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EVENTS:

28-29 September 2016 [EU Digital Assembly](#), Bratislava, Slovakia

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

14-18 November 2016 [WIPO SCCR](#) Geneva, Switzerland

LINKS TO OTHER NEWS:



IFRRO

Caroline Morgan becomes successor of Olav Stokkmo as CEO of IFRRO

IFRRO is pleased to announce that Caroline Morgan will become the new CEO and Secretary General of IFRRO from the 4th of November 2016, following the IFRRO World Congress in Amsterdam.

Caroline works as General Manager at Copyright Agency | Viscopy in Sydney, Australia. She has been part of the IFRRO family and its network for a number of years and currently chairs the Asia/Pacific Committee and the Legal Issues Forum of IFRRO.

Caroline will start with IFRRO on 1 October, and she will have a one month's handover with current CEO Olav Stokkmo.

Olav was Secretary General of IFRRO from 1998 until 2000, and became CEO in 2004 November. He will still stay with IFRRO until the end of this year before retiring from full time employment.

Rainer Just, President of IFRRO noted Olav's contribution to the copyright world and to IFRRO, saying, "Only thanks to Olav's excellent work and extraordinary performance, IFRRO has increased its membership to 146 members in 80 countries. The Board of IFRRO thanks him for leading the organisation to a position in the copyright landscape where it is regularly called upon to provide information and opinions on issues in relation to collective management and the text and image sector."

"We are sure that Caroline will build on the excellent foundations at IFRRO, mainly created by Olav, to further develop the organisation and to maintain the irreplaceable role of IFRRO in the digital world. Caroline will have the full support of the whole IFRRO community as well as of the staff", declared Mr. Just.

IFRRO's submission to the European Commission's consultation on the 'freedom of panorama' exception

IFRRO has responded to the [public consultation](#) launched by the European Commission on the freedom of panorama.

In its submission, in essence, IFRRO argues that there is no need for a harmonised 'freedom of panorama' exception in EU legislation.

Find the submission [here](#).

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IFRRO sends letter to the Ministry of Culture in Uruguay about legislative changes and the negative impact for authors and publishers

On Thursday 16 June, IFRRO addressed the Uruguayan Ministry of Culture, Ms María Julia Muñoz, through a letter where we asked her to look into recent proposed changes to the copyright legislation in her country. The changes concern wide exceptions for educative purposes without considering the possibility of legal access via a collective licence from the RRO, or directly from authors and publishers. IFRRO questions whether the proposed changes would be compatible with international conventions that Uruguay is party to.

In its letter, IFRRO also emphasises the relevance of the income from secondary uses for authors and publishers and how relevant their work is for the cultural and economic development of nations. Income from licensing of secondary uses represents an important resource for authors and publishers, allowing them to create and invest more and to provide the world with cultural goods while at a local level offering each country its identity.

The letter (*in Spanish*) can be read [here](#).

RRO News

New CLA licensing solution to transform digitisation process for HEIs

The Copyright Licensing Agency (CLA), the UK RRO, has launched new licensing system that will significantly speed up and streamline digitisation for higher education institutions (HEIs).

The new Digital Content Store (DCS) platform, developed in conjunction with software experts Cloudspring Technologies, will revolutionise the current labour intensive process associated with declaring digital copies and scans to CLA. The DCS web-based hosted solution will enable users to research, record and monitor all digital book chapters and journal articles and ultimately help HEIs reduce the risk and potential cost of copyright infringement.

Click [here](#) for full CLA press release.

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VG Wort Collection doubled - appeals to politicians to defend distribution model including publishers

At a series of meetings of the VG Wort governing bodies in Berlin, the German RRO reported an income of Eur 305.32 million. This was more than double the good result of the previous year (Eur 144.18 million). Administrative costs amounted to a very modest 2.4% of the domestic income.

In the light of the judgement of Federal Court of Justice of Germany (BGH) in the case of Vogel v VG WORT (Az. 1 ZR 198/13), the Board and Council of Administration decided that, until further notice, there will be no distributions to publishers. VG WORT will decide separately on a possible resumption of distributions to publishers when the existing Distribution Plan has been revised in the light of the legal position arising from the BGH decision.

