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EVENTS:

23 to 24 June 2016 [International Conference on Private Copying](#), Amsterdam, Netherlands

29 to 30 June 2016 [Dutch EU Presidency conference on connecting cultural heritage](#), Amsterdam, The Netherlands

1 July 2016 [\(R\)evolution of Europe's Press - a press freedom conference](#), Wroclaw, Poland

31 October 2016 [IFRRO Board meeting \(October 2016\)](#), Amsterdam, Netherlands

31 October to 3 November [IFRRO World Congress 2016](#), Amsterdam, Netherlands

1 November 2016 [IFRRO Business Models Forum 2016](#), Amsterdam, Netherlands

2 November 2016 [IFRRO Annual General Meeting 2016](#), Amsterdam, Netherlands

LINKS TO OTHER NEWS:



IFRRO

IFRRO welcomes new member

IFRRO is pleased to announce that Sociedad de Editores y Autores de Panama (SEA) has been accepted as a Provisional RRO member of IFRRO.

SEA was approved by the competent authorities in June 2014, to administer the reprographic and similar reproduction rights. The current membership is made up of 5 publishing houses or their representative and 18 authors and SEA is supported actively by the Writers Union and the Cámara del Libro (Publishers Association).

This brings IFRRO's membership up to 145 members from 82 countries.

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IFRRO Statements at 32nd WIPO SCCR 8-13 May

IFRRO made statements at the 32nd WIPO SCCR in relation to Library Exceptions - covering both crossborder accessibility and orphan works - and on Educational Exceptions.

Regarding Library Exceptions, IFRRO stated that orphan works and works out-of-commerce must only be reproduced or made available under criteria agreeable to rightholders, to ensure that this does not conflict with the normal exploitation of the work or prejudice the interest of the authors. Similarly Cross-border uses should be allowed with the permission and under a license with the rightholders or their representatives, such as RROs (Reproduction Rights Organisations).

IFRRO also recognised the importance of educational exceptions but emphasised that unremunerated exceptions must be limited to instances where primary and secondary markets cannot fulfil a market need efficiently and effectively. It was also important to foster the local creation and publishing of works particularly in the educational field. IFRRO concluded that educational institutions form a part of the ecosystem of published works. It is important that they are allowed and offered solutions to allow legal access to copyright works. The best way to arrange this is through direct licensing agreements with authors and publishers, combined with collective rights management by RROs.

Click here for IFRRO statements on [cross-border accessibility](#), [orphan works](#) and [educational exceptions](#).

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RRO News

Chairman of Belgian RRO writes open letter on changes to the reprography legislation

In an open letter published by major newspapers in Belgium – for instance in [Le Soir](#) and [De Morgen](#) – Professor Roger Blanpain, Chairman of the Board of Reprobel, the Belgian RRO, calls on politicians and lawmakers to preserve the remuneration to authors and publishers for the reprographic reproduction of their works.

Until the Court of Justice of the European Union ruled in Case C-572/13 (HP Belgium v Reprobel) in November 2015, Reprobel was collecting an average 23 million euros a year

that are then distributed to authors and publishers, representing for many of them substantial revenues, while the cost for Belgian people is a mere 2 euros per capita, per year. In the aftermath of the ruling that has questioned some aspects of the legislation on reprography in Belgium which may require that it be adjusted, Prof Blanpain makes a plea for the remuneration to authors and publishers for the copying of their works to be maintained and not sacrificed.

As Prof Blanpain argues, the publishing market in Belgium accounts for 0,7% of the national GDP, comprising many SMEs, and the revenues stemming from the secondary uses of works are essential for authors and publishers to continue creating, investing in new works and publishing those, while the system offers legal certainty for users who have access to the works.

Also find [here](#) the statement released by IFRRO after the CJEU ruling in HP Belgium and calling on the EU Commission and Parliament to “give clarification and provide stability and legal certainty to IFRRO members with an aim of maintaining a system that has been successful for so many years in a whole series of EU member states in providing free access to copyrighted works and at the same time fairly compensating authors and publishers”.

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Zimbabwe RRO, ZimCopy, announces changes and new objectives

In an interview for [The Herald](#), Dr Samuel Makore, president of ZimCopy, the RRO in Zimbabwe, went into great detail explaining the changes that the organisation has been implementing since early 2016. Dr Makore, who is also acting director, explained that the new board will introduce further significant changes to the organisation and the way of working.

From the building of membership to licensing activities and awareness activities co-organised with the government, Dr Makore is convinced that ZimCopy will start delivering results for authors and publishers in the country. He also announced that they will lobby the government in order to have the Copyright and Neighbouring Rights Act amended in order to face the challenges of the digital world.

The full interview to Dr Makore is available [here](#).

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Copyright Clearance Center Acquires Ixxus

Copyright Clearance Center, Inc. (CCC), the US RRO, has acquired London-based Ixxus, a software professional services firm and leading provider of publishing solutions that reinvent the way organizations work with content. With offices in the UK, US, Spain and Romania, Ixxus is now a wholly-owned subsidiary of CCC. Terms of the deal were not disclosed.

