representation of all of them.

Respondent: The questionnaire should be directed to individual members of the general public according to the goals and scope of the study.

Analysis of the data:

The following topics are covered in the questionnaire:

- A. Awareness and knowledge of citizens on the rules connected to the use of copyrighted material, and the transparency of copyright rules applicable to the public at large (questions 6 to 9)
- B. Access to copyrighted works (questions 14 to 18)
- C. Consumers' experiences as copyright users (questions 10 to 13)
- D. Unauthorized use of copyrighted works (questions 19 to 25)
- E. Opinions on the copyright system by the public at large (questions 26 to 30)

The different types of material should be distinguished in the analysis of the results when necessary. A distinction can also be made between digital and physical material. The questionnaire focuses on certain types of material only (phonograms, films, radio and TV programs, books, content for other printed media (articles, photographs etc.), games and computer programs/software) that are most suitable in view of the goals of the data collection.

The results should be analyzed in the light of the solutions made in the country to cater end-users' interests (such as the exceptions and limitations to copyright). The results concerning awareness and knowledge can be compared with those of the other questionnaires of this toolkit, especially the questionnaire for schools for basic education.

Model questionnaire

BACKGROUND INFORMATION

1. Please select your age group

- 15 – 24 years
- 25 – 34 years
- 35 – 44 years
- 45 – 54 years
- 55 – 64 years
- 65 years or more

2. Please select your gender

- Male
- Female

3. Please define the size of your annual taxable gross income

Alternative question: Please define the annual taxable gross income of your household

- Income group 1
- Income group 2
- Income group 3
- Income group 4

Instruction for the researcher: The income groups need to be defined for each country separately. The question to be asked can be chosen from the two alternatives.

4. Please select the option that best describes your current situation

- Full-time employee
- Part-time employee
- Entrepreneur or self-employed person
- Student
- Pensioner/retiree
- Unemployed
- Other

5. Please define the highest level of education you have completed

- No schooling
- Primary school
- Secondary school
- Bachelor's degree
- Master's degree
- Post-graduate degree
- Other

Instruction for the researcher: The education levels available need to be defined for each country separately. This question will be useful as a preliminary for a research concerning the area "Awareness and Knowledge" of the methodology framework.

AWARENESS AND KNOWLEDGE OF THE PUBLIC AT LARGE

6. Do you feel that you know enough about the rules that one should take into account when using works protected by copyright?
- Yes
 - No
7. Do you have access to information on copyright issues?
- Yes, sufficiently for my needs
 - Yes, but I do not find answers to all my questions
 - No

Instruction for the researcher: If considered relevant, the issues of education and information (now asked in questions 6 and 7) can be asked in separate and more detailed questions.

Questions 8 and 9 are general questions that will test citizens' actual knowledge of the rationale behind the existence of the copyright system and their rights and duties. The answers will help in identifying situations where the respondents might think they know copyright rules and actually are wrong.

8. What do you consider to be the purpose of the copyright system? *Please explain briefly.*

.....

9. In your opinion, are these types of behavior **more likely** to be legal or illegal?

In these situations, do you think that the behaviour is more likely to be legal or illegal? Please choose one option for each statement.	Legal	Illegal	I do not know
Download music or videos for free from a website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stream TV series for free from a website (streaming means watching online without downloading it to your own hard drive)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Watch a TV show or listen to music from the website of the copyright holder (examples: website of the TV channel, of the music band, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Download a piece of music available under a particular license making it available for free (such as Creative Commons licenses, when the author gives the permission to use and spread the work for free under certain conditions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Download a movie from a video-on-demand service of an internationally recognized company	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exchange your music library online with other users through peer-to-peer networks (networks of users exchanging files online)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Download or copy any piece of music, movie or picture already wide-spread online	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Watch videos on YouTube	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy someone else's personal video on YouTube without asking his/her permission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy a TV program acquired legally and making it available on YouTube	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Watch online videos and TV series not yet available in your country	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Give homemade copies of CDs and DVDs to your friends or relatives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Make a copy of a piece of music you own (for example a CD) for your own personal use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Play music pieces for your guests during a party organized in your home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Photocopy a few pages of books borrowed from a library for any kind of use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A teacher distributing paper copies of teaching material in educational books to his students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reuse someone else's text that has been published online	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy and sell copies of a song with the permission of the singer only	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reuse a picture found online when naming the original photographer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reuse a picture online without the permission of its creator when there is no indication that the picture is protected by copyright (or ©)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reuse someone else's text to write a parody about it	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instruction for the researcher: This list of propositions is a set of examples. Researchers implementing this questionnaire should select the most relevant examples in order to evaluate respondents' understanding of what is legal. Only the most relevant questions should be asked.

During preliminary testing of this questionnaire, respondents have commented that this question helped them evaluate their knowledge of copyright rules. Some noted they would appreciate if the survey was accompanied with the right answers. Providing them could be an incentive for participation.

EXPERIENCES AS USERS OF MATERIAL PROTECTED BY COPYRIGHT

10. Have you used works made by others or parts of them (music pieces, pictures...) to make a work of your own (such as a new piece of music, a short film, a website or an internet blog, etc. — whether for a professional or scientific work, or for leisure activities)?

- Yes
- No **(in this case, go straight to question 13)**

If your answer was yes: what kind of works have you used in your own creative activities? What kind of works have you created? Have you made the works you created available to the public (on the internet for example)? Please tick the appropriate boxes in the tables below.

	Works I have used	Works I have created	Works I have made available to the public
Music	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Films and video recordings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio material (voice recordings, radio programs,...)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Text	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pictures, images, photographs etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computer programs or parts of them	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Website or internet blog	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – Please describe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. *If applicable:* Did you seek a permission to make use of these works?

- Yes
- In this case: did you have problems with getting a permission or license for the use?
- Yes
- In this case, please describe the main problem(s):
- No
- No, even though the use required a license
- No, the use did not require a license
- No, I did not know that the use required a license

12. During the last year, have you encountered situations where you did not know whether or not you were allowed to use a certain work online (for example you could not identify the creator of the work, you could not detect whether the work was made available legally, or you were not sure whether or not the work could be freely used)?

- Yes
- In this case, please describe:
- No

13. In your opinion, are your rights or privileges as a user of copyrighted works respected in general?

- Yes
- No
- In this case: what rights or privileges you consider are not respected and in what way?

Instruction for the researcher: The question can be replaced by a list of users' rights or privileges, or exceptions and limitations to copyright, depending on the copyright system of the country in question (such as the possibility to make quotations from copyrighted works and the possibility to make private copies). Certain fundamental rights could also be considered separately.

AUTHORIZED AND UNAUTHORIZED USE OF COPYRIGHTED WORKS

Instruction for the researcher: This part of the questionnaire covers questions that particularly require confidentiality. The responses should be collected anonymously.

14. Have you ever **bought or otherwise legally acquired** (including streaming and downloading) digital copyrighted products **online**?

