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### EVENTS:

**7 -11 December 2015** [WIPO Standing Committee on Copyright and Related Rights \(SCCR\) - 31st session](#), Geneva, Switzerland

**8 December 2015** [Education International/IFRRO event: Education-Changing what we learn and the way we learn](#), Geneva, Switzerland

**9 December 2015** [Innovation in Copyright Management \(Rights Data Integration Project\)](#), Brussels, Belgium

**26 January 2016** [Future Media Lab. Annual Conference “Technology and Media: Shaping the Future of Audience Engagement”](#), Brussels, Belgium

**LINKS TO OTHER NEWS:**



## IFRRO

### Successful IFRRO World Congress and Annual General Meeting in Mexico City

From 9 to 13 of November, Mexico City hosted the IFRRO World Congress and Annual General Meeting 2015.



Photo: Eugene Mopsik

The successful event included a busy programme and enabled side activities such as a local conference on Copyright in the 21st century, co organised by our host member CeMPro and IFRRO; and two activities for authors and their organisations led by the International Authors Forum (IAF). Also, during the week of the congress, one of the main events was the IFRRO Business Models Forum and International Conference [Disrupt or be Disrupted: Evolving to Meet User Needs](#). The event, which takes place annually, offered a number of very relevant presentations, including the one given by Anne Leer, former WIPO Deputy Director General.

On Wednesday, 11 November, the IFRRO Annual General Meeting (AGM) took place. As usual, it addressed a number of administrative matters, but this year, it also resulted in the adoption of an Open Access Statement and a Resolution in support of a PLR scheme in Switzerland (more information is available [here](#)). Additionally, Adam Singer, Chair of the board of [ALCS](#) delivered an amusing and thought provoking speech on copyright, creators and collective management organisations. His piece can be read [here](#).

As part of the programme of the IWC week, IFRRO delegates had the chance to attend social activities, including a welcome cocktail where [Mr. Jesús Rodríguez Núñez](#), representing the Mexico City Government, addressed the audience and highlighted the projects and position of the current administration in the related matters.

IFRRO wishes to thank to this year's participants and specially [CeMPro](#) for a well organised and successful congress, which continues to be the most important international networking

opportunity for collective management organisations and creators' and publishers' associations in the text and image spheres.

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### **IFRRO AGM 2015 in Mexico City; Yngve Slettholm of Kopinor new IFRRO Vice President; Olav Stokkmo to step down as CEO in 2016**

IFRRO's Annual General Meeting in Mexico City appointed Yngve Slettholm (KOPINOR) as new first Vice President of the Board, to replace Hélène Messier who had left the Canadian RRO, Copibec. Following Slettholm's appointment, Dora Makwinja (COSOMA) has become Board Director.

It was further announced that Olav Stokkmo intends to step down as IFRRO CEO towards the end of 2016. The Board will start a process on his replacement and the position is announced on the [IFRRO website](#).

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### **IFRRO welcomes two new members**

IFRRO is pleased to announce that it has accepted two new members into the IFRRO family.

[ReproMold](#) is the CMO, which has been approved by the authorities to administer the text and image levies in Moldova. As it has not yet started distribution, it has been accepted as a Provisional RRO. Verein Bildender Künstler, Fotografen und Choreografen ([VBK/Bildrecht](#)) is the Austrian Visual CMO. It cooperates and has signed bilateral agreements with a number of Visual CMOs in membership of IFRRO. VBK Bildrecht has been accepted as a Creator and Publisher Association member.

IFRRO now has 145 members from 79 countries.

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### **IFRRO AGM adopts Open Access Statement and Resolution in support of a PLR scheme in Switzerland**

The IFRRO AGM 2015, which met in Mexico City on 11 November 2015, adopted a [statement on Open Access](#). Open Access models are increasingly being implemented in various contexts. IFRRO supports Open Access initiatives which encourage respect for copyright, and which, in turn, do not create confusion amongst authors, publishers and users. Authors, publishers and other rightholders strive to maximise the cost-efficient distribution of their works, and RROs provide services that assist them in this effort, just as they facilitate legal access to copyright works for users.

The AGM also reviewed the worrying situation in Canada following the changes to the copyright legislation in 2012, on the basis of a Report by PwC, and the situation in Switzerland where there is no provision public lending rights. It adopted a [Statement in support of the introduction of a scheme to compensate authors and other rightholders for the public lending of their works](#). The introduction a PLR scheme would be consistent with the traditional high level of protection granted to rightholders by Swiss legislation. The IFRRO AGM therefore urged the Swiss Parliament and Government to introduce PLR as part of the ongoing review of Copyright Law in Switzerland.