In the meantime VG Wort called on those politically responsible to ensure, quickly and effectively, that the previous structure of VG WORT, involving joint administration of rights, continues to be possible.

Click here for [VG Wort Press Release](#)

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CLA and UK Higher Education Institutions sign an enhanced education licence

On 3 June IFRRO member [CLA](#) and UK Higher Education Institutions (Universities UK/Guild HE Copyright Working Group) signed an enhanced education blanket licence. The new

agreement includes a 3 year licence deal to take effect on 1 August, an increase in copying limits to 10% and a digital content store available as an optional tool.

The agreed licence which allows such institutions to reproduce content from digital and print versions of books, journals and magazines, will feature a number of enhancements to the Licence that will give 2 million higher education students greater access to high quality published resources than ever before.

For more information on this, please visit CLA [website](#).

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EU News

European Commission adopts EU-US Privacy Shield, a new framework for transatlantic data flows

On 12 July 2016, the European Commission announced that it had adopted the EU-US Privacy Shield, a new framework to “protect the fundamental rights of anyone in the European Union whose personal data is transferred to the United States” and to bring “legal clarity for businesses relying on transatlantic data transfers”.

The adoption of this framework is the result of nine months of intense negotiations between the EU and the US; as reported by IFRRO, following the [invalidation](#) of the Safe Harbour decision by the Court of Justice of the EU last year – the Safe Harbour being the previous framework for EU-US data flows – the European and US authorities had worked together and [reached](#) an agreement on a new framework in February this year with the [support](#) of a number of EU Member States. The first draft agreement was then amended to meet the concerns expressed by European data protection authorities and the European Data Protection Supervisor.

The European Commission has notified the Member States of its decision to adopt the Privacy Shield, meaning that it has now entered into force. On the US side, the framework will be published in the Federal Register and the US Department of Commerce will also start operating the Privacy Shield.

Find the European Commission’s Adequacy Decision [here](#) and the official press release [here](#).

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58 Members of the European Parliament sign open letter on liability of online platforms

On 20 June, an open letter was sent to the European Commission by 58 Members of the European Parliament, asking EC President Jean-Claude Juncker, Vice-President Andrus Ansip and Commissioner Günther Oettinger to look into the “transfer of value that has emerged due to the lack of clarity regarding the status of these online services” – specifically referring to user-uploaded content platforms and content aggregation services, such as YouTube.

In view of the planned release of a copyright package in autumn 2016, Members of the European Parliament from different parties and committees led by MEPs Pervenche Berès,

Christian Ehler and Martina Dlabajova, the co-Chairs and Vice-Chair of the Parliament's Intergroup on the Creative and Cultural Industries, are advocating for a clarification of the liability of online platforms that monetise content without fairly sharing revenues with rightholders.

The signatories are therefore calling on the Commission to “*create legal certainty by presenting solutions which will suit creators, rightholders and consumers alike. We believe that there will not be a Digital Single Market without content. Therefore the upcoming copyright reform should make clear that liability exemptions can only apply to genuinely neutral and passive online service providers, and not to services that play an active role in distributing, promoting and monetising content at the expense of creators*”.

The open letter can be found [here](#).

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Authors joint declaration on modern European copyright framework and fair contracts

In the context of the [Creators Conference 2016](#), co-organised by [EWC](#), European authors issued a joint declaration (available [here](#)) for a modern and more European copyright framework and the necessity of fair contracts for creators. The declaration expresses the unified opinion of creators of different cultural sectors and calls on the European Commission to take action for fair remuneration, fair contracts and transparency in its upcoming copyright legislative proposal and it was presented to the EC Vice-President, Andrus Ansip, who delivered a keynote speech at the conference. Mr Ansip stressed in his turn the “need to look closer at the conditions for remunerating creators and getting a fair share of the value generated”.