- Yes
- No **(in this case, please go directly to question 18)**

15. How often have you bought or otherwise legally acquired (including streaming and downloading) digital copyrighted products online?

How often have you acquired this type of legal content online:	Daily	Weekly	Monthly	At least once during the last year	At least once but not during the last year	Never
Music	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Films	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Radio and TV programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Books	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Content for other printed media (articles, photographs, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Games	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computer programs, software	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

16. Where do you acquire or enjoy legal copyrighted products online? *Multiple answers possible.*

- Through commercial music, video, e-books, etc., providers (such as iTunes, Amazon, etc.)
- On the website of the creator, producer, publisher, or other copyright holder
- On streaming services (such as Spotify, Netflix, YouTube, etc.)
- On websites offering products available under Creative Commons or similar licenses (when the author gives the permission to use and spread the work for free under certain conditions)
- Through online rental services (such as movie on-demand services)
- On websites that offer free demo versions or shareware programs
- Other (please explain)

17. What percentage of the copyrighted products you acquired online in the last year did you pay for?

- None of them
- > 0 – 25 %
- > 25 % – 50 %
- > 50 % – 75 %
- > 75 % – < 100 %
- All of them

18. What do you think of the availability of legal cultural products and services online?

- Enough products are available at an affordable price or for free
- Enough products are available but the price is often too high
- Not enough products are available legally online

19. Have you ever used, downloaded or uploaded **illegal** copyrighted products?

- Yes
- No (**in this case, please go directly to question 24**)

20. How often have you used, streamed, downloaded or uploaded the following types of illegal subject matter?

How often have you used, downloaded or uploaded the following types of illegal subject matter during the last year?	Daily	Weekly	Monthly	At least once during the last year	At least once but not during the last year	Never
Music	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Films	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Radio and TV programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Books	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Content for other printed media (articles, photographs, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Games	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computer programs, software	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

21. Where do you acquire illegal copyrighted products online? *Multiple answers possible.*

Where do you acquire illegal content online? <i>Several choices for each statement are possible.</i>	Peer-to-peer (P2P) networks	Streaming websites and services	Publicly available files on blogs, websites and forums	Privately through e-mails, chat programs, social networks etc.	Other
Music	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Films	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Radio and TV programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Books	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Content for other printed media (articles, photographs, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Games	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computer programs, software	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. What are your reasons for using, downloading or uploading illegal copyrighted products online? *Please choose 3 options that best describe your motivation.*

- Prices of the products offered on the markets
- Lack of availability of legal products
- Legal products come with limitations that you do not agree with
- The means of payment for legal products are not suitable for you
- Illegal products come in a format that is most suitable for you
- Searching for products that could be bought later
- You consider that the price you would pay does not reach the right persons (the division of income between the artist and other players in the value chain is unfair)
- You consider that the private use of copyrighted products should be free (of charge)
- You find nothing wrong with it
- Everybody else are using, downloading and uploading illegal copyrighted products online
- Other reason, what?

- 23.** In the recent past, did the supply of legal copyrighted products online, such as legal streaming services (Spotify, Netflix, YouTube, etc.) or legal services remunerated through advertising, affect your amount of illegal use?
- Yes: I have found services that made me reduce my illegal use
 - In this case: what services were those?
 - Yes: the use of such services made me increase my illegal use
 - In this case: please explain the reason of this influence
 - No, I use such services but they did not influence the amount of my illegal use
 - No, I do not use such services
- 24.** Among these possibilities or reasons, choose 3 options that are most likely to make you pay for copyrighted products:
- High quality content
 - Respect towards the author or performer
 - A low price
 - A convincing demo version
 - Content made available by the creator himself
 - A fixed fee for unlimited access to a large amount of content
 - Sufficient remuneration paid to the author
 - A remuneration partly or entirely distributed to a good cause
 - Free products are difficult to access
 - Technical measures against piracy (such as DRMs and other anti-copy measures)
 - Other reason, what?
- 25.** How common do you believe illegal use such as downloading and uploading of copyrighted products is?

Very rare	Rare	Neither rare nor common	Common	Very common
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

END-USERS' OPINIONS ON THE COPYRIGHT SYSTEM

- 26.** In your opinion, should one respect copyright rules?
- Yes
 - In this case, why? *Several answers possible.*
 - Because it is fair to remunerate artists and performers for their work
 - Because if copyright rules are not respected, the supply of cultural products will decrease
 - Because infringers incur fines and other punishments
 - Because one should always follow the law
 - Other reasoning, what?
 - No
 - In this case, why?

27. How important do you find the existence of copyright and related rights system?

Insignificant	Rather unimportant	Neither important nor insignificant	Rather important	Very important/ Crucial
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Optional comment:

28. How acceptable do you consider buying **physical** pirate copies (for example: illegal copies of CDs or DVDs)?

Not acceptable at all	Not acceptable in most cases	I do not have an opinion	Acceptable in most cases	Totally acceptable
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

29. How acceptable do you consider

a. downloading **digital** pirate copies?

Not acceptable at all	Not acceptable in most cases	I do not have an opinion	Acceptable in most cases	Totally acceptable
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

b. uploading **digital** pirate copies?

Not acceptable at all	Not acceptable in most cases	I do not have an opinion	Acceptable in most cases	Totally acceptable
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c. otherwise sharing **digital** pirate copies?

Not acceptable at all	Not acceptable in most cases	I do not have an opinion	Acceptable in most cases	Totally acceptable
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

30. **Optional:** If your national copyright system was to be reformed, what in your opinion would be the most urgent issue(s) to address?

.....

Questionnaire for authors and performers

Instructions for the researchers implementing the questionnaire

Goal of the questionnaire: The goals of this questionnaire are:

- a.** To get an overview of authors' and performers' awareness and knowledge on their rights and obligations (corresponds to Methodology Card 11 – *Copyright-related Education as Part of the Education of Professionals for Creative Industries*)
- b.** To study the importance of the copyright and related rights system for authors and performers (corresponds to Methodology card 15 – *Stakeholders' Opinions Concerning the Incentive Function of the Copyright System*)
- c.** To identify the problems encountered by authors and performers when using copyrighted works in their own creation (corresponds to Methodology Card 17 – *Access to Copyrighted Works for Follow-on Creation*)
- d.** To collect authors' and performers' opinions on the functioning of the markets for copyrighted works, in particular concerning the fairness of terms of contracts and transaction costs (corresponds to Methodology Cards 18 – *Transaction Costs in Transfer and Licensing of Rights* and 19 – *Terms for Transfer and Licensing of Rights*).
- e.** To study stakeholders' opinions on the copyright system: its functioning, defects and legitimacy (corresponds to Methodology Card 22 – *Stakeholders' Opinions on the Copyright System*).

Target population: Authors and performers in different copyright industries or creative fields (see question 1). The study can focus on one specific industry. Alternatively, sampling can be based on stratification by industry.

