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EVENTS:

5 to 14 October 2015 [Assemblies of Member States of WIPO \(55th series\)](#), Geneva, Switzerland

14 to 18 October 2015 [Frankfurt Book Fair](#), Frankfurt, Germany

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

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

10 November 2015 IFRRO Business Models Forum, Mexico City, Mexico

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

16 to 17 November 2015, [Annual Conference on European Copyright Law 2015](#), Trier, Germany

1 to 2 December 2015 [The Future of Author's Rights](#), Berlin, Germany

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

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

LINKS TO OTHER NEWS:



IFRRO

IFRRO Comments on the European Copyright Society's Opinion on Case C-572/13, Hewlett-Packard Belgium v. Reprobel

On June 11, 2015, the Advocate-General (AG) *Pedro Cruz Villalón* delivered his Opinion in Case C-572/13, *Hewlett-Packard Belgium v. Reprobel*. The case, which is still pending before the EU Court of Justice (CJEU), raises, *inter alia*, an important issue, namely: “*Is it permissible for a national copyright law to allocate a portion of the fair compensation for reproductions exempted under Article 5(2)(a) and (b) of the 2001/29 Information Society Directive directly to publishers, although they are not listed among the initial holders of the reproduction right under Article 2 of the Information Society Directive?*” While the Opinion of the AG is non-binding, the CJEU is expected to publish its decision by the end of 2015.

IFRRO has noted the opinion of the European Copyright Society regarding the reference to the CJEU in Case C-572/13, [Hewlett-Packard Belgium v. Reprobel](#). Although we would have liked to comment on several points raised in that document, we limit our observations to the right of publishers to receive a share of the collected remuneration / compensation for the use of text- and image-based (TI) works.

We hold that the [opinion](#) expressed by the European Copyright Society regarding the publishers' share is unsubstantiated. It conflicts with the international legal framework (including the Berne Convention, and especially the three-step-test laid down therein), and breaches longstanding legal and contractual arrangements between authors and publishers. Moreover, it is contrary to arrangements and traditions established and practised since the first establishment of collective rights management in the TI sector – the Reproduction Rights Organisations (RROs) – more than 40 years ago, regardless of the system under which they operate. The fundamental basis of collective rights management in the TI sector is that both authors and publishers are entitled to receive a portion of the remuneration / compensation. This is also consistent with the IFRRO Statutes, which require that RRO members represent both authors and publishers, and that these grant both categories of rightholders adequate representation on their governing bodies. In this vein, numerous IFRRO submissions to the European Commission on draft legislation, which led to the adoption of the EU Information Society Directive 2001/29 in 2001, uncontestedly, referred to ‘rightholder’ as a generic term for authors and publishers, who should both be entitled to a part of the remuneration / compensation when copies are made from an already published work.

The complete IFRRO comments regarding the European Copyright Society's opinion on Case C-572/13 are available [here](#).

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IFRRO submission on the South Africa Copyright Bill

IFRRO has submitted comments to the South African Department of Trade and Industry on the proposed Copyright Amendment Bill 2015.

In its comments IFRRO draws attention to the importance of locally created content to cultural independence, the economy and employment and submits that the current draft of the Bill is likely to have a negative impact on locally created content.

The submission also states that there are no persuasive arguments for South Africa to change its current copyright legislation with respect to ‘Fair use’ and exceptions for

educational use should only be allowed when primary and secondary (collective licensing) markets do not function. Click [here for the full IFRRO submission](#).

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RRO News

New CLA deal simplifies access to published material for National Health Service in England

CLA (The Copyright Licensing Agency) has announced a new deal with the UK Department of Health (DoH) that will simplify access to content for all staff of the NHS in England, as well as employees in other bodies funded by the DoH.

The partnership includes access to DRM-free articles from the British Library, one of the largest document collections in the world. It covers every aspect of scientific, technical, healthcare and human knowledge, in many languages and holds journals, books, conference documents, reports, patents and theses, as well as official publications and images.

CLA has also granted permission for staff of the NHS in England to share information with other organisations that hold a CLA licence, allowing the effective transfer of ideas and content.