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Creative Industries

Authors and publishers struggling in wake of Canadian copyright reform

In an article with CBC News, John Degen, Executive Director of the Writers' Union of Canada, claims that the changes in Canadian copyright law are reducing the income and output of authors and leading to the exclusion of local texts in schools in favour of cheaper or free foreign works. 80% of authors earn less than the poverty line from their writing and publishers are struggling to survive, especially in the educational field.

[See full article here](#).

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Legislation

Belgium: draft government bill on reprography could threaten the future of authors and publishers

A draft bill has been presented by the Belgian Government on 9 June to amend the legal framework for reprography. According to Repobel, the Belgian RRO in membership of IFRRO, the bill, if it is not amended, would be a “serious threat to the future of authors and publishers”.

In the aftermath of the Court of Justice of the European Union's decision in *HP Belgium v Reprobel*, it is foreseen in the bill that the remuneration paid to publishers would be maintained for the photocopying of their works, under a new remuneration right that would be distinct from the remuneration to authors and the fair compensation paid to them; but publishers would be excluded from other remuneration schemes such as those for private copying or for the exception for copying in the education.

In addition, the reprography scheme would not be extended to cover print outs, and would not apply anymore to professional uses, which would result in authors and publishers losing millions of euros compared with what used to be distributed to them.

Finally, the bill would implement a new exception for education with a broad scope, covering any type of use (analogue or digital) and not limited to the reproduction of short fragments of works.

In a press release, Reprobel acknowledged the full solidarity of authors and publishers in Belgium who are advocating together to be better compensated for the copying of their works, and shared its hope that the bill be amended to take into account the legitimate interests of authors and publishers.

Find the [draft bill here](#) together with an [explanatory statement here](#), the Reprobel press release [here](#), and a summary of the bill [here](#) (all available in Dutch and in French).
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Court Cases

CJEU: Spain's compensation scheme for private copying does not comply with the EU InfoSoc Directive

The Court of Justice of the European Union (CJEU) has rendered its decision in Case C-470/14 (*EGEDA and Others v Administración del Estado and Others*), which is related to the implementation of the private copying exception in Spain. The proceedings started when a number of Spanish CMOs, including IFRRO's member CEDRO, opposed the decision of the Spanish Government in 2012 to pay the fair compensation for private copying directly through the State budget.

The CJEU decision confirms that the Spanish system is not compatible with EU law; according to the official press release, the Court decided that "the directive precludes such a scheme in so far as the scheme does not guarantee that the cost of the fair compensation is ultimately borne by the users of private copies". The Court concludes that "in the present case, the Tribunal Supremo (Supreme Court) states in the order for reference that the scheme for financing the fair compensation from the Spanish budget does not guarantee that the cost of the compensation is ultimately borne solely by the users of private copies" and is therefore not compliant with EU law.

Importantly, it is highlighted in the press release that the Court does not rule out the possibility to compensate private copying through state funding as such: "the Court emphasises that the directive does not, in principle, preclude Member States which have decided to introduce the private copying exception from opting to finance it from their budget [...] provided that such an alternative scheme guarantees the payment of

fair compensation to rightholders, on the one hand, and that its detailed arrangements guarantee actual recovery on the other”.

Olav Stokkmo, the CEO of IFRRO, acknowledged that the decision was “not a surprise to us; IFRRO has always argued that the Spanish system to compensate the private copying exception was not compliant with the InfoSoc Directive”.

Find the press release [here](#) and the full decision [here](#).

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CJEU Advocate General's opinion in case related to the digitisation of “out-of-print books” in France

On 7 July 2016, Advocate General to the Court of Justice of the European Union (CJEU) *Melchior Wathelet* has delivered his opinion in Case C-301/15 (*Soulier and Doke v Ministre de la Culture et de la Communication, Premier ministre*).

The case had been referred to the Court of Justice by the French Council of State who asked the Court to clarify whether the French legislation on the digitisation of “out-of-print books”, which gives to approved CMOs the right to authorise the reproduction in digital form of “out-of-print books”, is compatible with Directive 2001/29/EC.