Respondent: The questionnaire should be addressed to authors and performers themselves, or to their agents or business managers.

Analysis of the data:

The following topics are covered in the questionnaire:

- A.** Awareness and knowledge of authors and performers of their rights and obligations, and the transparency of copyright rules applicable to them (questions 5 to 8)
- B.** Incentive function of the copyright system, i.e. the ways in which copyright motivates the creation of new works as well as investing in creative activities (questions 9 to 12)
- C.** Authors' and performers' experiences on the fairness of terms of contracts (questions 13 to 17)
- D.** Authors' and performers' experiences on transaction costs (questions 18 to 23)
- E.** Use of copyrighted works for follow-on creation (questions 24 to 27)
- F.** Opinions of authors and performers on copyright and the copyright system (questions 28 to 39)

The different types of material should be distinguished in the analysis of the results when necessary. A distinction can also be made between digital and physical material.

The results should be analyzed in the light of the solutions made in the country to protect the rights of authors and performers and to facilitate the functioning of the markets for rights (Pillar II of the methodology framework). The results concerning the awareness can be compared with those of the other questionnaires, especially the questionnaire for art schools and institutions teaching professionals for creative industries.

Model questionnaire

If you represent an author or a performer, please answer the following questions on his/her behalf.

BACKGROUND INFORMATION

1. Please select the option(s) that best describe the product of your creative activities

- Music
- Films
- Radio and TV programs
- Books
- Content for other printable media
- Computer games
- Computer programs/software
- Photography
- Visual arts, crafts and design
- Performing arts in music
- Performing arts in theatre, dance, circus or opera
- Other performing arts
- Advertising services
- Other (please describe):

If you represent artists or performers, what is the size of your clientele?

Instruction for the researcher: The list of options above can be replaced by more detailed categories, such as genres or other types of subject matter, in particular when the data collection focuses on a particular industry.

2. What were your sources of income based on copyright last year?

- Royalty (based on individual licensing, e.g. writer's royalty from a publisher)
- Salary (e.g. journalist's salary paid by a newspaper publisher)
- Fee (e.g. photographer's fee for the use of a photograph in a magazine)
- License (e.g. exclusive or non-exclusive permission to use a photograph or work of art in a calendar)
- Adaptation rights (e.g. use of a literary work in an audiovisual work)
- Rights licensed by CMOs (e.g. rights for public performance of phonograms)
- Other remuneration (e.g. public lending rights, private copying compensation), please describe:
.....

Which sources of income are most important for you? *Please select 1-3 main sources of revenue from the options listed above.*

.....

What other types of revenue (such as grants, prizes and teaching or performance fees) did you get from your work as an author/performer last year? *Please mention 1-3 main sources of revenue.*

.....

3. Please estimate the size of your yearly taxable gross income (individual artists and performers).

.....

4. Please estimate what proportion of your yearly total income is constituted of direct copyright revenue (the sources of direct copyright revenue are specified in question 2)%

AWARENESS AND KNOWLEDGE OF AUTHORS AND PERFORMERS

5. Do you have access to education or information on copyright issues?

- Yes, sufficiently for my professional purposes
- Yes, but insufficiently for my professional purposes
- No

If yes: from where do you get that information or education?

6. Do you feel that you are sufficiently aware of your rights as an author/performer?

- Yes
- No

7. How often do you seek the help of a lawyer or copyright specialist when negotiating or defending your rights?

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Never | Rarely | Sometimes | Often | Every time |
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> |

8. Which of the following statements do you believe are true:

	True	False	I do not know
According to the law, you have the right to forbid anyone from buying your published creation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
According to the law, you have the right to claim damages from someone who published a parody of your work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You must abandon all your rights as a creator when entering a licensing contract with a publisher/producer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Once you have entered a licensing agreement and transferred your rights on the creation, you can always claim damages from someone publishing your work without naming you as the author	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When you die, your rights as a creator will expire and your work will fall into the public domain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Once you have offered your work to users against a free license (such as Creative Commons), you can later change your mind and offer it for a fee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instruction for the researcher: Please note that the list of statements should be adapted according to the law of the country in question. They can be replaced by other questions that are more suitable for the specific country context.

INCENTIVE FUNCTION OF THE COPYRIGHT SYSTEM

9. How do you consider the importance of copyright and the copyright system (in general) in encouraging creative work in your field?

- | | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| Insignificant | Rather unimportant | Neither important nor insignificant | Rather important | Very important/ Crucial |
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Optional description:

10. How important do you consider the following issues in motivating your creative work?
Please select one option for each row.

Instruction for the researcher: Please note that the list of incentives should be adapted according to the law of the country in question.

The incentive could be deemed as an expected potential of income from creative effort. On the other hand, the incentives created by copyright might be other than economic, related to the recognition of authors' and performers' work and protection of their moral rights. In order to get a complete picture of the issues motivating creative work, work in a copyright-based industry and investing in copyright-based activities, also the other incentives than those generated by copyright could be studied.

Economic incentives for creative work stemming from the copyright system (elements or aspects financially encouraging creation)	Insignificant 1	Rather unimportant 2	Neither important nor insignificant 3	Rather important 4	Very important/ Crucial 5
Authors' exclusive rights to deny the use of his work and demand compensation for the use of the work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rights to equitable remuneration from public performance or communication to the public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fair compensation system (right to get remuneration for the private copying of copyrighted works)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Possibility for the authors to transfer the rights on their works and the legal provisions facilitating it	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Possibilities for authors to protect their works internationally	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other In this case, please describe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Non-economic incentives for creative work stemming from the copyright system	Insignificant 1	Rather unimportant 2	Neither important nor insignificant 3	Rather important 4	Very important/ Crucial 5
Protection of an author's or performer's non-commercial interests and personal interests in his work (moral rights in general)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right to attribution (requirement to acknowledge or credit the author of a work which is used or appears in another work) or right to claim authorship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right to the integrity of the work (forbids any alternation, distortion or mutilation of the work that may detract from the artist's relationship with the work)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right to have a work published anonymously or pseudonymously	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right to the respect of the author's honor and reputation (forbids for instance the use of one's name on any work the author did not create or on a work distorted, altered or mutilated in a way that would be prejudicial to the author's honor or reputation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right of publication (right to decide when the work may first be made available to the public)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Right of withdrawal (prevent further reproduction, distribution or representation in return for compensation paid to the distributor of the work for the damage done to him)	<input type="checkbox"/>				
--	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Other incentives than those generated by copyright	Insignificant 1	Rather unimportant 2	Neither important nor insignificant 3	Rather important 4	Very important/ Crucial 5
Self-fulfillment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Satisfaction of taking part in the evolution of a type of art	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public recognition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial support from the state for this type of activity (such as grants, subsidies, prizes and tax exemptions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Profit opportunities others than those stemming from copyrights, please describe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pressures from the outside (relatives, friends, community, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special business opportunities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, please describe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instruction for the researcher: Depending on the length of the table, it can be divided into several questions. Alternatively, the respondent could be asked to select the main issues from the above list that motivate his/her creative work. The issue could also be asked with an open question. The respondent should be asked to indicate any issues including those that have to do with copyright and those that are not connected to copyright at all.