Click here for full [CLA article](#)

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Vietnamese RRO announces changes

VIETRRO, the Vietnamese RRO, has announced changes to its key officers and also a change of address. A new Chairman, Mr. Hoang Trong Quang, has been elected to replace Prof. Ho Ngoc Dai, who is leaving for another position. A new Managing Director, Mrs. Nguyen Thi Sanh, has been nominated to take over from Mrs. Doan Thi Lam Luyen.

Other leader positions and contact persons are as follows:

- Vice Chair and Secretary General: Mrs. Doan Thi Lam Luyen
- Vice Chairman: Mr. Nguyen Kiem
- Vice Chairman: Mr. Nghiem Quoc Bao,
- Head of External Relations: Dr. Cao Kim Anh

New office address: Flat No 2409, Building HH2, Bac Ha, To Huu Road, Nhan Chinh, Thanh Xuan, Hanoi, Vietnam.

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EU News

European Commission launches two consultations on geo-blocking and online platforms

The European Commission has launched two consultations on geo-blocking and online platforms, in the form of questionnaires that can be answered [here](#) (for geo-blocking)

and [here](#)(for online platforms and related matters). According to the Commission's press release, the scope of these consultations is the following:

- The consultation on geo-blocking and other forms of geographically-based restrictions will gather opinions on unjustified commercial barriers which prevent from buying and selling products and services within the EU. It covers, for example, customers who are charged different prices or offered a different range of goods depending on where they live, but it does not cover copyright-protected content and content licensing practices.
- The second consultation will look at the economic role of online platforms, which include, for example, search engines, social media, video sharing website, app stores, etc. It will also explore the liability of intermediaries as regards illegal content hosted online and how to improve the free flow of data in the EU and to build a European Cloud. It will look as well into the possibilities and potential issues raised by the rise of the collaborative economy.

The European Commission will use the feedback received to prepare future initiatives in the context of its Digital Single Market Strategy (launched in May 2015, as [reported](#) by IFRRO) and the Internal Market Strategy for Goods and Services that is expected to be published in autumn 2015.

The press release can be found here: http://europa.eu/rapid/press-release_IP-15-5704_en.htm

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EU survey shows that solutions for online access to works meet users' needs

The European Commission published on 28 August a survey on access to works online and portability of content in the European Union. The findings of the survey, for which more than 26,000 people across Europe have been interviewed, are a clear indication that solutions developed to give access to works online do meet users' needs when they are interested in having access to such content.

[Read more](#)

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EC public consultation on the review of the EU Satellite and Cable Directive

On 24 August 2015, the European Commission opened a public consultation on the review of the EU Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission ("Cable and Satellite Directive"; [here](#)). The official press release is available [here](#).

The consultation focuses on the functioning of the Cable and Satellite Directive and its possible extension to certain online transmissions. It follows the [Commission's Communication on a Digital Single Market Strategy for Europe](#), which states that "the Commission will review the Satellite and Cable Directive to assess the need to enlarge its scope to broadcasters' online transmissions and the need to tackle further measures to ensure enhanced cross-border access to broadcasters' services in Europe."

According to the [Commission's website](#), the aim of the consultation questionnaire (which is available in [English](#), [French](#) and [German](#)) is twofold:

- i. First, to gather input for the evaluation process in order to assess the current rules against the evaluation criteria set out in the Better Regulation Guidelines.
- ii. Second, to seek views on a possible extension of the Cable and Satellite Directive in the light of market and technological developments, with the objective of contributing to the Digital Single Market Strategy.

Submissions can be made (in any EU language) by 16 November 2015.

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Legislation

Australia's amended Copyright Act in force

The recent Australian Copyright Amendment (Online Infringement) Act 2015 received Royal Assent on June 26, 2015, and came into force on June 27, 2015. It amends the Australian Copyright Act 1968, allowing copyright owners to apply to the Federal Court of Australia for an injunction requiring carriage service providers to disable access to an online location outside Australia, which infringes (or facilitates the infringement of) copyright.