In his opinion, Advocate General Wathelet argues, in essence, that the French legislation is not compatible with Directive 2001/29, on the following grounds:

- According to him, the French legislation does not allow the author to give prior express consent for the reproduction and communication to the public of his works, which he argues is a necessary requirement in EU law and “an essential prerogative of authors”;
- The Advocate General further adds that the possibility for the author to oppose or withdraw the exercise of his rights by the CMO, the remuneration that he receives for the reproduction/communication to the public of his works, and the fact that the works are not commercially distributed do not alter his conclusion;
- When referring to the Memorandum of Understanding on the digitisation and making available of out-of-commerce works (find it [here](#)) signed by IFRRO, the European Writers’ Council (EWC), the European Visual Artists (EVA), the European Federation of Journalists (EFJ), the Federation of European Publishers (FEP), the European Publishers Council (EPC), STM and the three European library associations, facilitated by the European Commission and also signed by the pertinent Commissioner, AG Wathelet highlights that the MoU is not a legally binding instrument and that its purpose is to enable Member States to ensure legal certainty for agreements negotiated on a voluntary basis.

The Opinion can be found [here](#), and the CJEU decision is expected in October.

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Advocate General to the CJEU delivers his opinion in case related to e-lending in libraries

On 16 June 2016, Advocate General to the Court of Justice of the European Union Maciej Szpunar delivered his opinion in Case C-174/15 (Vereniging Openbare Bibliotheken v Stichting Leenrecht).

The case is related to the definition of 'lending' in the EU Directive 2006/115 on rental right and lending right, and whether it also encompasses the making available of digital copies of works in libraries.

The press release, with a summary of the Advocate General's conclusions, can be found [here](#), while the full text of his opinion is [here](#) (not yet available in English). The opinion of the Advocate General is not binding for the judges and the decision of the Court will be given at a later date.

An interesting analysis of the AG's opinion by German copyright lawyer Bernd Justin Jütte is found here: <http://europeanlawblog.eu/?p=3276>

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Member News

Christian Roblin receives the highest French honour: la Légion d'Honneur.

Christian Roblin, managing director of Sofia, has been awarded the insignia of Chevalier in the French National Order of the Legion of Honour in recognition of his valuable contribution to the cultural influence of writers and publishers and the defence of copyright. The award was presented by Charles Vallée, Professor Emeritus of Law and former president of the famous French legal publishing company Dalloz, to his former right-hand man.

The ceremony was held on 21 June in Paris at the offices of Sofia, the French CMO approved by the government for managing the PLR, the private copy levy and the rights of the 20th century out-of-commerce works. Numerous figures from the French Ministry of Culture and the publishing and rights management worlds attended, including Olav Stokkmo, IFRRO CEO.

Doctor of law from Paris prestigious Sorbonne University. HEC executive MBA, CPA, Christian Roblin joined Sofia in November 2003 and has developed it from the beginning. Previously he was Executive Director in the legal and digital publishing and the cultural press. At the same time, as a second activity, he has also run a contemporary art gallery for emerging artists, for twenty years.

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WIPO

WIPO: Sylvie Forbin named Deputy Director General for Copyright and Creative Industries

The Director General of the World Intellectual Property Organisation (WIPO) has named Ms Sylvie Forbin as the new Deputy Director General for the Copyright and Creative Industries Sector (previously known as the Culture and Creative Industries Sector).

Ms Forbin, a French national, was working until now for the mass media company Vivendi as Senior Vice President for Public and European Affairs.

Find [here](#) an article in IP-Watch and [here](#) the official WIPO document.

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Marrakesh Treaty comes into force with 20th signature - from Canada

Canada has deposited its Marrakesh Treaty accession instrument. The Marrakesh Treaty now has twenty members, which is the number needed for the Treaty to come into force. That will happen after a three-month period, on September 30, 2016.

The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (MVT) is the latest addition to the body of international copyright treaties administered by WIPO. It has a clear humanitarian and social development dimension and its main goal is to create a set of mandatory limitations and exceptions for the benefit of the blind, visually impaired and otherwise print disabled (VIPs).

The first 20 countries to ratify or accede were: India, El Salvador, United Arab Emirates, Mali, Uruguay, Paraguay, Singapore, Argentina, Mexico, Mongolia, Republic of Korea, Australia, Brazil, Peru, Democratic People's Republic of Korea, Israel, Chile, Ecuador, Guatemala and Canada.