11. According to your experience, do you think that your national copyright system (including laws, policies, rights management and enforcement) is able to ensure that copyrighted works and performances are properly remunerated?

Yes, perfectly

Yes, to some extent

No

– If not: what issues do you consider to influence this relative inoperability (for example the business environment, contractual issues,...)?

12. Have you come across legislations, public actions or compulsory administrative duties that made it difficult for you to create or perform?

Yes

Yes, but only to some degree

No

Additional comments:

AUTHORS' AND PERFORMERS' OPINIONS ON THE FAIRNESS OF TERMS OF CONTRACTS

13. Do you consider having a fair bargaining position when negotiating the contracts concerning the exploitation of your works?

Being in a fair bargaining position would mean, for instance, that you feel you are in a position to demand fair prices and conditions as well as a guarantee that the contract will be executed fairly.

- Yes, always
- Yes, most of the time
- Yes, sometimes
- No
 - *If applicable: what causes the inequality?*
 - Economic situations of the parties
 - Differences in the negotiating parties' knowledge of the legal situation
 - Differences in the negotiating parties' knowledge of negotiation practices
 - Excessive protection of the law for one party
 - Other (please explain)

14. Have you ever encountered situations where you had the feeling that your work or performance was not remunerated at its full value?

- Yes, several times
 - Yes, once or rarely
 - No
- If yes, please describe:

15. Have you ever been proposed a contract featuring a clause which infringed your rights?

- Yes, several times
- Yes, once or rarely
- No
 - If yes, what did you do then?
 - Nothing: I was not aware that the clause was illegal
 - I had the clause erased/rewritten before signing the contract
 - I nevertheless accepted the contract
 - Was the clause erased/rewritten afterwards?
 - Yes
 - No
 - I refused the contract
 - Other, please describe:

16. Have you encountered or heard of someone else encountering terms of contracts for the exploitation of works that you find unfair towards authors and performers, but are nevertheless allowed by the applicable legislation?

- Yes
 - In this case, please describe:
- No

17. Do you have any proposals for government's actions that would increase the fairness of terms of contracts and fairness in the markets for rights on copyrighted works?

Instruction for the researcher: The following questions will measure the transaction costs incurred by the authors and performers. These costs of *making an economic exchange* might be monetary, but also of other kinds, such as the costs caused by the time consumed and the efforts made.

When exchanging copyrights or copyrighted works, the different kinds of transaction costs could be divided into

- search and information costs (such as the costs of identifying and contacting potential negotiating partners),
- the costs of negotiating and bargaining for exchanging or transferring the rights or works, and
- the costs of enforcing the rights.

The questions of this part of the survey consider both

- the transaction costs incurred for *using* copyrighted works in an author's or performer's own work or performance, and
- the transaction costs incurred for *selling, licensing or otherwise exchanging* an author's or performer's own work or performance.

Transaction costs are asked in different ways in this questionnaire: question 18 allows the respondents to classify the levels of the different types of transaction costs. Question 19 is an open-ended question which requires the respondents to name and explain the high and excessive transaction costs they incur. The detailed answers (for example: "I spend a lot of time looking for producers for my audiovisual work" or "I spend a lot of time answering the emails of my clients") will be classified by the researcher when analyzing the results. The rest of the questions consider the actions of the government and organizations such as CMOs, to reduce the transaction costs.

Please note that questions 18 and 19 can be replaced by questions 20 and 21 if the table of question 18 is considered too complex, or if the conceptual difference between the categories of costs is not easily applicable. Depending on the length of the table, it can be divided into several questions.

18. How would you describe your monetary costs, your time consumed and your efforts made during the process of acquiring licenses when using copyrighted works, managing transactions of your own works or performances, or enforcing your own rights?

Please select only one option for each row.

Using copyrighted works in your own work or performance:	Insignificant 1	Small 2	Affordable 3	High 4	Excessive 5
Please describe					
a) the monetary costs,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) the time consumed and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) the efforts made					
to search for possible suppliers and information concerning the rights to copyrighted works that you need in your own work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please describe					
a) the monetary costs,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) the time consumed and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) the efforts made					
to negotiate and acquire the rights for the use of copyrighted works in your own work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Selling or licensing your own work or performance:	Insignificant 1	Small 2	Affordable 3	High 4	Excessive 5
Please describe					
a) the monetary costs,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) the time consumed and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) the efforts made					
to search for potential users and buyers, and possible other information that you find necessary when selling or licensing your own copyrighted works or performances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please describe					
a) the monetary costs,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) the time consumed and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) the efforts made					
to negotiate when selling or licensing your own copyrighted works or performances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please describe					
a) the monetary costs,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) the time consumed and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) the efforts made					
to enforce your rights as an author or performer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19. If you chose option 4 or 5 in the previous question, please describe the situations where these high or excessive costs (in money, time or efforts) have occurred.

.....

20. How would you qualify the efforts necessary for you to acquire copyright licenses?

Very low 1	Low 2	Reasonable 3	High 4	Very high 5
<input type="checkbox"/>				

If applicable: What kind of difficulties do you face when seeking to acquire copyright licenses (for example: administrative problems, difficulties in identifying copyright holders, difficulties in negotiating with copyright holders,...)?

.....

Could you propose public or legislative actions that would ease the process of acquiring licenses?

.....

21. How would you qualify the efforts necessary for you to sell copyright licenses?

Very low 1	Low 2	Reasonable 3	High 4	Very high 5
<input type="checkbox"/>				

If applicable: What kind of difficulties do you face when seeking to sell copyright licenses (for example: administrative problems, difficulties in identifying copyright holders, difficulties in negotiating with copyright holders,...)?

.....

Could you propose public or legislative actions that would ease the process of selling licenses?

.....

22. Are you satisfied with the services of CMOs in diminishing your efforts listed in question 18?

Yes

No

– In this case, please describe:

23. Do you use model agreements or other available resources for diminishing the monetary costs, time consumed and the efforts needed when managing copyright issues?

Yes

– In this case, please describe:

No

Instruction for the researcher: Please note that the question should be adapted depending on the methods for mitigating the transaction costs in the country. They can be replaced by other options that are more suitable for the specific country context.

Other available resources could include e.g. registers of copyright holders and services of clearing houses.

