

■ IFRRO STUDY ON EUROPEAN RROs

The primary copyright industries contribute 5.3% to the GDP in the European Union Member States. Studies in several countries show that the most important single contributor is the print media.

To shed some light on how RROs are set up and operate in European countries, IFRRO carried out a *Study on RROs in European Countries*, available on (<http://www.ifrro.org/papers/index.html#surveys>) that covers 25 RROs in 22 European countries of which 20 are EU Member States. It was presented at a workshop in Brussels on 29 June, together with the IFRRO-WIPO publication *Collective Management in Reprography*. IFRRO's Honorary President *Tarja Koskinen-Olsson*, IFRRO's Secretary General *Olav Stokkmo* and André Heitz, Director of WIPO's Coordination Office in Brussels were speakers.

The RRO study shows that the typical European RRO is a rightsholder-driven and governed association or company with limited guarantee, not for gain. It is highly transparent and allows a high degree of user influence over revenue-setting through negotiations, and participation in statistical surveys to determine the volume to be paid for and external dispute settlement mechanisms. Most RROs administer all types of reprographic reproduction rights. In some countries there are separate RROs for the administration of the reproduction of musical works, visual material and newspapers. Most of them also administer digital rights, mainly scanning and the licensing of intranets. An RRO would typically deduct 10-15% of its collected revenues to cover administrative costs, meaning that they are efficient administrators of rights to the benefit of both rights holders and users.

■ EUROPEAN UNION

Impact Assessment Report released

The WIPO Copyright and Knowledge-based Economy Unit has carried out an impact assessment on Collective Management Organisations (CMOs), available on http://europa.eu.int/comm/internal_market/copyright/management/management_en.htm. It appears that the idea of a Directive on Collective Management has been replaced by a proposal for recommendations. The assessment is limited to the music collecting societies for which it is proposed to break up the existing system of acquisition and administration

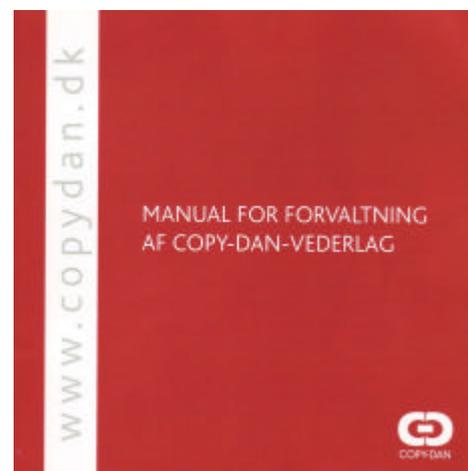
of rights based on bilateral agreements for the licensing of music on the Internet. It foresees that rights holders be encouraged to organise in a limited number of CMOs that can license Europe-wide.

EU Parliament

The EU Parliament has rejected the proposal to protect software under patent regulations. It will still be protected under copyright laws. <http://news.bbc.co.uk/1/hi/technology/4655955.stm>

■ DISTRIBUTION OF REVENUES

COPY-DAN (Denmark) has published a manual on how it administers and distributes collected revenues, available on www.copydan.dk/cm632.asp?d=1. English, French and Spanish versions also exist of this publication, which aims at clarifying the rules set down by COPY-DAN and ensuring transparency in respect of the distribution of collected fees, which amount to some €70 million a year.



Original Danish version of Manual (photo: Copy-Dan)

■ EUROPE

Seminar on Collective Management in Ljubljana
WIPO and the Slovenian Intellectual Property Office (SIPO) organised a national seminar on collective management in Ljubljana on 1 and 2 June. This was a timely topic as the country's copyright legislation had been amended during 2004. Stipulations on collective management are included in the law. Reprographic reproduction rights and private copying in the European Union were among the themes that *Tarja Koskinen-Olsson* addressed at the seminar. An RRO is about to be established.

