

Table of Contents

<p>IFRRO</p> <p>Education and Creativity are the themes for IFRRO's World Congress and Annual General Meeting 2015</p> <p>RRO News</p> <p>CDR signs licence agreement with public libraries</p> <p>EU News</p> <p>European Commission unveils Single Market Strategy</p> <p>Creation of a new alliance of European tech companies</p> <p>Writers sign open letter on the EU review of copyright in the wake of a successful seminar organised in Paris</p> <p>EU Council agreed on draft EU Data Protection Directive</p> <p>Creative Industries</p> <p>OHIM: IP and Education Report, September 2015</p> <p>Legislation</p> <p>Bill to expand copyright on photographs to life-plus-70 years introduced In Argentine Congress</p> <p>Court Cases</p> <p>New CJEU reference on linking and streaming of unlawful content</p>	<p>Cultural Heritage</p> <p>German licensing service on out-of-commerce works launched</p> <p>Copyright Protection</p> <p>CPIP conference demonstrates how strong IP protection provides the economic freedom to create</p> <p>Turkish "Pirate Book Research" receives research award</p> <p>Development Activities</p> <p>IFRRO-AGEPI workshop on "Collective Management of Reproduction Rights" in Moldova</p> <p>IFRRO cooperates in workshop to support collective management in Lagos (Nigeria)</p> <p>Talking Copyright</p> <p>Copyright Doesn't Restrain Culture – Reflections on 2 myths of the anti-copyright lobby from David Newhoff</p>
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EVENTS:

3 to 5 November 2015 [African Ministerial Conference 2015: Intellectual Property for an Emerging Africa](#), Dakar, Senegal

5 to 6 November 2015 [Access to Digital Archives and Libraries through Cross Border Collective Rights Management of Copyright](#), Stockholm, Sweden

9 November 2015 [IFRRO – CeMPro Seminar: Copyright in the XXI Century. The Challenges of Collective Management, New Business Models](#), Mexico City, Mexico

9 November 2015, [IAF event: Protecting Authors' Rights: A Mexican Perspective, a Global Lookout](#), Mexico City, Mexico

9-12 November 2015 IFRRO World Congress 2015, Mexico City, Mexico

10 November 2015 [IFRRO Business Models Forum and International Seminar 2015, Disrupt or be Disrupted: Evolving to Meet User Needs](#), Mexico City, Mexico

11 November 2015 IFRRO Annual General Meeting 2015, Mexico City, Mexico

13 November 2015 [IAF workshop: Authors and Intellectual Property Challenges](#), Puebla, Mexico

LINKS TO OTHER NEWS:

[PDLN Newsletter No. 26 October 2015](#)



IFRRO

Education and Creativity are the themes for IFRRO's World Congress and Annual General Meeting 2015



Around 150 delegates from over 50 countries will converge on Mexico City from 9 to 12 November for the IFRRO World Congress (IWC) 2015 and IFRRO General Meeting, hosted by IFRRO's Mexican RRO Member, CeMPro. The overall theme for the Congress will be "Collective Management – Supporting education and creativity".

On 10 November, in the course of the Congress, IFRRO will hold its IFRRO Business Models Forum and International Conference 2015, with the theme "Disrupt or be Disrupted: Evolving to Meet User Needs". The Conference is open to non-IFRRO members for a small fee and features, in addition to IFRRO speakers, a host of experts from a wide range of stakeholders including Anne Leer, Deputy Director General, WIPO; Paul Goldstein, Stella W. and Ira S. Lillick Professor of Law from Stanford Law School and David Robinson, Special Advisor, Education International (EI). Click here for more information on the [IFRRO Business Models Forum and International Conference 2015](#).

[Back to Contents](#)

RRO News

CDR signs licence agreement with public libraries

CDR, our Colombian RRO member, recently signed a new licence agreement with the Network of Public Libraries of the Republic's bank, an institution that aims at protecting Colombia's cultural heritage. The network is present in 21 cities of the country. This licence will provide access to copyrighted material while respecting the interests of the rightholders represented by CDR.

The agreement adds to other licences with libraries in Colombia that date from 2005 and that have a strong presence in the country.