USE OF COPYRIGHTED WORKS FOR FOLLOW-ON CREATION

24. Have you used works made by others or parts of them to make a work of your own?

- Yes
 No **(in this case, go straight to question 28)**

If your answer was yes: What kind of works have you used? What kind of works have you created? Have you made the works you created available to the public (on the internet for example)? *Please tick the appropriate boxes in the tables below.*

	Works I have used	Works I have created	Works I have made available to the public
Music	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Films and video recordings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio material (voice recordings, radio programs,...)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Text	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pictures, images, photographs etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computer programs or parts of them	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Website or internet blog	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – Please describe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

25. *If applicable:* Did you seek permission to make use of these works?

- Yes
 – In this case: did you have problems with getting a permission or license for the use?
- Yes
 – In this case, please describe the main problem(s):
- No
 No, even though the use required a license
 No, the use did not require a license
 No, I did not know that the use required a license

26. How do you think the current copyright system affects the access to copyrighted works for reuse in your own creations?

The system limits the access to a great extent	The system limits the access to some extent	The system has no effect on access	The system enhances the access to some extent	The system enhances the access to a great extent
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

27. Have you faced legal difficulties when building upon existing copyrighted material?

- Yes
 – In this case, please describe:
- No

OPINIONS ON THE COPYRIGHT SYSTEM'S FUNCTIONING

28. How would you qualify the complexity of your national copyright system (laws, policies, management of rights and enforcement)?

Very simple	Rather simple	Neither simple nor complex	Rather complex	Very complex
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

29. How would you qualify the coherence (meaning, the lack of contradiction between its rules or principles) of the national copyright system?

Totally incoherent	Rather incoherent	Neither incoherent nor coherent	Rather coherent	Perfectly coherent
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

30. How would you qualify the consistency of national copyright policies with values and generally accepted principles in society?

Totally inconsistent	Rather inconsistent	Neither inconsistent nor consistent	Rather consistent	Perfectly consistent
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

31. Do you consider that information on copyright rules and policies is sufficiently available in your country?

- Yes, information is available sufficiently for average citizens
- Yes, information is available for average citizens, but only to some extent
- No, information is not available at all for average citizens

32. How would you qualify the capacity of your national copyright system to adapt to technological changes?

Totally incapable	Rather incapable	I do not have an opinion	Rather capable	Perfectly capable
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

33. How would you qualify the need for reforming your national copyright system (copyright rules and policies)?

Very low	Low	Neither low nor urgent	Urgent	Very urgent
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

34. If your national copyright system was to be reformed, what in your opinion would be the most urgent issue(s) to address?

.....

35. How would you qualify the efficiency of the following actors in their work for the operation of the copyright system?

	Very inefficient 1	Inefficient to some extent 2	Neither efficient nor inefficient 3	Efficient to some extent 4	Very efficient 5
Copyright Management Organizations (CMOs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Customs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Societies or unions representing authors or performers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Societies or unions representing professional copyright users	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Societies or unions representing end-users	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OPINIONS ON THE BALANCE OF INTERESTS IN THE COPYRIGHT SYSTEM

36. In your opinion, are copyright laws and policies able to strike a balance between the interests of the different parties involved in your industry (authors, performers, professional or private users)?

- Yes
 No

37. How well do you think the rights of the following parties are protected by the copyright system?

	Very low protection 1	Low protection 2	Reasonable level of protection 3	High protection 4	Very high protection 5
Authors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Performers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Professional users	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private users	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OPINIONS ON THE ACCESS TO COPYRIGHTED WORKS

38. How do you think the current copyright rules affect the availability of the types of works you create?

Copyright rules limit the availability to a great extent 1	Copyright rules limit the availability to some extent 2	Copyright rules have no effect on the availability 3	Copyright rules increase the availability to some extent 4	Copyright rules increase the availability to a great extent 5	I do not know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instruction for the researcher: If considered relevant, the availability of digital products and services can be asked separately.

39. Could you propose public actions that might improve the availability of copyrighted material?

.....

Questionnaire for professional copyright users

Instructions for the researchers implementing the questionnaire

Goal of the questionnaire: The goals of this questionnaire are:

- a.** To get an overview of copyright users' access to information on copyright issues (corresponds to Methodology Card 11 – *Copyright-related Education as Part of the Education of Professionals for Creative Industries*).
- b.** To study the incentive function of the copyright system (corresponds to Methodology Card 15 – *Stakeholders' Opinions Concerning the Incentive Function of the Copyright System*).
- c.** To collect professional copyright users' opinions on the functioning of the markets for rights, in particular concerning the fairness of terms of contracts and transaction costs (corresponds to Methodology Cards 18 – *Transaction Costs in Transfer and Licensing of Rights* and 19 – *Terms for Transfer and Licensing of Rights*).
- d.** To study stakeholders' opinions on the copyright system: its functioning, defects, and legitimacy (corresponds to Methodology Card 22 – *Stakeholders' Opinions on the Copyright System*).

Target population: Professional copyright users in copyright industries. Professional users can be individual professionals as well as small, medium-sized or large organizations using the protected subject matter in their operation to a significant degree. Their activities are often based on rights acquired from authors and performers, but certain professional copyright users are original right holders of their own related rights (such as producers of phonograms and films or broadcasting organizations). For definitions of "professional copyright users" and "copyright industries", see the methodology handbook, chapter *Understanding the Operation of the Copyright System*.

Respondent: In case of organizations, the respondent should be a member of the management or the staff responsible for copyright matters.

Analysis of the data:

The following topics are covered in the questionnaire:

- A.** Access to information on copyright issues by professional copyright users (questions 6 to 8)
- B.** Incentive function of the copyright system, i.e. the ways in which copyright motivates the creation of new works, as well as investing in creative activities (questions 9 to 13)
- C.** Professional copyright users' experiences of the fairness of terms of contracts (questions 14 to 19)
- D.** Professional copyright users' experiences of transaction costs (questions 20 to 25)
- E.** Opinions of professional copyright users on copyright and the copyright system (questions 26 to 37)

The answers can be divided according to different industries and can be analyzed separately according to the size of turnover, or similar background information. The rights of the parties and their contractual situation will differ according to their status in law; professional copyright users owning related rights and other kinds of professional copyright users should be the subjects of a separate analysis.

The different types of material should be distinguished in the analysis of the results when necessary. A distinction can also be made between digital and physical material.

Model questionnaire

BACKGROUND INFORMATION

1. If you represent an organization, what are your position and responsibilities in your organization?

.....

If you represent an organization: In the following questions, please answer on behalf of the organization you represent.

2. Please select the option(s) that best describe the product of your activities

- Music
- Films
- Radio and TV programs
- Books
- Content for other printable media
- Computer games
- Computer programs/software
- Photography
- Visual arts, crafts and design
- Performing arts in music
- Performing arts in theatre, dance, circus or opera
- Other performing arts
- Advertising services
- Other (please describe):

Instruction for the researcher: The list of options above can be replaced by more detailed categories, such as genres or other types of subject matter, in particular when the data collection focuses on a particular industry.