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## RRO News

### Zambian RRO signs first licencing agreement with a college

Zambia's Reprographic Rights Society (ZARRSO), the Zambian RRO in membership of IFRRO, has signed its first licencing agreement with an educational institution, the Hotel and Tourism Training Institute (HTTI).



*Photo: Annie Tembo*

The college has 400 students and 25 lecturers, and the licensing agreement will enable HTTI to lawfully undertake photocopying and digital copying on its premises, within the limits and the percentages set in the agreement. Fees will be paid each year to ZARRSO for further distribution to Zambian authors and publishers.

The signatories were Ruth S. Mwenya, ZARRSO CEO, and Dr Wilson Silungwe, Executive Director of HTTI.

Find an article on the signing of the agreement [here](#).

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## EU News

### IFRRO : CJEU ruling on HP – Reprobel Case is not in keeping with well-established functioning Collective Rights Management practice

On 12 November 2015, the Court of Justice of the European Union (CJEU) passed the judgement in the case Reprobel v. HP Belgium regarding a set of quite detailed preliminary questions asked by the Court of Appeal of Brussels in the field of compensation of rightsholders and levies. It ruled that (i) a compensation scheme on the basis of articles 5.2.a/b of the EU Copyright Directive should be modulated taking into account the type of usage (i.e. reproductions on paper by a natural person for private use and all other reproductions on paper); (ii) a dual levy system (i.e. the combination of an equipment levy and an operator levy) is accepted in principle, but may need to provide for a reimbursement scheme to avoid overcompensation of rightsholders; (iii) the cooperation or not of an

operator levy debtor is not a pertinent criterion for OL tariff setting; (iv) the reproduction capacity of devices – understood as their maximum speed - is not a pertinent criterion for the equipment levy tariff setting; (iv) sheet music can neither be compensated on the basis of article 5.2.a nor on the basis of article 5.2.b of the Copyright Directive; (v) a compensation scheme on the basis of said articles cannot cover illegal reproductions from an illegal source; and (vi) publishers are not rightholders in the sense of articles 5.2.a and b of the Copyright Directive. The CJEU did not touch upon the issue of remuneration of publishers on the basis of national law.

IFRRO has issued a statement contending that ruling does not respect well-established Collective Rights Management practice and has called on the European Institutions to review articles 2, 5.2a and 5.2b of the Directive, with an aim of maintaining fair and adequate compensation for both authors and publishers for usages of their works and publications made under said exceptions. Although the Court clearly acknowledges the right of authors and other 'rightholders' to be remunerated for certain uses of their works allowed under an exception in national legislation it holds that publishers are not rightholders in the sense of article 5.2a and b of the 2001 Copyright Directive.

Click here for [full IFRRO statement](#)  
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### **European Conference on Innovation in Copyright Management in Brussels on 9 December 2015**

The [RDI project](#), co-funded by the European Union and established to prove the viability of the Linked Content Coalition's approach to rights data management, ends in December 2015. A closing conference will be organised in Brussels on 9 December in order to show how the technical framework tested within the project successfully enables seamless, automated access to rights data for any media type. Speakers include Robert Madelin, Senior Innovation Adviser, European Commission, Richard Hooper CBE, Chairman Copyright Hub, Vera Castanheira, Head of Legal and Licensing (AGICOA), Luc Audrain, Head of Digitalisation (Hachette Livre), Agustin Reyna, Senior Legal Officer (BEUC) and representatives from the different sectors. The moderator will be Per Strömbäck from [netopia.eu](#). The conference will also inform on the next steps of the Linked Content Coalition.

The link to register and to find the conference programme is available [here](#).

IFRRO is participating in the RDI Project and is a member of the RDI Consortium.  
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### **European Commission issues guidelines following Court ruling on the Safe Harbour**

As a follow up to the [ruling](#) of the Court of Justice of the European Union in Case C-362/14, in which the Court declared that the Decision of the European Commission recognising the Safe Harbour Privacy Principles was invalid, the European Commission has released on 6 November a set of guidelines in the form of a Communication on the transfer of personal data from the EU to the US. The aim of the Communication is to help companies that are transferring data from Europe to the US to better know how to proceed until an agreement between the European Union and the United States on a "safer Safe Harbour" can be reached.

