



Volume 19 – Number 06 – September 2016

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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

17-18 November 2016 [ERA Annual Conference on European Copyright Law 2016](#), Trier, Germany

29 November 2016 [Debating the impact of the digital single market](#), Brussels, Belgium

7 December 2016 [STM Innovations Seminar 2016](#), London, United Kingdom

LINKS TO OTHER NEWS:



IFRRO

IFRRO submits comments on Singapore Copyright Law review

IFRRO has submitted comments to the Singapore Government in response to its Copyright Review Law. The comments oppose the broadening of the exception in the Singapore copyright legislation to allow reproduction and making available of up to 10% of a published work without consent and remuneration of the rightholders. It cites the adverse effects of a similar move in Canada, which were highlighted in a [PricewaterhouseCoopers study](#) and which were further reported on by IFRRO [at the end of 2015](#). In addition the IFRRO comments draw attention to the importance of locally created content to cultural independence, the economy and employment and warn that the proposed amendments are likely to have a negative impact on locally created content.

Click here for the [full IFRRO submission](#)

Click here for [Singapore Copyright Review](#) and [16 key points for discussion](#)
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IFRRO Asia Pacific Committee expresses concerns regarding proposed changes to the Australian copyright framework

The IFRRO Asia Pacific Committee, bringing together 21 representatives from 10 countries in the Asia Pacific region at its Annual Meeting on 22-23 August 2016 in Sydney, Australia, passed a resolution in which it expressed strong concerns on several of the proposed changes to the Australian copyright framework reflected in the Productivity Commission's Draft Recommendations on Copyright in that country.

The resolution urges the Australian Government to reject certain of the findings and proposals of the Productivity Commission report, in particular with regards to the possible introduction of the concept of Fair Use in the Australian copyright legislation and the suggestion to reduce the term copyright protection to between 15-25 years.

The full resolution is available [here](#).
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IFRRO, OAPI and WIPO co-organise a Regional Consultation on the TAG initiative

On 5 and 6 September, a regional consultation on the TAG initiative (Transparency, Accountability and Good Governance) took place in Yaoundé, Cameroon, at the headquarters of OAPI (Organisation Africaine de la Propriété Intellectuelle).



Photo: Bouna Manel Fall

IFRRO, OAPI and WIPO co-organised the consultation, which saw participants coming from various collective management organisations in West Africa and Central Africa: it included delegates from BBDA (Burkina Faso), BCDA (Congo), BUMDA (Mali), BURIDA (Côte d'Ivoire), BUTODRA (Togo), SOCADAP, SCAAP and SOCILADRA (Cameroon) and SODAV (Senegal), and representatives from Comoros, the Central African Republic and the Ministry of Culture of Cameroon.

During these two days, participants worked and exchanged experience on the basis of the TAG Compendium of Good practices. At the end of the consultation, a consensus emerged on the value and particular relevance of the TAG initiative for collective management organisations who want to reach high standards of transparency, governance and accountability, and want to document that they have attained such standards. The TAG initiative also fits well with the implementation of the 8th point of the OAPI Action Plan on copyright, which is to 'define a minimum standard for Collective Management Organisations to reach in order to secure literary and artistic property in the OAPI area to contribute to economic development'.

On the two following days, OAPI organised the yearly meeting of CMOs in OAPI Member States. It adopted a first version of a minimum standards document for CMOs in OAPI Member States based on the recommendations in the TAG Compendium, which is intended to be completed at the next CMO meeting.

Find the TAG Compendium [here](#).

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RRO News

RRO in Slovenia signs licencing agreements with educational institutions

After years of negotiations and efforts, SAZOR, the RRO set up by Slovenian authors and publishers, and a member of IFRRO, has signed in August a breakthrough agreement covering the reproduction of copyright-protected works in kindergartens, boarding schools and high schools, which was followed weeks later by the validation of another agreement for the copying of works in primary schools.

The agreements signed will allow Slovenian rightholders to receive a fair compensation for the reproduction of their works in educational institutions while ensuring safe and easy access to copyright-protected works for pupils and teachers in these institutions.

For further information, see SAZOR's [website](#).