[Back to Contents](#)

EU News

European Commission unveils Single Market Strategy

The European Commission (EC) has released its Strategy for the Single Market in the form of a Communication entitled "Upgrading the Single Market: more opportunities for people and business" accompanied by a Staff working document and a Report on Integration and Competitiveness in the EU and its Member States. Jyrki Katainen, Vice President of the European Commission for Jobs, Growth, Investment and Competitiveness, and Elżbieta

Bieńkowska, Commissioner for Internal Market, Industry, Entrepreneurship and SMEs will be leading the work to implement the Strategy.

With respect to Intellectual Property Rights and copyright, a specific chapter is dedicated to the consolidation of Europe's intellectual property framework. This chapter mainly deals with patents and enforcement of IPR, while the review of EU copyright rules is already being dealt with through the implementation of the Digital Single Market Strategy, as indicated in a factsheet that the EC has also released.

Find the Communication [here](#), the Staff working document [here](#) and the Report on Single Market Integration and Competitiveness [here](#); the official press release [here](#) and the factsheet [here](#).

[Back to Contents](#)

Creation of a new alliance of European tech companies

A new pan-European alliance of EU tech companies has just been created and was launched in Strasbourg on 27 October 2015.

Called the "European Tech Alliance", it is described as "a group of fast-growing tech companies that have been built in Europe. All members have recently found success and now want to scale up, so as to continue to grow and compete globally". The President of the Alliance is Niklas Zennström, CEO of Atomico and Founder of Skype.

As indicated in a [press release](#), the Alliance intends to "work with European Union institutions and Member States and commit to share their experience of building tech companies in Europe, so that any legislation or regulation that the EU looks to introduce nurtures the tech sector and enables it to compete on a global level".

For more information, see the official website of the European Tech Alliance:

<http://eutechalliance.eu/>

[Back to Contents](#)

Writers sign open letter on the EU review of copyright in the wake of a successful seminar organised in Paris

The French writers' association Société des Gens de Lettres (SGDL) organised on 22 October a well-attended seminar in Paris on the "Europe of Books and Creation". Olav Stokkmo, IFRRO's CEO, participated in a roundtable discussion together with Maria Martin-Prat (Head of the European Commission's Copyright Unit), Virginie Rozière (Member of the European Parliament) and Hervé Rony (CEO of SCAM, a member of IFRRO, and Vice President of the Conseil Permanent des Ecrivains). Other speakers included SGDL President Marie Sellier, Italian writer Erri de Luca, Director of the Federation of European Publishers Anne Bergman, Sofia President Alain Absire, academics, writers, and Libraries and rightholders associations' representatives.

At the end of the seminar, an open letter signed by writers and addressed to the European authorities was presented to the participants. In the letter, the writers set out their vision of the review of copyright rules currently undertaken by the European Commission.

Find the open letter [here](#) (also available in various languages [here](#)) and the full programme of the SGDL seminar [here](#).

[Back to Contents](#)

EU Council agreed on draft EU Data Protection Directive

On 9 October 2015, the EU Council reached an agreement on the draft data protection directive. The directive is aimed at protecting personal data processed for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal offences or the safeguarding against and the prevention of threats to public security.

The Luxembourg presidency can now start discussions with the European Parliament, and to organise a first trilogue.

In parallel, talks between the Council and the Parliament have already started on the data protection regulation.

The Council's official press release is available [here](#).

[Back to Contents](#)

Creative Industries

OHIM: IP and Education Report, September 2015

The economic importance of intellectual property is gaining recognition and attention. One example is the 2013 study on the contribution to economic performance and employment of IPR-intensive industries, carried out jointly by OHIM, through the Observatory on Infringements of Intellectual Property Rights, and the European Patent Office (EPO). IFRRO reported about the study [here](#).

Another is the recent survey, carried out on behalf of OHIM, on the perception of European citizens with respect to intellectual property, which shows that a growing number of EU citizens are prepared to justify infringements of IP rights under certain circumstances. Inter alia, between 35% and 50% of young Europeans reflect attitudes which favour counterfeiting or illegal downloading. Intellectual property education in school curricula could be one way to tackle this issue.