As summarised in an official [press release](#), the following points are stressed in the Communication:

- *the Safe Harbour arrangement can no longer serve as a legal basis for transfers of personal data to the U.S.;*
- *the Commission will continue and finalise negotiations for a renewed and sound framework for transatlantic transfers of personal data, which must meet the requirements identified in the Court ruling, notably as regards limitations and safeguards on access to personal data by U.S. public authorities;*
- *other adequacy decisions will need to be amended, to ensure that Data Protection Authorities (DPAs) remain free to investigate complaints by individuals.*

The Communication can be found [here](#) and a Memo on the Safe Harbour agreement [here](#).  
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## **Creative Industries**

### **WIPO World Intellectual Property Report 2015 - Breakthrough Innovation and Economic Growth**

The World Intellectual Property Organization (WIPO) has published its 2015 World Intellectual Property Report focussing on the role of IP in supporting the innovation and technological breakthroughs that have spurred economic growth over the centuries.

The report includes a series of case studies that explore the concrete linkages between innovation, IP, and growth in six areas of breakthrough innovation. Three case studies focus on historical innovations: airplanes, antibiotics and semiconductors. The other three examine innovations that currently appear to hold breakthrough potential: 3D printing, nanotechnology and robotics. It shows that IP incentivizes innovation, enables technology markets and by providing a flexible basis for licensing, IP enables specialization and is at the heart of modern technology markets. Historically IP rights have always mattered for innovation incentives and in the future continuously investing in innovation will remain imperative for policymakers and business alike. Policymakers will also need to ensure that the IP system contributes to an ecosystem conducive to innovative breakthroughs. Since the onset of the industrial revolution, the IP system has continuously adapted to the demands and challenges of newly emerging technology.

[Click here for full WIPO report](#)

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## **Legislation**

### **IFRRO submission on EC Consultation on the EU Satellite and Cable Directive**

On 24 August 2015, the European Commission launched a consultation to review the EU Directive on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission. The aim of the

consultation, according to the Commission, was to “gather input for the evaluation process in order to assess the current rules” and to “seek views on a possible extension of the Directive in light of market and technological developments, with the objective of contributing to the Digital Single Market Strategy”.

IFRRO made a submission to the Consultation; in the submission, IFRRO acknowledges that the management of cable retransmission rights works well in general, and advises against extending the “country of origin” principle to the collective management of rights of authors and neighbouring rightholders.

See [IFRRO submission](#).

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## Text and Data Mining

### **CCC’s experience in licensing TDM – Babis Marmanis blogs and addresses IFRRO BMF and International Conference**

Babis Marmanis, CTO and VP, Engineering & Product Development at the Copyright Clearance Center, will today address the [IFRRO Business Models Forum and International Conference 2015](#) on CCC’s experience in the licensing of Text and Data Mining (TDM).

In his [blog](#) he looks at the importance for publishers to understand the difference between Search and Text Mining and concludes that “search and text mining should be considered as two quite distinct processing mechanisms, with often different inputs and outputs. While publishers need to engage with both, by conflating them, one loses the unique opportunities and strengths that each provides.”

TDM will be an important aspect of the IBMF discussion and we look forward to some interesting and thought provoking discussions – watch this space.

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## Copyright Protection

### **Canada after the changes to the copyright legislation in 2012**

In 2012, Canada made major changes to its copyright legislation. The IFRRO Secretariat has prepared a Memorandum on the situation in Canada after the changes, based on publicly available information and a legal analysis presented to the IFRRO Board by former General Counsel Anita Huss-Ekerhult. The main findings in the Memorandum are:

- The results of the changes to the Canadian Copyright Act in 2012 clearly demonstrate the need for collective rights management to be a part of a healthy copyright framework. Access to educational material through agreements with Reproduction Rights Organisations (RROs), such as Access Copyright and COPIBEC, and rightholders, is what best meets dynamic user needs to legally access high quality teaching material in constantly changing environments. There will be no winners if the changes to the copyright legislation lead to the standing down of the Canadian RROs;



- We hold that the changes to the Canadian Copyright Act in 2012 had consequences that were neither anticipated, nor intended. Rightholders were correct to anticipate that the changes to the fair dealing provisions in the Canadian Copyright Law would jeopardise rightholders' existing and future revenue streams and the local Canadian text-publishing sector;
- Canada's new fair dealing for "education" provision, together with the implementing legal and policy framework, seems to depart from the internationally recognised norms, may well breach Canada's international commitments, and exposes Canada to complaints from rightholders in and outside Canada.

Click here for [full Memorandum](#).

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### **African Ministerial Conference adopts declaration on Intellectual Property**

The African Ministerial conference 2015, which met in Dakar (Senegal) 3-5 November, adopted a [Declaration on Intellectual Property \(IP\)](#), which calls upon WIPO, in cooperation with African countries and bodies, to enhance its technical assistance aimed at inter alia "Providing legislative advice and creating an enabling legal framework for an effective and balanced use of the IP system for development by member states;" and "Supporting the development of effective collective management systems through notably excellence in transparency, accountability and governance."