3. What types of copyright-based revenue did you receive last year?

- Royalties or other revenue from your own related rights (reproduction, broadcasting, communication to the public,...)
- Revenue from copyrighted works produced using rights acquired from authors or performers
- Other, please describe

Instruction for the researcher: The categories above need to be adapted according to the industry in consideration. New lists can also be drafted in order to allow for more detailed answers.

4. Please estimate the size of your yearly turnover

- Turnover group 1
- Turnover group 2
- Turnover group 3

Instruction for the researcher: This information enables distinguishing the actors of different sizes. The turnover groups need to be defined in each country separately. Alternatively, the information could be asked with an open question.

5. Please estimate the proportion of your yearly total turnover which is constituted of direct copyright revenue:

..... %

ACCESS TO INFORMATION ON COPYRIGHT ISSUES BY PROFESSIONAL COPYRIGHT USERS

- 6.** Do you have access to education or information on copyright issues?
- Yes, sufficiently for my professional activity
 - Yes, but insufficiently for my professional activity
 - No
- If yes: from where do you get that information or education?
- 7.** Do you feel that you or your employees know enough about your rights as a copyright user?
- Yes, sufficiently
 - Yes, but insufficiently
 - No
- 8.** How often do you seek the help of an external lawyer or copyright specialist when negotiating or defending your rights?
- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Never | Rarely | Sometimes | Often | Every time |
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> |

INCENTIVE FUNCTION OF THE COPYRIGHT SYSTEM

- 9.** How do you consider the importance of copyright and the copyright system (in general) in encouraging your work in a copyright-based industry or investments in copyright-based activities?
- | | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| Insignificant | Rather unimportant | Neither important nor insignificant | Rather important | Very important/ Crucial |
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- 10.** What are the most important elements of the copyright and related rights system motivating your operations and investments?
- Consider any aspect of the copyright system, including legal provisions granting exclusive rights, term and scope of protection, enforcement measures available, legal provisions and other solutions facilitating transfer of rights, possibilities to protect the works internationally, etc.*
-
- 11.** What are the most important aspects outside the copyright system motivating your operations and investments?
- Consider for example profit opportunities others than those stemming from copyright, the satisfaction of working in a specific profession or industry, contribution to the cultural environment, public recognition, financial support from the state, etc.*
-

Instruction for the researcher: Alternatively, the respondent could be asked to select the main issues from a list of possible sources of motivation, including those that have to do with copyright and those that are not connected to copyright at all.

12. According to your experience, do you think that your national copyright system (including laws, policies, rights management and enforcement) is able to ensure that the production and distribution of copyrighted works and performances are properly remunerated?

Yes, perfectly

Yes, to some extent

No

– If not: what issues do you consider to influence this relative inoperability? (for example the business environment, contractual issues,...):

13. Have you come across legislations, public actions or compulsory administrative duties that made it difficult to produce or distribute copyrighted works?

Yes

Yes, but only to some degree

No

Additional comments:

COPYRIGHT USERS' OPINIONS ON THE FAIRNESS OF TERMS OF CONTRACTS

14. Do you consider having a fair bargaining position when negotiating contracts concerning the exploitation of works?

Being in a fair bargaining position would mean, for instance, that you feel you are in a position to demand fair prices and conditions as well as a guarantee that the contract will be executed fairly.

Yes, always

Yes, most of the time

Yes, sometimes

No

– If not: what causes the inequality?

Economic situations of the parties

Differences in the negotiating parties' knowledge of the legal situation

Differences in the negotiating parties' knowledge of negotiation practices

Excessive protection of the law for one party

Other (please explain)

15. Have you encountered situations in which you had the feeling that your input in the value creation process was not remunerated at its full value?

Yes, several times

Yes, once or rarely

No

If yes, please describe:

16. Have you ever been proposed a contract which contained an illegal clause or which otherwise infringed on your rights?

- Yes, several times
- Yes, once or rarely
- No

If yes, what did you do then?

- Nothing, I was not aware that the clause was illegal
- I nevertheless accepted the contract
- I had the clause erased/rewritten and I signed the contract
- I refused the contract
- Other, please describe:

17. Have you encountered or heard of someone else encountering terms of contracts for the exploitation of creations and performances that you find unfair towards professional copyright users but are nevertheless allowed by the applicable legislation?

- Yes
 - In this case, please describe:
- No

18. Do you have any proposals for government actions that would increase the fairness of terms of contracts and fairness in the markets for rights on copyrighted products?

19. Have you been prevented from using some material because of issues related to copyright?

- Yes
 - In this case, please describe:
- No

TRANSACTION COSTS

Instruction for the researcher: The following questions concern transaction costs incurred by professional copyright users. These costs of making an economic exchange might be monetary, but also of other kinds, such as the costs caused by the time consumed and the efforts made.

When exchanging copyrights or copyrighted works, the different kinds of transaction costs could be divided into

- search and information costs (such as the costs of identifying and contacting potential negotiating partners),
- the costs of negotiating and bargaining for exchanging or transferring the rights or works, and
- the costs of enforcing the rights.

The questions of this part of the survey consider the transaction costs incurred when acquiring or selling licenses on copyrighted works, and for enforcing copyrights.

Transaction costs are asked in different ways in this survey: question 20 allows the respondents to classify the sizes of the different types of transaction costs. Question 21 is an open ended question which requires the respondents to name and explain the high and excessive transaction costs they incur. The detailed answers will be classified by the researcher when analyzing the results. The rest of the questions consider the actions of the government and organisations such as CMOs to reduce the transaction costs.

Please note that questions 20 and 21 can be replaced by questions 22 and 23 if the table of question 20 is considered too complex, or if the conceptual difference between the categories of costs is not easily applicable. Depending on the length of the table, it can be divided into several questions.

20. How would you describe your monetary costs, the time you use and the efforts you make when acquiring or selling copyrights or enforcing your rights?

Please select one option for each row.

Professional use of copyrighted works:	1 Insignificant	2 Small	3 Affordable	4 High	5 Excessive
Please describe a) the monetary costs,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) the time consumed and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) the efforts made to search for copyrighted works, their possible suppliers, and possible other information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please describe a) the monetary costs,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) the time consumed and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) the efforts made to negotiate, acquire or sell the rights for the professional use of copyrighted works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please describe a) the monetary costs,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) the time consumed and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) the efforts made to enforce your rights on works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

21. If you chose option 4 or 5 in the previous question, please describe the situations in which these high or excessive costs (in money, time or efforts) have occurred.

.....

22. How would you qualify the efforts necessary for you or your organization to acquire copyright licenses?

Very low	Low	Reasonable	High	Very high
1	2	3	4	5
<input type="checkbox"/>				

If applicable: What kind of difficulties do you or your organization face when seeking to acquire copyright licenses (for example: administrative problems, difficulties in identifying copyright holders, difficulties in negotiating with copyright holders,...)?

.....

Could you propose public or legislative actions that would ease the process of acquiring licenses?

.....