The study suggests that the best approach to intellectual property education is to ensure that intellectual property skills and competences are competences that can be used across different subjects in a curriculum. It also provides examples from the EU and elsewhere, from which suitable models could be adapted for the educational systems in the 28 Member States. Interestingly, the study notes that the most innovative non-EU countries/regions already teach IP at the primary level and place IP more commonly as a part of citizenship education, whereas in the EU, IP is addressed in more specialised ICT-related subjects and is being taught much later in the educational cycle.

In this vein, the Office is prepared to set up a specialised network of education experts and stakeholders to help them coordinate and develop appropriate, modern resources and programmes for pupils and teachers.

The complete study, published in September 2015, is available [here](#).

[Back to Contents](#)

Legislation

Bill to expand copyright on photographs to life-plus-70 years introduced In Argentine Congress

Bill No. 2517-D-2015 has been introduced to the Argentine Congress to reform the Argentine Copyright Act (Law No. 11.723) in order to extend copyright on photographs to life plus 70 years post mortem auctoris. The current period of protection for photographs in Argentina is 20 years since publication. In case the Bill is passed, it will have retroactive effect; photographs that currently are in the public domain will revert to private property.

See also: [IP Watch](#)
[Back to Contents](#)

Court Cases

New CJEU reference on linking and streaming of unlawful content

The Midden-Nederland District Court (The Netherlands) has just referred questions on linking and streaming of unlawful content to the Court of Justice of the European Union (CJEU), namely:

1) Is providing hyperlinks to unlawful content an act of communication to the public?

"Must Article 3(1) of the InfoSoc Directive be interpreted to mean that "an act of communication to the public" within the meaning of that provision occurs if someone sells a product on which he has installed add-ons that contain hyperlinks to websites on which direct access is provided to copyright-protected works such as films, series and live broadcasts without the rightholders' consent?

Is this different if

- the copyright-protected works have not been previously disclosed to the public online at all or solely via a subscription with the rightholders' consent?
- the add-ons that contain hyperlinks to websites on which online access is provided to copyright-protected works without the rightholders' consent are freely available and can also be installed on the media player by the users themselves?
- the websites on which access is provided to copyright-protected works without the rightholders' consent can also be located and accessed by the public without the media player?"

2) Is a temporary reproduction during the streaming of copyright-protected content, without the consent of the rightholder, to be considered unlawful?

"Must Article 5 of the Copyright Directive (Directive 2001/29/EC) be interpreted to mean that there is no "lawful use" within the meaning of the first paragraph at b of that provision, if a temporary reproduction is made by an end user during the streaming of a copyright-protected work from a website of a third party on which this copyright-protected work is offered without the consent of the rightholder(s)?"

If the answer to this question is in the negative, is making a temporary reproduction by an end user during the streaming of a copyright-protected work from a website of a third party on which this copyright-protected work is offered without the consent of the rightholder(s) in breach of a the “three-step test” referred to in Article 5(5) of the Copyright Directive (Directive 2001/29/EC)?”

An English translation of the questions referred to the CJEU is available here: <https://drive.google.com/file/d/0B6d07lh0nNGNYjJcU0wTIZYYzA/view?pli=1>
[Back to Contents](#)

Cultural Heritage

German licensing service on out-of-commerce works launched

As a contribution to the digitisation of 20th century literature, the new licensing service for out-of-commerce works of the German National Library, "VW-LiS", has been launched successfully. For the first 352 titles, licences have been issued by the German RRO VG Wort in September. The German National Library can now make available these works, in digital form, on the Internet.

The licensing service is also aimed at other libraries and archives who wish to use out-of-commerce works from its collections in digital form. The German National Library developed this service, following negotiations with, and the practical support from, the German Library Association, as well as the German RROs VG Wort (for text-based works) and VG Bild-Kunst (for image-based works).

The service is enabled on the basis of the recent German legislation for out-of-commerce works, allowing the digitisation and making available of these works, provided that certain conditions are met. The related amendments to the German Copyright Administration Act ("Urheberrechtswahrnehmungsgesetz") from 2014 are, in turn, based on the European Commission-facilitated Memorandum of Understanding (MoU), signed on 20 September 2011 by the relevant organisations representing stakeholders concerned (incl. IFRRO), setting out [key principles](#) on the digitisation and making available of out-of-commerce works by publicly accessible libraries and similar institutions in the EU.