See: [WIPO Lex](#)

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Thailand's new Copyright Act in force

Thailand's [Copyright Act \(No. 2\) B.E. 2558 \(2015\)](#) was published in the Royal Gazette on February 5, 2015, and came into force on August 4, 2015. The Act introduces amendments to the [Copyright Act B.E. 2537 \(1994\)](#) on Rights Management Information (RMI), Technological Protection Measures (TPMs) and exemptions from copyright liability for Internet Service Providers (ISPs). See: [WIPO Lex](#).

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Creator and Publisher Associations

Do Copyright and Human Rights go together?

The International Publishers Association (IPA) has published a special report on Copyright and Human Rights, giving the legal background and providing insights from creators.

Introducing the report, IPA General Secretary, Jens Bammel explains that Copyright protection is not per se a human right, but is a tool which protects the human rights of authors and publishers. Copyright impacts on freedom of expression, both of the author and of members of the public who wish to distribute the author's works as part of their own freedom of expression. This does not just mean the freedom to express a certain opinion, but also to choose the appropriate medium to do so, or even to remain silent.

The report can be accessed (in pdf) [here](#).

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Talking Copyright

Synopsis of "Publishers' share of fair remuneration", an article by Dr. Nikolaus Kraft

The IFRRO site has a [brief summary of the expert opinion of Dr. Nikolaus Kraft](#), commissioned by the Federation of Austrian Publishers. The article (in German: „Die Beteiligung der Verleger an gesetzlichen Vergütungsansprüchen“) has been published in Medien und Recht, 4/2015, and can be ordered under <http://shop.medien-recht.ws/shopdetails.php?id=3024>.

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French lawyer publishes book entitled “2015: the end of copyright? Taking for free is Stealing”

Richard Malka, a famous lawyer and author who has been, inter alia, the lawyer of Charlie Hebdo since 1992, has been commissioned by the French IFRRO member Syndicat National du Livre (SNE) to publish a book on the planned reforms of copyright in France and in the EU. The book is available for free in French and in English, online and in bookshops to which 50,000 copies of the book have been distributed on 10 September. SNE also launched a website in conjunction with the release of the book: <http://www.auteursendanger.fr/> (authors in danger).

In his book, that starts with an excerpt from the preamble of Directive 2001/29/EC: “*any harmonisation of copyright and related rights must take as a basis a high level of protection*”, Richard Malka makes a plea for adequate protection of copyright, so that authors and publishers can continue to create and make a living from the works that they create and publish. According to him, a reform of copyright in order to adapt it to the digital world is not needed given that the technological transition is already underway – in France, “*100% of new releases by French publishers are available today as ebooks across multiple platforms*” – while access to works online has been made easier thanks to projects such as Research4Life, which gives access to science literature for free or at a low cost to the 100 least-developed countries, or the ReLIRE project for the digitisation of out-of-commerce works.

Richard Malka then looks at the list of exceptions and limitations listed in Directive 2001/29/EC, postulating that any further harmonisation of these exceptions would result in less works being created, less cultural diversity, and would be detrimental to users, rightholders, and society at large: in his words, “*author compensation would become the exception*”.

In the last part of the book, Malka reflects on what it would mean if only a few big players would own and distribute cultural content as a result of the weakening of copyright: many works would not be made available because they are “*too confidential or morally objectionable*”, listing examples of works that big platforms have decided to withdraw from their catalogue because of their non-compliance with moral standards or their lack of profit potential.

Richard Malka underlines as a conclusion that the weakening of copyright is not inevitable and he reminds readers that “*such choices have nothing to do with technology and everything to do with personal courage and the battle of ideas. French authors and publishers intend to wage that battle. Its implications go beyond any personal interests and*

concern every citizen, for what is at stake is the very essence of civilization. They should not be the only ones to put up such a fight.”

The SNE campaign is supported by the European Parliament President, Schultz,
<https://www.actualitte.com/article/monde-edition/droit-d-auteur-et-union-europeenne-le-desamour/60641>

SNE is offering the book for free in pdf format in English ([here](#)) and in French ([here](#)).
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