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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:



IFRRO

IFRRO recruits new General Counsel and Deputy Secretary General

IFRRO is pleased to announce the recruitment of Ms Nadine Dauer as IFRRO General Counsel and Deputy Secretary General to replace Anita Huss-Ekerhult, who is leaving for a position at the World Intellectual Property Organization.

Nadine is a German qualified lawyer, with specialisation in antitrust, competition, state aid and intellectual property law. She also has an LL.M. in EU law, comparative constitutional law and public policy (Budapest).

Nadine comes from the position of Managing Director/Head of EU Affairs at the German Federal Association of Liberal Professions, where she, among other things, was active in collaboration with the OECD. Prior to that, she served as the Head of Office at the European Federation of Building Societies (Brussels), and as Legal advisor at the European Savings Banks Group (Brussels) and at PMI Mortgage Insurance Company Ltd.(Brussels). She has also worked for international law firms in Düsseldorf and Brussels.

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IFRRO co-organises conference in Zagreb with Croatian authors and publishers' associations

On 6 October 2015, IFRRO participated in a conference co-organised with the Croatian writers' association [DHK](#) and the Croatian publishers' association [ZANA](#), both members of IFRRO.

The main issues discussed during the conference were the implementation of the public lending right in Croatia, the equipment levy and operator fee schemes, and the different models for the collective management of rights.

Presentations were made by Croatian and foreign speakers, including Anna Bleszyńska-Drewicz (KOPIPOL, Poland), Samantha Holman (Chair of the IFRRO European Development Committee, ICLA, Ireland), Jędrzej Maciejewski (Copyright Polska, Poland), Madeleine Pow (CLA, UK), Yngve Slettholm (Kopinor, Norway), Kurt Van Damme (Reprobel, Belgium) and Pierre-Olivier Lesburguères (IFRRO Secretariat).

Find [here](#) an article on the conference in the Croatian news website Politika Plus and [here](#) the conference programme (both in Croatian).

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RRO News

Serbian RRO approved by the Intellectual Property Office

IFRRO had [reported](#) in February 2014 about the creation of a Reproduction Rights Organisation (RRO) in Serbia; on 22 October 2015, the RRO has been approved by the Intellectual Property Office of the Republic of Serbia. Repro Serbia (or Organizacija za ostvarivanje reprografskih prava in Serbian) will now be able to start administering rights on behalf of the authors and publishers that have mandated it. Olav Stokkmo, CEO of IFRRO,

congratulated Mr. Vuk Vukicecic, Secretary General of the Publishers and Booksellers Association of Serbia, for successfully conducting the work that has led to the approval of the RRO and expressed IFRRO's willingness to continue working with Serbian authors and publishers towards a strong and effective collective management of their rights in Serbia.

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Collective Management

Meetings in Accra successfully test TAG Compendium on transparency, accountability and good governance in CMOs and discuss educational licensing

On 24 and 25 September, IFRRO, IFPI and WIPO co-organised a workshop in Accra to test the Compendium, developed by the WIPO initiative TAG (Transparency, Accountability and Good Governance). The Compendium was developed for training, education and benchmarking purposes and had previously been sent to the RROs and international author and publisher association members of IFRRO for comments.

The meeting was hosted by the Ghanaian RRO, COPYGHANA, and the Ghanaian Intellectual Property Office (IPO). Participants were CMO representatives from Ghana, Kenya, Nigeria, Tanzania and Uganda, including the RROs COPYGHANA, Kopiken, Repronig, Kopitan and URRO, as well as Ms. Solange Dao of the Organisation Africaine pour la Propriété Intellectuelle (OAPI), and representatives from IPO representatives from Ghana and Tanzania. The workshop gave full support to the TAG Compendium, and developed individual plans for each participating CMO for the enhancement of their governance structure. CMOs also requested that the initiative, as a next step, considered delivering a quality mark, which they could apply for on a voluntary basis. Since the launch of the WIPO TAG initiative, IFRRO has been an active cooperating partner, with the IFRRO CEO chairing the Reference Group.

COPYGHANA also hosted, on 28 and 29 September, the IFRRO Africa Development Committee meeting and a seminar, which was co-organised with WIPO, OAPI and ARIPO (African Regional Intellectual Property Organization), and opened by the State Prosecutor Helen Ziwu. IFRRO has now RRO members in 13 African countries. The main focus was on TAG issues and RROs facilitating legal uses of copyright works in education. The meeting welcomed the contribution of Ms. Maureen Fondo of ARIPO, and noted positive development of RRO activities in several African countries, and congratulated, in particular, COPYGHANA and Kopitan on their achievements, with start up of the licensing of educational institutions, and the rapid development of ZARRSO (Zambia).

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Development Activities

AAS-IFRRO workshop on the collective management of rights in Azerbaijan

On 17 and 18 September 2015, IFRRO and the Azerbaijan Authors Society (AAS), a member of IFRRO, co-organised a workshop on the "collective management of rights in the text and image sector" in Baku, Azerbaijan.