More information is available on [VG Wort's website](#).

See also the earlier IFRRO article on the related amendments to the German law, in force since 1 January 2014: <http://ifrro.org/content/german-legislation-orphan-and-out-commerce-works>

[Back to Contents](#)

Copyright Protection

CPIP conference demonstrates how strong IP protection provides the economic freedom to create

At its [Autumn conference](#), The IP Platform: Supporting Invention & Inspiration, the [Center for the Protection of Intellectual Property](#) (CPIP) at George Mason University School of Law (USA) explored the ways in which intellectual property (IP) rights support and encourage creative innovation.

The conference was attended by law professors, legal scholars, industry leaders, attorneys, musicians and inventors, discussing how patents, copyright, trademarks and trade secrets work together, and support creativity, scientific progress and invention.

Participants explained how intellectual property rights support and encourage an artist's ability to invest in his or her craft, but weak IP rights yield weak results. It has not always been like this. Today, the way the public consumes creative offers has changed.

David Kappos, former Director of the USPTO, the conference's keynote speaker, explained that IP-intensive industries make up a quarter of the jobs in U.S.; they drive innovation and much of the economy.

In a nutshell, CPIP explored how intellectual property rights work together as a platform that enables innovation, sharing, and collaboration across industries, and the development of new products and services at an astounding rate.

See also: [IP Watchdog](#)

[Back to Contents](#)

Turkish "Pirate Book Research" receives research award

YAYFED, the Turkish Federation of Professional Associations of Publishers, of which YAYBIR is one of the founding members, has conducted an award-winning study on anti-piracy and raising awareness in the book publishing industry in 2014. The research was carried out by Yontem Research Consultancy, which is a member of The European Society for Opinion and Market Research (ESOMAR) and Turkish Researchers' Association (TUAD).

Purpose of the research was to study the public's viewpoint and purchasing tendencies related to pirate books and to develop a strategy in the fight against illegal uses of works, with the input of publishing professionals, public leaders and social stakeholders.

The first phase of the research was completed and the results were presented by YAYFED and Yontem Research Consultancy in a workshop in May 2014 in which authors, journalists, translators, publishers, public and private library representatives and strategy consultants participated.

A strategy report was prepared after the workshop and it was shared with the Ministry of Culture and Tourism General Directorate of Copyright, General Secretariat of the Higher Education Council, and the General Secretariat of the High Council of Judges and Prosecutors. General Directorate of Copyright included this report in the 2015-2019 Strategic Report of the Ministry of Culture and Tourism.

According to the research, people first started pirating books as young as 15-16 years old. Based on this, officials of the Ministry of Education who participated in the strategic report works, stated that more awareness should be raised and that they would support this among

students by including illustrative tools such as logos and graphics in textbooks and in the Fatih Project, a project of the Turkish government which seeks to integrate state-of-the-art computer technology into Turkey's public education system.

The Pirate Book Research was given the Silver Award, under the “Social Baykuş” category, by the Turkish Researchers' Association (TUAD). TUAD is the only professional association in the research industry in Turkey, works on determining the research industry standards in the country and organizes an annual industrial contest named “Baykuş (Owl) Awards”, the third of which was held in 2015.

[Back to Contents](#)

Development Activities

IFRRO-AGEPI workshop on “Collective Management of Reproduction Rights” in Moldova

On 14 September 2015, the State Agency on Intellectual Property of Moldova (AGEPI) hosted a workshop, entitled “Collective Management of Reproduction Rights”, in Chişinău (Moldova). Organisers of the event were AGEPI and IFRRO, represented by Anita Huss-Ekerhult, IFRRO's General Counsel.

In addition to representatives of CMOs, libraries and users from the Republic of Moldova, the workshop was attended by representatives from collective management organisations (CMOs) from Romania, IFRRO members COPYRO and Opera Scrisa.Ro. The participants discussed issues related to practices and tools for the management of reproduction rights, negotiation of tariffs, criteria for the establishment of tariffs, collection and distribution of remuneration, and shared best practices in the field of collective management of text- and image-based works.