■ LATIN AMERICA

IFRRO, CERALC and CEDRO organised a practical three-day workshop on licensing in Montevideo 25-27 April, attended by all Latin American RROs. *Magdalena Vinent* and *Marta Malmiarta* (CEDRO) and IFRRO's Deputy Secretary General *Franziska Schulze* gave presentations.

Colombia. At the International Book Fair in Bogotá, the National Copyright Office (Dirección Nacional de Derecho de Autor) and CERALC organised a seminar on Negotiating Rights on 27-29 April. IFRRO's Honorary President, *Tarja Koskinen-Olsson*, spoke on reprographic rights in different countries and jurisdictions. *Miguel Herrera*, Director of CEDER, took part in the panel discussion and presented the current activities of CEDER with more than 70 licences.

■ MIDDLE EAST

Copyright Seminar in Damascus, Syria

WIPO and the Syrian Ministry of Culture organised a seminar for lawyers and judges on 27-28 April. *John-Willy Rudolph*, representing IFRRO, spoke about the collective management of rights. The Syrian Arab Republic entered into an agreement with the EU earlier this year, guaranteeing the implementation of the highest international standards of IP protection (rules set by TRIPS).

■ DIGITAL ISSUES

Digital Libraries

In the wake of Google's launch of the idea of an Internet library, European countries have launched plans for their own projects. In addition to the French National Library initiative (http://news.bbc.co.uk/1/hi/programmes/click_online/4619019.stm) and one proposed by the German Publishers Association (www.ihf.com/bin/print_ipub.php?file=/articles/200506/05/business/google06.php), there is a European Union project proposed by Commissioner *Vivian Reding*. <http://www.europa.eu.int/rapid/pressReleasesAction.do?reference=IP/05/528&format=HTML&aged=0&language=EN&guiLanguage=en>

■ COPYRIGHT COMPLIANCE

Grokster case: Major victory for Copyright

The US Supreme Court granted copyright a major victory when it ruled on 27 June that P2P (peer-to-peer) file sharing services are liable for copyright infringement committed with their software if they promote the infringing capabilities of their products (<http://www.supremecourtus.gov/opinions/04pdf/04-480.pdf>). P2P systems such as Grokster and StreamCast offer software for free download with which users can access each other's hard-disks over Internet. The

interconnection and share of contents is not via a central server or other central point but directly between the users' PCs.

The case filed by MGM had been supported inter alia by 8 international rights holder organisations (CISAC, IPA, IFPI, BIEM, ICMP, FIA, FIAPF, and IVF). The US Supreme Court estimated that the main purpose for using peer-to-peer file sharing software was to infringe copyright. 'Time-shifting' could thus not be claimed. Grokster and StreamCast had both used the possible infringement of copyright as advertisement for their software products. They had also responded to emails from users on how to download copyrighted works, and instructed those users. A survey carried out by MGM shows that 90% of the material shared over the network is copyright protected.

In the Netherlands, Internet Service Providers are fighting the claim from the Dutch Protection Rights Entertainment Industry Netherlands (BREIN) to reveal the identities of alleged large scale file-swappers. The fight is currently at a pre-trial stage but might reach full trial in the near future (www.theregister.co.uk/2005/05/12/dutch_piracy_lawsuits/)

■ LEGISLATION

USA. The US Copyright Office will hold public round table discussions regarding orphan works in Washington at the end of July and at the Boalt Hall School of Law in Berkeley, California in August. More information will be available soon under <http://www.copyright.gov/orphan/>

■ WIPO

Development Agenda

A second meeting took place on 20-22 June with documents available on (www.wipo.int/meetings/en/details.jsp?meeting_id=8486). Whereas the 'Friends of Development' led by Brazil and Argentina maintained demands for change of the role and mandate of WIPO and all future norm-setting activities, Bahrain, supported by eight other countries, acknowledged the role and importance of IP rights for developing countries and urged for submissions of practical proposals to be implemented without altering the structure and role of WIPO. A UK proposal recommended that the Permanent Committee on Cooperation for Development related to Intellectual Property (PCIPD) be used as the forum for future discussions. IFRRO supported the UK and Bahrain proposals.