Participants in the AAS-IFRRO workshop. Photo: Babayev Salman

Azerbaijani rightholders and representatives from AAS, from the Copyright Agency of Azerbaijan, and from the National Library participated in the workshop; guest speakers included Samantha Holman (Chair of the IFRRO European Development Committee and Executive Director of the Irish Copyright Licensing Agency), IFRRO's CEO, Olav Stokkmo, and Assistant Policy Adviser, Pierre-Olivier Lesburguères, as well as representatives of IFRRO members from Georgia, Poland, Sweden and Turkey.

The discussions focused on the legal framework for collective management of rights in Azerbaijan, in other countries and at European level, as well as the different models for the collective management of rights, good governance of Collective Management Organisations, and the way forward for AAS and Azerbaijani rightholders.

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Creative Industries

Creative Industries add \$NZ3.848b (\$US2.6b) to New Zealand Economy

In 2013 a New Zealand's creative industries decided to change how they presented themselves to government and the public and to alter their message from one that was solely about copyright to one that puts creativity and creative products at the forefront. A new entity was established - WeCreate - and a membership drive put into action to ensure the organisation had representation from the breadth of the NZ creative industries.

Supporting the new messaging is economic data that the industries have sourced for themselves given that the government does not have valuations of the New Zealand creative sector. The latest valuations, released on 30 September 2015, show that books, music, games, film and television contribute \$NZ3.9 billion to the economy and over 40,000 FTE jobs. In 2016 valuations from other industries – architecture, advertising, fashion and design - will be added.

WeCreate's strategy is focussed on the growth potential of the creative sector, particularly in the area of export revenue. This opportunity has been recognised by the government and will

be the subject of a sector study currently taking place and due to be completed towards the end of 2016.

WeCreate is chaired by Paula Browning of CLNZ – the NZ RRO.

Click here for [full report](#)

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WIPO

WIPO Member States Approve Organization's Budget 2016/17 Programme

Delegates representing WIPO's 188 member states met from October 5-14 and approved the Organization's Programme and Budget for the two-year period beginning in 2016. The budget included increased support for the TAG of Excellence international quality assurance standard for (CMOs) as well as a TAG education program on the transparency, accountability and governance of CMOs. To complement the TAG related activities, a new portal will be designed and developed to deliver many of WIPO's copyright infrastructure projects via the Internet and in partnership with third parties. Work will also continue towards making the Accessible Books Consortium (ABC) the premier global entity for facilitating access to books by the print disabled around the world. Olav Stokkmo, IFRRO CEO, chairs the TAG Resource group and is a member of the ABC Board. Several IFRRO members are also involved in the ABC.

Among other work, delegates agreed on the renewal of the mandate of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC) for the 2016-2017 biennium, as well as the work plan for the IGC for the biennium. IFRRO has a [long-standing position paper on Traditional Knowledge \(TK\) and Traditional Cultural Expressions](#).

Member states also took note of the report of the Standing Committee on Copyright and Related Rights and directed it to continue work on protection of broadcasting organizations, limitations and exceptions for libraries and archives and limitations and exceptions for educational and research institutions and persons with other disabilities.

Click here for [WIPO Press Release](#)

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EU News

The Publishing industry gets ready for the European single market

At the LIBER International Book Fair in Madrid, CEDRO, the Spanish RRO, organised a round table on the impact of the European single market for the Publishing industry. During the event, which included Olav Stokkmo, IFRRO's CEO, among the speakers, it was concluded that there is a need to develop a strategy for the single market.

In his intervention, Olav Stokkmo said that an adequate digital offer is already available in Europe. Book, magazine and newspaper industries have existing digital solutions for the single market. These solutions are copyright licensing systems, some of them are available

for sales and subscriptions and are granted by publishing houses, while others (for photocopying and digital copying) are offered by the collective management organisations such as CEDRO, in Spain.

Stokkmo added that the strategy for the European Union should not include new exceptions to intellectual property, like those proposed for the education and libraries fields. However, if new exceptions are to be included, authors and publishers should be remunerated for the use of their works, in order to ensure a healthy publishing industry.

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Legislation

Consumer Rights Act 2015 introduces class action system in the UK

Following the Royal Assent to the UK Consumer Rights Act 2015 (the “Act”) on 26 March 2015, the UK's first class action regime came into force on 1 October 2015. The Act will reform UK private competition law enforcement, in order to make it easier for parties, particularly SMEs and individuals, to bring private enforcement actions in the UK. The three main ways are:

- widening the jurisdiction of the Competition Appeal Tribunal and setting out improvements for procedures;
- promoting collective proceedings, in particular by introducing “opt-out” collective actions and “opt-out” collective settlements; and
- providing the Competition and Markets Authority with the authority to approve voluntary redress schemes.

The Act, inter alia, makes it easier for groups of consumers to seek compensation from firms that have fixed prices and formed cartels. Safeguards to prevent frivolous claims include conditions to be met before a claim is approved as “opt-out”, and rules governing damages and costs.