See also: AGEPI's related [press release](#)

[Back to Contents](#)

IFRRO cooperates in workshop to support collective management in Lagos (Nigeria)

On 30 September, IFRRO cooperated in a workshop co-organised with the Nigerian Intellectual Property Office, NCC (Nigerian Copyright Council); the Norwegian Development Association NORCODE; and WIPO. Dora Makwinja, IFRRO Board member, Chair of IFRRO's Africa Development Committee, and Executive Director of COSOMA (Malawi) and the IFRRO CEO Olav Stokkmo were IFRRO speakers.

The workshop, which took place in Lagos, adopted a resolution, through which Repronig, the Nigerian RRO, and the music and audio-visual CMOs agreed to establish a forum for cooperation. The workshop also expressed support for the TAG initiative on Transparency, Accountability and Good Governance in CMOs, and urged IFRRO, CISAC, IFPI and SCAPR to address a letter to the Nigerian authorities in support of a rapid implementation of the copyright levies established in the Nigerian legislation.

Click here for the [full resolutions of the workshop](#)

[Back to Contents](#)

Talking Copyright

Copyright Doesn't Restrain Culture – Reflections on 2 myths of the anti-copyright lobby from David Newhoff

Writer and filmmaker, David Newhoff looks at two prominent myths on the effects of copyright on access and on creativity in a two part essay published in his blog - [Illusion of More](#). Anti-copyright lobbyists argue that copyright acts as a barrier to the diffusion of cultural works and to the creation of derivative and new works. Not only are these assertions based on generalisations but also neither are supported by the consumer's or the creator's experiences, practices, or behaviours.

In his [first essay](#) on the effect of copyright on Access, Newhoff addresses the claim that copyright terms are too long and therefore deprive consumers of great and important works. He points out the vast majority of piracy is directed at popular contemporary works like new films or hit TV shows so that even the shortest copyright terms would make no difference. Indeed longer copyright terms probably are the most effective means to preserve classic works for the small segment of the market that does want access to them, in that they provide the funds to restore, remaster and retranslate them. As for the more popular works demanded by the market, Newhoff concludes *“The reality is that we have more works legally and affordably available than at any time in history”*.

In the [second part of his essay](#), on copyright and creativity, Newhoff quotes the Pirate Party of UK as saying *“Shorter copyright will encourage artists to keep on creating new work, will allow new art forms (such as mash-ups) and will stop big businesses from relying on large back-catalogues rather than investing in new content.”*

He lambasts as offensive the idea that drastically reduced copyright terms will “encourage artists to keep creating new works” and points out that it completely misunderstands the motivation of artists, who generally create because they have something to say and stop when they feel that they have said it. Indeed some residual income from past works make it easier for artists to produce new (potentially great) ones. In addition, copyright is not just about money and many artists are concerned that their works are not appropriated for causes or speakers of which they disapprove. Newhoff writes *“So, in a paradigm with incredibly short copyright terms, if an author sees that, in less than a decade, her voice may be “remixed” into oblivion, or used by speakers she finds odious, or merely exploited to sell toothpaste, what incentive does she have for putting a new work into the world, especially if she does not need the money? Perhaps no incentive at all”*. He recognises that borrowing from other creators (either deliberately or subconsciously) has always been an important part of creation but argues that *“copyright has proven to be remarkably elastic in its ability to grant ownership to a particular expression without preventing the creation of a vast number of adjacent, similar yet distinct, expressions”*.

Turning to the proposition that “big business” would fund more new creation if it could not rely on its back catalogue, he points out that a) many publishers/film companies certainly cannot be regarded as “big business”; b) companies need anyway to continue to produce new offerings in order to remain relevant in the market and c) without the funding from earlier successes they do not have the resources to invest in new works.

Newhoff concludes his essay *“The bottom line is that society wants creators to have careers because they are most likely to produce their best works in markets and systems in which*

they are able to make careers out of their labours". Copyright has always been the foundation of the creative industry and he challenges copyright's detractors either to provide solid proof that it now constitutes an obstacle to creativity and access or to shut up.

[Back to Contents](#)