According to The Radicati Group, the Enterprise Content Management (ECM) market will grow from \$5.5 billion in 2014 to more than \$9.4 billion in 2018. This is an average annual growth of 15% over that timeframe. The Ixxus proposition goes beyond the traditional ECM offering, combining content modeling, semantic linking and advanced workflow capabilities to support the publishing process from end to end and deliver truly ‘smart content.’

Click here for full [CCC Press Release](#)

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EU News

Digital Single Market Strategy: European Commission publishes set of proposals

On the 25th of May, the European Commission published a set of legislative proposals and soft law instruments as part of its Digital Single Market Strategy.

The Commission released:

- A proposed [Regulation](#) on geoblocking,
- A proposed [Directive](#) amending the already existing Directive on Audiovisual Media Services (AVMS),
- And a [Communication](#) on online platforms.

Find further information in the European Commission's press releases [here](#) and [here](#).

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Leaked draft EU Communication on online platforms

As part of the European Commission's Digital Single Market Strategy and following a public consultation launched in September 2015, the EU Executive body is working on the role of online platforms and the possible need to regulate them. As summarised on the dedicated webpage,

“The emergence of platforms is positive. Still, some concerns refer to issues like how online platforms collect and make use of users' data, the impact of the relative bargaining power of some actors when negotiating terms and conditions with other market players. The growing role of platforms also poses challenges to consumer protection. There is a need to further explore whether platforms provide sufficient information and safeguards to consumers, as well as the issue of digital content reuse where they act on their own behalf, or on behalf of their suppliers.”

A leaked version of a draft Communication on online platforms has been made available on the EurActiv website.

Regarding copyright specifically, the Commission, according to the leaked document, “will aim at ensuring fair allocation of the value generated by the online distribution of copyright-protected content by online platforms whose businesses are based on the provision of access to copyright-protected material” in the upcoming copyright package.

Find the leaked Communication [here](#).

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Ministers from 14 EU Member States send letter on free data flows to EU Commission and Council

On 23 May, ministers from fourteen European Union Member States have signed a joint letter calling on the European Commission and the Netherlands, who currently hold the rotating presidency of the Council, to loosen restrictions on data flows.

In the letter, the signing ministers ask that it “be ensured that data can move freely across borders, both within and outside the EU, by removing all unjustified barriers to the free flow of data and that regulation does not constitute a barrier to development and adoption of innovative data-driven technologies”. According to them, “Europe can benefit significantly from new data-driven technologies if the right future-proof regulatory framework is established”.

[Some](#) see this letter as a push in favour of the EU-US Privacy Shield, the new framework agreement that is aimed at replacing the EU-US Safe Harbour that was declared invalid by the Court of Justice of the EU last year.

The letter was signed by Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, Ireland, Latvia, Luxembourg, Lithuania, Poland, Slovenia, Sweden and the UK; find further information in a EurActiv article [here](#).

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Getty Images files EU complaint against Google Images

Getty images, the American stock photo agency, filed on 27 April a complaint with the European Commission for unfair competition against Google. According to Getty, the display through Google Images of full-screen slideshows of high-resolution copyrighted images is hurting its licencing solutions and the works made available; in a statement shared with TIME magazine, Getty argues that with the new way of displaying images, “there is little impetus to view the image on the original source site” and that Google has “also promoted piracy, resulting in widespread copyright infringement, turning users into accidental pirates”.

The European Commission confirmed that it has received the complaint and will assess it; find an article on this issue in TIME magazine [here](#).

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Creative Industries

Intellectual property alone does not promote innovation according to the Brazilian vice-president of the National Institute of Intellectual Property

[IP Tango blog](#) has reported the remarks of Mr Mauro Maia, the vice-president of the Brazilian Instituto Nacional da Propriedade Industrial (INPI)'s, on intellectual property and its relevance to the country. Mr Maia pointed out that IP as a legal instrument and system does not promote development by itself.

Mr Maia affirmed that IP was useful and relevant to the innovation environment, but that it does ‘not promote development’ by itself despite its relevance and use in innovation environments. IP protects patents, copyrights, and other IP but what promotes creation, invention and development goes beyond mere legislation. Incentives (grants or tax credits) and higher education have a big impact in innovation, while the role of IP is to protect creators from unfair practices and it does so by balancing exclusive rights given to owners with accessibility rights to the society.

More information (*in Portuguese*) on this topic is available [here](#).

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Legislation

Slovakia adopts entirely new Copyright Act and implements CRM Directive

At the beginning of 2016, Slovakia adopted a new Copyright Act, replacing the previous one and containing a number of changes, in line with the EU InfoSoc Directive from 2001 as well as with recent case-law of the Court of Justice of the European Union (CJEU). Through this new Act, Slovakia has also implemented the EU Collective Rights Management (CRM) Directive adopted in 2014.