See: <http://www.legislation.gov.uk/ukpga/2015/15/schedule/8/enacted>

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Court Cases

Authors Guild v. Google: Second Circuit confirms that Google Books Library Project is “fair use”

On October 16, 2015, the Second Circuit Court of Appeals released its decision in [Authors Guild v. Google](#). The Court confirmed the decision of Judge Chin that the scanning activities of Google within its Library Project are to be considered “fair use”, and concluded that:

“(1) Google’s unauthorized digitizing of copyright-protected works, creation of a search functionality, and display of snippets from those works are non-infringing fair uses. The purpose of the copying is highly transformative, the public display of text is limited, and the

revelations do not provide a significant market substitute for the protected aspects of the originals. Google's commercial nature and profit motivation do not justify denial of fair use. (2) Google's provision of digitized copies to the libraries that supplied the books, on the understanding that the libraries will use the copies in a manner consistent with the copyright law, also does not constitute infringement. Nor, on this record, is Google a contributory infringer."

The complete decision can be downloaded from the Authors Guild's [website](#).

IFRRO has supported the appeal via a contribution through the IFRRO Enforcement Fund.
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Trade Agreements

Trans-Pacific Partnership (TPP) Is Reached

On October 4, 2015, Ministers of the Trans-Pacific Partnership (TPP) countries – Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, United States, and Vietnam – announced conclusion of their TPP negotiations.

TPP is a large and ambitious free trade initiative, based on a comprehensive, economic and strategic agreement. It sets high standards in many areas, including on intellectual property. Inter alia, TPP provides protection and enforcement of copyrights and related rights, reflecting or building upon the WIPO Internet Treaties, and provides for a copyright period of 70 years.

More information is, inter alia, available from the respective governments' websites, such as:

Canada: <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-...>

NZ: <http://beehive.govt.nz/sites/all/files/TPP-Q&A-Oct-2015.pdf>

US: <https://ustr.gov/tpp/>

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Talking Copyright

Article on the right to fair compensation for publishers under EU law

An article written by Florence-Marie Piriou, the Secretary General of the French CMO Société Française des Intérêts des Auteurs de l'Écrit* (Sofia) on fair compensation for rightholders under EU law was published in September in the monthly magazine "Commerce Electronique". In the article, Ms. Piriou addresses the issue of the compensation paid to authors and publishers when their works are being reproduced on the basis of Article 5.2(a) and 5.2(b) of the EU InfoSoc Directive (Directive 2001/29/EC) and in the context of the Hewlett-Packard Belgium v. Reprobel case (Case [C-572/13](#)) that was referred to the Court of Justice of the European Union.

Drawing on the existing international instruments that form the legal framework for copyright such as the Berne Convention and the WTO TRIPS Agreement, Ms. Piriou is demonstrating that the different provisions in these texts apply to all rightholders, including publishers; she

is also quoting the EU legislation itself, including the Directive on Collective Rights Management (Directive 2014/26/EU) adopted last year and in which the rightholder is defined, under Article 3 (c) as “any person or entity, other than a collective management organisation, that holds a copyright or related right or, under an agreement for the exploitation of rights or by law, is entitled to a share of the rights revenue”.

Referring to the different national regimes that are providing both authors and publishers with a fair compensation for the reproduction of their works, Florence-Marie Piriou then explains how detrimental it would be for rightholders if the CJEU were to decide that publishers are not entitled to receive a share of fair compensation and should be excluded from the protection afforded by the EU Directives on copyright, and why such a decision would be in contradiction with the international and EU legal framework.

Ms. Piriou expresses in conclusion her hope that the Court of Justice, when ruling in the HP v. Reprobel case, follows the widely acknowledged and legally ascertained principle according to which authors and publishers alike should receive a fair compensation for the reproduction and copying of their works.

* [Sofia](#) is a Collective Management Organisation mandated by authors and publishers that is responsible, inter alia, for administering the public lending right in France. Sofia is a member of IFRRO.

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From Membership

Anthony Bellanger appointed New IFJ General Secretary

Anthony Bellanger, a French national and trade unionist, was appointed as the new General Secretary of the International Federation of Journalists (IFJ) by the Federation’s Executive Committee at its meeting of 24 - 25 October in Brussels. He succeeds Beth Costa of Brazil who held the post since 2011.

Bellanger, 42, was IFJ Deputy General Secretary since 2 September 2014. He holds a PhD in history and had spent most of his career as journalist in the French print media and was involved in trade unionism with the Syndicat national des journalistes (SNJ) which he led as First General Secretary from 2011 – 2014.

IFRRO CEO, Olav Stokkmo, welcomed Bellanger’s appointment. “We have always enjoyed a close working relationship with IFJ through Beth Costa and I am looking forward to continuing it with Anthony, whose work we have appreciated for years”, he said, adding; “I congratulate him on his appointment.”

Click here for full [Press notice](#)

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