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EU News

European Commission unveils copyright package

On 14 September, the European Commission has published a set of proposals to review copyright rules at EU level. This 'copyright package' includes:

- A Communication on Promoting a fair, efficient and competitive European copyright-based economy in the Digital Single Market
- A Proposal for a Directive on copyright in the Digital Single Market
- A Proposal for a Regulation on the rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes
- A Proposal for a Directive on certain permitted uses of works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled
- A Proposal for a Regulation on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled

In a comment, Olav Stokkmo, Chief Executive of IFRRO, welcomed the publication of the copyright package by the European Commission after three years of intensive work and a series of consultations and Commission facts and information gathering.

“Collective management of rights plays an important role in ensuring that authors and publishers are fairly paid, whilst providing easy legal user access to copyright works. Education and research are among the main users of the services of RROs, the collective management organisations in the publishing sector. I am pleased to see that the Commission has addressed the right of both authors and publishers to be remunerated for

the use of their works. This is a fundamental basis for the collective management by RROs in the print sector.

Also, any solution to make Out-of-commerce works available must be built on agreements with stakeholders, as reflected in the Memorandum of Understanding, which has been signed by the European library, authors and publishers associations and IFRRO, co-signed also by the Commissioner.

We are looking forward to further contributing in order to achieve best possible solutions, which foster the creative and publishing sector – as Mr Juncker rightly said it in his State of the Union speech today, “the creation of content is not a hobby, it is a profession”, and it therefore needs full protection for it to continue to flourish. Protection involves the right for authors and publishers to be remunerated for the use of their works. This is best achieved through agreements with authors and publishers directly, or with collective management organisations – RROs in the text and image sector.”

The Commission’s legislative proposals, together with an Impact Assessment on the modernisation of EU copyright rules, can be found [here](#).

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Final report on EU consultation for a publisher’s neighbouring right

Alongside with the release of the legislative package on the Review of the Copyright rules the EU Commission also published its report on the results on the public consultation “on the role of publishers in the copyright value chain” conducted in the first half of this year. The objective regarding publishers was to gather views in particular on the impact for a EU neighbouring right for publishers. Regarding the neighbouring right for publishers 3957 replies had been received while coming from all Member States with highest participation coming from France, Germany, UK and non-EU countries. Moreover, interestingly the highest share of replies came from end users/consumers/citizens.

Pointing out to the situation followed by the CJEU decision in the HP-Belgium/Reprobel case as regards ‘publishers’ ability to receive compensation for uses under exceptions’ publishers called for a solution, irrespectively of the granting of a neighbouring right, by an legislative intervention at EU level. The CMO’s representing authors and publishers (RRO’s) as well as CMO’s representing authors also asked for an EU intervention to solve the situation as regards to publishers ability to be compensated under exceptions. Interestingly, also the majority of online service providers (advertising, hosting and others, such as search engines and social networks) stated that they were open to a targeted solution allowing the sharing of compensation stemming from exceptions among publishers and authors, but opposed a general publishers neighbouring right.

The results show that the vast majority of newspaper/magazine publishers, all in favour of a neighbouring right, stated to face problems when licensing online uses of their press or print content on the basis of rights transferred or licensed to them by authors. Journalists were supportive of the publishers concern regarding the before mentioned CJEU decision and open to introducing a neighbouring right which should be subject to collective management.

The report of the EU Commission on the consultation is available [here](#).

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Creative Industries

Australian Copyright Agency chair: We must pay our creative people their due

Copyright Agency Chair, Mr Kim Williams, has delivered a speech to the Melbourne Press Club and published an op-ed in a major Australian newspaper – The Age - that slams the Productivity Commission's report into Australia's intellectual property and copyright arrangements which was delivered in May.

The report's controversial proposal that the ideal copyright term should be between 15 and 25 years from creation stems from "ignorance about the drivers of innovation and disrespect for artists", says Williams. The result will be less innovation, less money for artists and a compromised national creative future.

Click here for Williams' article in [The Age](#)

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Legislation

Italian request to CJEU for preliminary ruling on private copying and cloud services

On 12 May 2016, an Italian tribunal, the Tribunale ordinario di Torino, has submitted a request for a preliminary ruling to the Court of Justice of the European Union (CJEU). Two questions have been referred to the Court, relating to the private copying of videos in the cloud and the lawfulness of a national legislation allowing such private copying through a compulsory licencing scheme:

1. Are national rules prohibiting a commercial undertaking from providing private individuals with so-called cloud computing services for the remote video recording of private copies of works protected by copyright, by means of that commercial undertaking's active involvement in the recording, without the rightholder's consent, compatible with EU law, in particular with Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, (as well as Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market and the founding Treaty)?
2. Are national rules which allow a commercial undertaking to provide private individuals with so-called cloud computing services for the remote video recording of private copies of works protected by copyright, even where the active involvement of that commercial undertaking in the recording is entailed, and even without the rightholder's consent, against a flat-rate compensation in favour of the rightholder, in essence subjecting the services to a compulsory licensing system, compatible with EU law, in particular with Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (as well as Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market and the founding Treaty)?