Some 50 ministers from African governments attended the conference, which was opened by the Mauritius President Ameenah Gurib-Fakim, the Senegal Prime Minister Mahammed Boun Abdallah Dionne and WIPO DG Francis Gurry. IFRRO's CEO Olav Stokkmo spoke to the role of collective management and Transparency, Accountability and Good Governance in CMOs, whilst Dora Makwinja, IFRRO Board Director and Executive Director of COSOMO, the Malawian RRO, addressed the conference on CMO activities, in particular on the efficient monetizing and exploitation of content and data management by CMOs.

More on the conference in the WIPO [Press communication](#).

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### **The National Library of Sweden signs MoU enabling world's first ECL agreement governing cross-border remote access**

The National Library of Sweden has entered into a memorandum of understanding regarding the principles which will form the basis for an extended collective licence (ECL) agreement with the collective management organisations Copyswede (Sweden) and Kopiosto (Finland) in order to make cross-border remote access possible. This will be the first ECL of its type in the world.

The National Library of Sweden commenced a national pilot program during the year - which was expanded in September through cooperation with Åbo Akademi in Finland - with the aim of providing researchers and educators with digital access to the National Library's audio-visual materials and, ultimately, also to its printed materials. This cooperation is unique because the access is intended to occur across borders via remote access and will be based on extended collective licensing agreements.

See the [National Library of Sweden press release](#)

Update: see [IP Watch article](#)  
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### **Both authors and publishers must be paid – Stokkmo tells Arab Publishers Conference**

Olav Stokkmo, IFRRO CEO, highlighted the need for both authors and publishers to receive remuneration, at a Conference of Arab Publishers' held in Sharjah recently. "If they are not paid, they will produce less," he said and emphasised the role that local creators had in protecting cultural and national identity. Stokkmo also drew attention to the part played by collective rights management in enabling payment of rightholders in the secondary market.

The Arab Publishers Conference focused on the challenges of digital world in protecting intellectual property of publishing world and ran for 2 days in conjunction with the Sharjah International Book Fair.

See here for article in [Khaleej Times](#)  
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### **New cut to the compensation for private copy for text and image works in Spain**

On 26 October a Ministerial Order was published determining the amount for the compensation of private copy for 2014. This money is to be distributed among book, music and movies sectors. The order reduces the compensation assigned to authors and publishers of the publishing industry in Spain to 22%.

The Spanish government established a fund of 5 million euros to compensate book, music and movie industries for the copying of their works. From this total, the percentage assigned to the book industry is 22,61 %, while last year it was 28,98 % and 40 % in 2012, while the copying activity remains pretty much the same.

The payment of this compensation for private copying, besides reaching authors and publishers directly, also contributes, as established by the Intellectual Property Law, to finance the social function of CEDRO, the Spanish RRO. More information on this subject is available [here](#) (in Spanish).

Olav Stokkmo, IFRRO CEO, strongly regrets the Spanish Government's decision to reduce the compensation which seems wholly indefensible.

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## **Development Activities**

### **ARIPO's 39th Administrative Council and 15th Council of Ministers**

IFRRO and ARIPO (the African Regional Property Organization, <http://aripo.org/>) signed an agreement on cooperation already in 2006. Under this agreement, we have collaborated in education programmes and various sensitizing and training activities, IFRRO also attend, as Observers, ARIPO's Administrative Council and Council of Ministers meetings. At this year's events, which took place in Lusaka, IFRRO's CEO, Olav Stokkmo, addressed the Ministers of ARIPO's 19 Member States on the importance of the copyright sector and of collective rights management, and expressed support for ARIPO's Copyright department, now under the leadership of ARIPO Director General Fernando dos Santos and Copyright Administrator

Maureen Fondo. Also, many delegates emphasised the importance of ARIPO having a focus on collective management and CMOs in the Member States.

Click here for [full statement](#).

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### **Inger Dirdal appointed as Norcode Managing Director**

The Norwegian Copyright Development Association (Norcode) has announced the appointment of Inger Dirdal as its Managing Director. She will replace Mads Liland as from 1 December 2015.

Inger has worked part-time in Norcode since August 2013. She comes from Music Export Norway where she held the position as the managing director from 2000 - 2013. Her earlier experience is as export manager in the Norwegian record company, KKV, 1994 - 2000 and from Aschehoug Publishing House, 1988 - 1994.

Norcode was established in 2007 by Norway's five collective management organisations: BONO, Gramo, Kopinor, Norwaco and TONO. The Association's objective is to carry out international development work in the copyright field.

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