The list of exceptions and limitations has been reviewed, including amendments for those applying to the education and libraries, and exceptions for reprographic and private copying (Articles 5.2.a and 5.2.b of the EU InfoSoc Directive), which have been maintained. For the reprography part, as set out under Paragraph 43 and in the Annex to the Act, printers, scanners, faxes, multifunctional devices, copiers, e-readers and other devices will be levied, with a rate set at 3% of the import price/selling price of the device. In addition, an operator fee amounting to 3% of the overall turnover will have to be paid by commercial entities offering reprographic reproduction of works to users against payment.

Finally, Paragraphs 78 to 80 include an Extended Collective Licence, which can be signed by CMOs representing the most substantial number of rightholders with users, allowing different types of uses listed under Paragraph 80, including the reproduction, making available and distribution of copies of out-of-commerce works (paragraph 80 (b)).

Find [here](#) the original version of the Act (in Slovak) and [here](#) and [here](#) an analysis of the Act by the Kluwer Copyright Blog (in English).

Publishers excluded from new German CMO law but Bundestag seeks European/national solutions to protect their rights

The German Parliament Bundestag) has adopted a new German Collective Management law, which does not include the publisher share issue and completely replaces the old law. However the Bundestag agreed on a resolution supporting the current system of joint CMOs of authors and publishers and requesting both the German Federal Government and the European Commission to find a solution which will enable publishers to participate in the existing legal claims to remuneration in accordance with previous practice.

Click here for the [unofficial translation of the Bundestag resolution](#)
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Court Cases

New ruling of the Court of Justice of the EU on fair compensation for private copying

The Court of Justice of the European Union (CJEU) ruled on 21 April in *Austro-Mechana v Amazon*(case C-572/14) that the entity in charge of collecting the fair compensation stemming from a private copying exception (as provided in Article 5(2)(b) of the EU Copyright Directive) can claim missing payments in the Member State where those have arisen – meaning, in short, that a CMO in charge of collecting private copying levies can start

proceedings for failure to pay in the Member State where the recording media or devices have been placed on the market.

Indeed, the Court of Justice argued that a claim for missing payments of the fair compensation under Article 5(2)(b) should be considered as a “tort, delict or quasi-delict”, in which case a special jurisdictional rule can apply, according to which the claim can be brought before the courts of the Member State where the harmful event happened:

“in matters relating to tort, delict and quasi-delict, the courts for the place where the harmful event occurred are usually the most appropriate for deciding the case, in particular on the grounds of proximity and ease of taking evidence” (point 31).

The CJEU therefore upholds the action of Austro-Mechana, an Austrian collective management organisation, to initiate legal proceedings for the payment of fair remuneration from Amazon before Austrian courts.

Find the full decision [here](#).

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Value of Copyright

Australian Productivity Commission proposals would stifle Australian content

Proposals to impose a US-style intellectual property arrangement in Australia made by the Productivity Commission would lead to serious job losses throughout Australia’s creative community, according to Adam Suckling, CEO of Copyright Agency, the Australian RRO.

The Productivity Commission is the Australian Government’s independent research and advisory body on a range of economic, social and environmental issues affecting the welfare of Australians. The report claims that Australia’s copyright arrangements are weighed too heavily in favour of copyright owners, to the detriment of the long-term interests of both consumers and intermediate users. While it recognises that CMOs increase the efficiency of rights management and that, in the absence of collective licences, many transactions beneficial to both users and rights holders would not occur, it proposes a US-style “fair-use” rather than the current “fair-dealing” exception for Australia.

Suckling argues that such a system is out of context in Australia and would “be a wrecking ball to Australian writers, creators, publishers and the local creative industries.” He draws attention to the findings of a recent [PriceWaterhouseCoopers study](#) which indicates that it could result in a loss of GDP of over \$1 billion, undermine domestic production of creative and educational works and lead to expensive litigation.

The PWC report on Australia is not the first to ring alarm bells over proposals to widen exceptions and limitations. A [similar one in the UK](#) in 2012 raised fears that proposed changes to educational exceptions would jeopardise the provision of educational material in return for negligible cost savings for content users.

Click here for [Copyright Agency Press release](#) and here for the [Productivity Commission report](#).

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Australian Government rejects proposal to reduce copyright life from 70 years

Australian Communications Minister Senator Mitch Fifield has dismissed reports that the Australian Government intends to amend the copyright act including shortening copyright life from 70 to 15 or 20 years as recently proposed in a report from the Productivity Commission.

Senator Fifield is quoted as saying ""Recently, it has been wrongly claimed that the government is planning to reduce the life of copyright to 15 to 25 years after creation, rather than 70 years after the death of the author as it is currently. This is not something the government has considered, proposed, or intends to do". Fifield added that the changes would not be made because "the Coalition values Australian literature and Australian writers." The proposals from the Productivity Commission had generated intense opposition in Australian creative circles including from the Tasmanian Booker Prize-winning author Richard Flanagan and had attracted the criticism of the [Australian Copyright Agency](#). See more from [Business Insider](#) and article below.

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