June 30, 2016 also marks the second anniversary of the [Accessible Books Consortium](#) (ABC), which was created to help implement the objectives of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled at a practical level through work in three areas: the sharing of technical skills in developing and least developed countries to produce and distribute books in accessible formats, promoting inclusive publishing, and building an international database and book exchange of accessible books. IFRRO CEO, Olav Stokkmo, is on the ABC Board.

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Development

Nigerian Copyright Commission and National Universities Commission partner on Copyright Law Enforcement

The Nigerian National Universities Commission (NUC) is ready to partner with the Nigerian Copyright Commission (NCC) to ensure that Nigerian Universities comply with copyright laws on published materials, the Executive Secretary, NUC, Professor Julius Okojie has announced. The statement came during a visit to the Commission by NCC Director General Mr. Afam Ezekude and other consultants from outside Nigeria including Mr. David

Uwemedimo, Director WIPO Copyright Infrastructure Division, and Mr Jim Alexander, International Copyright Consultant and former IFRRO Vice President.

Mr. Ezekude informed the Executive Secretary that the NCC had the responsibility of enforcing copyright law, granting licenses to writers and making sure that royalties and other benefits that accrued to a writer were given before his/her work is duplicated. As a result of this, Mr. Ezekude said, the Reproduction Rights Organisation of Nigeria (REPRONIG) was established and charged with the task of raising awareness of the public on the ills of reproducing a work illegally, without permission of the copyright owner..

For its part the NUC acknowledged the need for owners of published materials to earn royalty for their works and promised that the Commission would communicate to the Committee of Vice-Chancellors (CVC) so that they would carry out a awareness raising drive in their institutions for both academics and students. He said that when such mechanism is put in place, it would help check illegal copying and ensure enforcement in the universities. He stated that the project was a welcome idea, adding that the Commission would continue to take advocacy measures to ensure that academic authors received reward for their work.

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Côte d'Ivoire: successful seminar towards publishers organised by BURIDA with IFRRO support



Participants to the seminar (Foto ©BURIDA)

In Côte d'Ivoire, a bill amending the copyright law is currently pending before the National Assembly with a vote scheduled for the middle of June. If adopted, this bill will amend substantially the current copyright framework and will, inter alia, establish an equipment levy and an operator fee for the reprographic reproduction of works. This new levy scheme will be administered by BURIDA, the Ivorian multi-purpose CMO in membership of IFRRO.

It is in this context that an awareness-raising seminar towards publishers was organised by BURIDA with the support of IFRRO, of the Ivorian Publishers Association Assedi and of the Ministry of Culture and Francophonie during the Abidjan International Book Fair on the 28th of May. This seminar was aimed at sensitising publishers to the importance of them becoming active and joining the RRO now that they will be entitled, along with authors, to benefit from the collective management of their rights through the new reprographic scheme.

The seminar gathered 40 participants, mostly publishers from Côte d'Ivoire but also from Cameroon and Togo. It was opened by the representative of Côte d'Ivoire's Ministry of Culture, Hélène Kienon-Kabore, the representative of BURIDA's Director General, Müller de Gnacabi, the President of Assedi, Anges Felix N'Dakpri, and IFRRO's Policy Advisor Pierre-Olivier Lesburguères. International speakers included the Secretary General of the International Publishers Association, José Borghino, and the Director of the International Alliance of Independent Publishers, Laurence Hugues, who shared experience on the challenges of publishing and the importance of collective management for publishers, while BURIDA's Head of the Development Strategies Department Kevin Koffi presented a comprehensive overview of the copyright framework in Côte d'Ivoire.

The various sessions were interactive, many questions were raised by the participants, and a number of newspapers and TV channels covered the event; watch [here](#) a report on the Ivorian TV channel RTI.

There seemed to be consensus at the end of the day on the need for publishers to become involved and join BURIDA so that their rights could be properly managed; as the BURIDA representatives put it in their concluding remarks, "the doors of BURIDA are open for publishers to come and join in".

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