23. How would you qualify the efforts necessary for you or your organization to sell copyright licenses?

Very low	Low	Reasonable	High	Very high
1	2	3	4	5
<input type="checkbox"/>				

If applicable: What kind of difficulties do you or your organization face when seeking to sell copyright licenses (for example: administrative problems, difficulties in identifying copyright holders, difficulties in negotiating with copyright holders,...)?

.....

Could you propose public or legislative actions that would ease the process of selling licenses?

.....

24. Are you satisfied with the services of CMOs in diminishing your efforts listed in question 20?

Yes

No

– In this case, please describe:

25. Do you use model agreements, registers of copyright holders and/or services of clearing houses for diminishing the monetary costs, time consumed and the efforts needed when managing copyright issues?

Yes

– In this case, please describe:

No

Instruction for the researcher: Please note that the question should be adapted depending on the methods for mitigating the transaction costs in the country. They can be replaced by other options that are more suitable for the specific country context.

OPINIONS ON THE COPYRIGHT SYSTEM'S FUNCTIONING

26. How would you qualify the complexity of your national copyright system (laws, policies, management of rights and enforcement)?

Very simple	Rather simple	Neither simple nor complex	Rather complex	Very complex
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

27. How would you qualify the coherence (meaning, the lack of contradiction between its rules or principles) of the national copyright system?

Totally incoherent	Rather incoherent	Neither incoherent nor coherent	Rather coherent	Perfectly coherent
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

28. How would you qualify the consistency of national copyright policies with values and generally accepted principles in society?

Totally inconsistent	Rather inconsistent	Neither inconsistent nor consistent	Rather consistent	Perfectly consistent
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

29. Do you consider that information on copyright rules and policies is sufficiently available in your country?

Yes, information is available sufficiently for average citizens

Yes, information is available for average citizens, but only to some extent

No, information is not available at all for average citizens

30. How would you qualify the capacity of your national copyright system to adapt to technological changes?

Totally incapable	Rather incapable	I do not have an opinion	Rather capable	Perfectly capable
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

31. How would you qualify the need for reforming your national copyright system (copyright rules and policies)?

Very low	Low	Neither low nor urgent	Urgent	Very urgent
1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

32. If your national copyright system was to be reformed, what in your opinion would be the most urgent issue(s) to address?

.....

33. How would you qualify the efficiency of the following actors in their work for the operation of the copyright system?

	Very inefficient 1	Inefficient to some extent 2	Neither efficient nor inefficient 3	Efficient to some extent 4	Very efficient 5
Copyright Management Organizations (CMOs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Customs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Societies or unions representing authors or performers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Societies or unions representing professional copyright users	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Societies or unions representing end-users	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OPINIONS ON THE BALANCE OF INTERESTS IN THE COPYRIGHT SYSTEM

34. In your opinion, are copyright laws and policies able to strike a balance between the interests of the different parties involved in your industry (for example authors, performers, professional or private users)?

- Yes
 No

35. How well do you think the rights of the following parties are protected by the copyright system?

	Very low protection 1	Low protection 2	Reasonable level of protection 3	High protection 4	Very high protection 5
Authors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Performers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Professional users	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private users	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OPINIONS ON THE ACCESS TO COPYRIGHTED WORKS

36. How do you think the current copyright rules affect the availability of works in your industry?

Copyright rules limit the availability to a great extent 1	Copyright rules limit the availability to some extent 2	Copyright rules have no effect on the availability 3	Copyright rules increase the availability to some extent 4	Copyright rules increase the availability to a great extent 5	I do not know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instruction for the researcher: If considered relevant, the availability of digital products and services can be asked separately.

37. Could you propose public actions that might improve the availability of copyrighted material?

.....

Questionnaire for businesses basing their offering on open licensing

Instructions for the researchers implementing the questionnaire

Goal of the questionnaire: To get an overview of the use of open licensing business models and their success in economic terms (corresponds to Methodology Card 4 – *Development of Digital Business Models and Income Based on Digital Distribution*).

Target population: Companies or organizations in software or other industry operating in the country and basing their offering on open licensing.

Respondent: The questionnaire should be directed to a person aware of the commercial activities of the company, in particular those connected to open licensing, such as the CEO or chief financial officer.

Analysis of the data:

The following topics are covered in the questionnaire:

A. The economic importance of the business models based on open licensing (question 5)

B. The different business models that are used (question 6)

A distinction should be made between different business models that are used by the respondents. The data can also be classified and analyzed in view of the variations in sizes of the organizations in terms of turnover and number of employees.

It can be difficult to define the sampling frame in the absence of a database or industrial classification code that identifies companies basing their offering on open licensing.

Model questionnaire

BACKGROUND INFORMATION

1. **Optional:** What are the name and location of your organization?
2. In what industry/ies are you operating?
3. What was the size of your turnover during the last year?
4. What is the number of employees in your organization? *In full time equivalents.*

ECONOMIC SIGNIFICANCE OF OPEN LICENSING IN BUSINESS ACTIVITY

5. What proportion of your total turnover comes from business activity utilizing open licensing?
 - 0 – 50 %
 - > 50 % – 75 %
 - > 75 % – 100 %

Alternative question:

What proportion of your total turnover can be said to be based on business activity utilizing open licensing?

- 0 – 25 %
- > 25 % – 50 %
- > 50 % – 75 %
- > 75 % – 100 %

Instruction for the researcher: This question determines whether the rest of the questions need to be asked. The rest of the questionnaire should be addressed only to organizations where the total turnover coming from business activity utilizing open licensing reaches a certain threshold which is to be determined by researchers (such as 20 %).

BUSINESS MODELS

6. Which of the following business models are used in your organization?

Please mark the three most important business models with "1": most important, "2": second most important, and "3": third most important.

Open source business models

a. Services: commercial services, such as training, tailoring, optimization and integration associated to open source software	
b. Subscription services: client makes contract of services, which include updating and maintenance to client's system	
c. Software as a Service, SaaS: software is not provided physically to client. Instead provider offers service over internet connection to client. Service is executed with open source software	
d. Integration to software: open source software is utilized in software and other products delivered to customers	
e. Integration to hardware: open source software is utilized in hardware delivered to customers	
f. Dual licensing: software is available both open source (licensed usually with GPL) and proprietary license. If client chooses to integrate software to closed, distributed product, a commercial license of the software has to be acquired	
g. Open Core: main software is sold together with additional software and extensions that add to the functionality of the main software. Main software is open source and the additional software and plugins open or closed software.	
h. Aggregator: supplier aggregates a unit of a variety of open source software to client	
i. Funded with advertisements: advertisements, product and service placement are sold to open source software	
j. Other, please describe:	

Other possible business activity utilizing open licensing

k. Business activity utilizing open licensed work focused on literary and artistic work	
l. Cultural productions and information service (user-generated film productions, Wikipedia, and search engines)	

Instruction for the researcher: If considered necessary, the tentative list of business models should be modified.