Find on the Court's website [more information](#) on this case (VCAST, case C-265/16).

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New criminal justice system in Mexico

According to an article published in the [newsletter](#) of our Mexican member, [CeMPro](#), a new criminal justice system is now in place in that country.

The new system replaces one where each federative entity (state) had its own criminal legislation and procedures. The new system aims at providing more legal security, speeding up justice processes in general and reducing corruption in the chain of legal procedures. In the opinion of experts, the new system might result in less trials since it offers alternative mechanisms to solve conflicts.

With regard to CeMPro and its activity, the newly introduced system, includes provisions related to copyright offences.

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Court Cases

Mexican Supreme Court of Justice rules on legislation relevant to the implementation of the Marrakesh Treaty

On 18 March 2015, modifications to the Copyright Legislation in Mexico were made with the aim of adapting the existing legislation to the Marrakesh Treaty and the publication of texts for Persons who are blind, visually impaired or otherwise print disabled. Mexican copyright holders claimed that that the draft did not limit appropriately the formats of publications and the type of disabilities which were subject to the Treaty related exceptions, which, in turn, could open the door for unremunerated reproduction of copyrighted works beyond the intention of the Treaty, potentially causing serious damages to the publishing industry. The Mexican Supreme Court of Justice ([SCJN](#)) has now ruled (8 July) in 5 different cases stating that the modifications introduced in 2015 are ineffective and unclear. It added the following precepts to provide clarity and protect the interest of the rightholders:

- 1) Published works protected by copyright can be used as long as their normal exploitation is not affected, therefore they need to be adequate to the accessible formats and the technology that are required for the different types of disabilities
- 2) The works can be used without the copyright holder permission and without remuneration
- 3) In all cases the source shall be mentioned
- 4) The content cannot be altered

The official communication from the SCJN on the matter is available in Spanish [here](#) (page 26).

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Member News

UK's DACS distributes £16.7 million in royalties

According to its latest Annual Report, DACS, the UK visual artists' rights management organisation, distributed a record £16.7 million in royalties to over 26,000 artists and estates in 2015. This represents an increase of 11% since the previous year. The number of artists and estates who benefitted increased from 19,000 to 26,000.

Almost £1.5 million went to over 1,000 artists and estates through Copyright Licensing and Artimage for the licensing of DACS members' artworks in websites, books, TV, films and a range of other media.

Click here for [full report from DACS](#)
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UK ALCS distributes more than £9 million

The UK Authors' Licensing and Collecting Society (ALCS) has paid out £9,068,786.48 (net) to 22,580 members in its September 2016 distribution. A total of 161 agencies and 42 overseas societies were paid. The highest earning works in this distribution include textbooks, crime fiction, children's fiction and TV drama.

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WIPO

Sylvie Forbin becomes the new head of copyright issues at WIPO

IFRRO welcomes WIPO designation, Ms Sylvie Forbin, as the new Deputy Director General for Copyright and Creative Industries. Ms Forbin's nomination was approved by the WIPO Coordination Committee on 13 September and she took office on Monday 19.

Olav Stokkmo, IFRRO CEO, said *"We wish to congratulate Ms Forbin on the appointment and look forward to continuing the good collaboration with WIPO and the divisions under her leadership"*.

For more information, please visit the [WIPO website](#).

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Algeria and Nigeria chosen to host the WIPO External Offices in Africa

According to a statement issued by the Algerian Ministry of Foreign Affairs, Algeria and Nigeria are the two countries that have been chosen to host the future WIPO External Offices in Africa as a result of a vote held in Geneva on 4 August 2016.

The World Intellectual Property Organization (WIPO), based in Geneva, currently has five External Offices in Beijing, Moscow, Singapore, Rio de Janeiro and Tokyo. The decision was taken during the forty-seventh session of the WIPO General Assembly to give priority to Africa for the opening of new external offices; following the vote, Algeria will host the External Office for North Africa while Nigeria will host the External Office for Sub-Saharan Africa.

Find [here](#) an article of the Algerian Press Service and [here](#) the list of current WIPO External Offices.

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