Questionnaire for intermediaries and other parties interested in copyright issues

● The purpose of this questionnaire is to implement Methodology Card 22 which requires the collection of information on opinions concerning the copyright system from a wide variety of stakeholders and other interested parties. Questions for that purpose are already part of the questionnaires addressed to authors and performers, professional copyright users and the public at large. The questionnaire below is designed to collect the opinions of other categories of stakeholders and other interested parties. The target population will therefore need to be defined separately for each study on the basis of the scope of the research. The box below lists examples of possible target populations for these questions.

Instructions for the researchers implementing the questionnaire

Goal of the questionnaire: To get an overview of stakeholders' and other relevant parties' opinions on the copyright system: its functioning, defects and legitimacy.

Target population: All the categories of stakeholders in the copyright system (individuals or organizations), or their representatives. Instead of presenting the same questionnaire for all stakeholders, separate questionnaires could be prepared and adapted to particular categories, or be used as a basis for interviews with specific actors. Since questions concerning opinions on the copyright system are already part of the questionnaires for authors and performers, professional copyright users and the public at large (representing end-users), the present questionnaire was designed to be used for other categories of stakeholders, such as:

- *Intermediaries* (includes distributors, teleoperators and other actors whose primary purpose is to disseminate products and services protected by copyright, including the intermediaries that provide the infrastructure for the dissemination of works)
In this case, one or more questions could address the issue of their situation in the copyright system: are their duties and obligations clear, how much they are involved in copyright issues, how it impacts their business, etc.
For a definition and examples of "intermediaries", see the methodology handbook, chapter *Understanding the Operation of the Copyright System*.
- *Representatives of public administration* (such as ministries and courts)
- *Representatives of organizations active in the copyright field* (Collective Management Organizations, organizations representing end-users' interests, etc)
- *Other experts in the copyright field*

Respondent: The questionnaire should be directed to a person in charge of or knowledgeable about copyright matters.

Analysis of the data:

The following topics are covered in the questionnaire:

- A. Opinions on the functioning of the copyright system (questions 3 to 10)
- B. Opinions on the balance of interests in the copyright system (question 11 and 12)
- C. Opinions on the access to copyrighted works (questions 13 and 14)

Model questionnaire

BACKGROUND INFORMATION

- 1.** How would you identify yourself (or the organization you represent) in the copyright system?
Multiple answers possible.

- Observer (observing and analyzing the copyright system, specialist in copyright law, ...)
- Intermediary (disseminating products and content protected by copyright)
- Representative of public administration
- Otherwise active in the copyright field

Please describe:

- 2.** What kind(s) of copyrighted material do you most often deal with (for example: music, videos, texts, pictures...)?
-

OPINIONS ON THE COPYRIGHT SYSTEM'S FUNCTIONING

- 3.** How would you qualify the complexity of your national copyright system (copyright rules and policies)?

- | | | | | |
|--------------------------|--------------------------|-------------------------------|--------------------------|--------------------------|
| Very simple | Rather simple | Neither simple
nor complex | Rather complex | Very complex |
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- 4.** How would you qualify the coherence (meaning, the lack of contradiction between its rules or principles) of national copyright rules and policies?

- | | | | | |
|--------------------------|--------------------------|------------------------------------|--------------------------|--------------------------|
| Totally incoherent | Rather incoherent | Neither incoherent
nor coherent | Rather coherent | Perfectly coherent |
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- 5.** How would you qualify the consistency of national copyright policies with values and generally accepted principles in society?

- | | | | | |
|--------------------------|--------------------------|--|--------------------------|--------------------------|
| Totally inconsistent | Rather inconsistent | Neither inconsistent
nor consistent | Rather consistent | Perfectly consistent |
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- 6.** Do you consider that information on copyright rules and policies is sufficiently available in your country?

- Yes, information is available sufficiently for average citizens
- Yes, information is available for average citizens, but only to some extent
- No, information is not available at all for average citizens

- 7.** How would you qualify the capacity of your national copyright system to adapt to technological changes?

- | | | | | |
|--------------------------|--------------------------|-----------------------------|--------------------------|--------------------------|
| Totally incapable | Rather incapable | I do not
have an opinion | Rather capable | Perfectly capable |
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- 8.** How would you qualify the need for reforming your national copyright system (copyright rules and policies)?

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Very low | Rather low | Neither low
nor high | Rather high | Very urgent |
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> |

9. If your national copyright system was to be reformed, what in your opinion would be the most urgent issue(s) to address?

.....

10. How would you qualify the efficiency of the following actors in their work for the functioning of the copyright system?

	Very inefficient 1	Inefficient to some extent 2	Neither efficient nor inefficient 3	Efficient to some extent 4	Very efficient 5
Copyright Management Organizations (CMOs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Customs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Societies or unions representing authors or performers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Societies or unions representing commercial copyright users	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Societies or unions representing customers (private copyright users)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instruction for the researcher: If possible, this table should be adapted in order to not include the respondent's own category.

OPINIONS ON THE BALANCE OF INTERESTS IN THE COPYRIGHT SYSTEM

11. In your opinion, are copyright laws and policies able to strike a balance between the interests of the different parties involved in your industry (for example: authors, performers, professional or private users)?

- Yes, perfectly
- Yes, to some degree
- No

12. How well do you think the rights of the following parties are protected by the copyright system?

	Very low protection 1	Low protection 2	Reasonable level of protection 3	High protection 4	Very high protection 5
Authors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Performers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Professional copyright users (such as publishers or audiovisual producers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
End-users	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OPINIONS ON ACCESS TO COPYRIGHTED WORKS

13. How do you think the current copyright rules affect the availability of the following products?

	Copyright rules limit the availability to a great extent 1	Copyright rules limit the availability to some extent 2	Copyright rules have no effect on the availability 3	Copyright rules increase the availability to some extent 4	Copyright rules increase the availability to a great extent 5
Music	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Films	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Radio and TV programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Books	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Content for other printed media (articles, photographs, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Games	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computer programs/ software	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instruction for the researcher: If considered relevant, the availability of digital products and services can be studied separately.

14. Could you propose public actions that might improve the availability of copyrighted material?

.....

Assessing the Operation of Copyright and Related Rights Systems

Toolkit of Questionnaires for Interviews,
Focus Group Studies and Surveys

Supplementary material for the implementation of a methodology framework

● A solid information base is a crucial asset in the development of coherent copyright and related rights systems. Efficient copyright policies are based on a profound understanding of the copyright system's operation and the context in which it operates.

This publication presents a toolkit of model questionnaires for the assessment of national copyright and related rights systems. It contains supplementary material to a handbook presenting a methodology framework published by the Foundation for Cultural Policy Research (Cupore) in 2016. The toolkit provides guidelines for researchers collecting data by the means of interviews, focus group studies or surveys. The questionnaires can be used to study the personal opinions and experiences of the study subjects, as well as to collect expert views on selected topics.

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