

Collective Management: The Role of RROs and IFRRO

Presenter name and job title

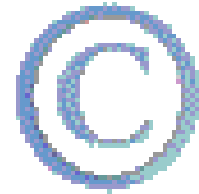
Date

Venue, country

Collective management in the copyright sphere

How does a work become protected by copyright?

- All works
- Automatic
- Author's exclusive right
 - Economic rights
 - May be assigned
 - Moral rights
 - **Generally non-assignable**

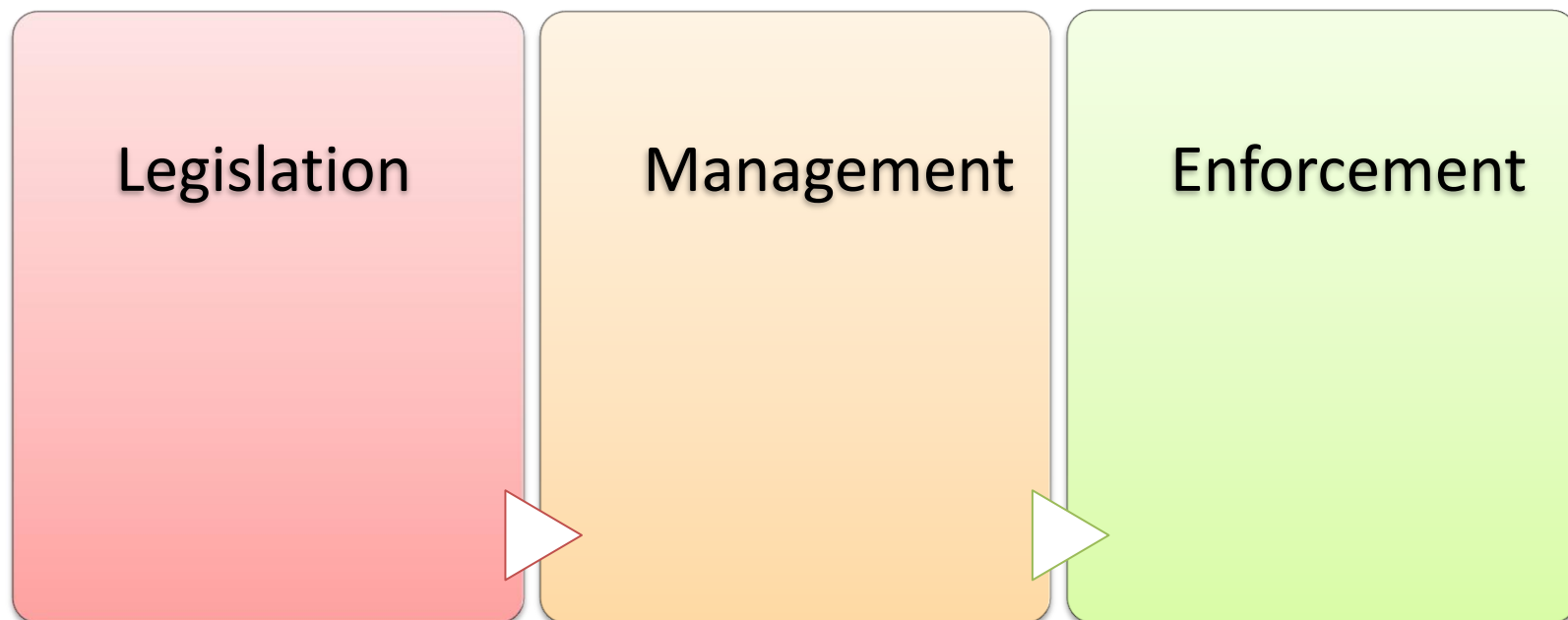


Types of © works

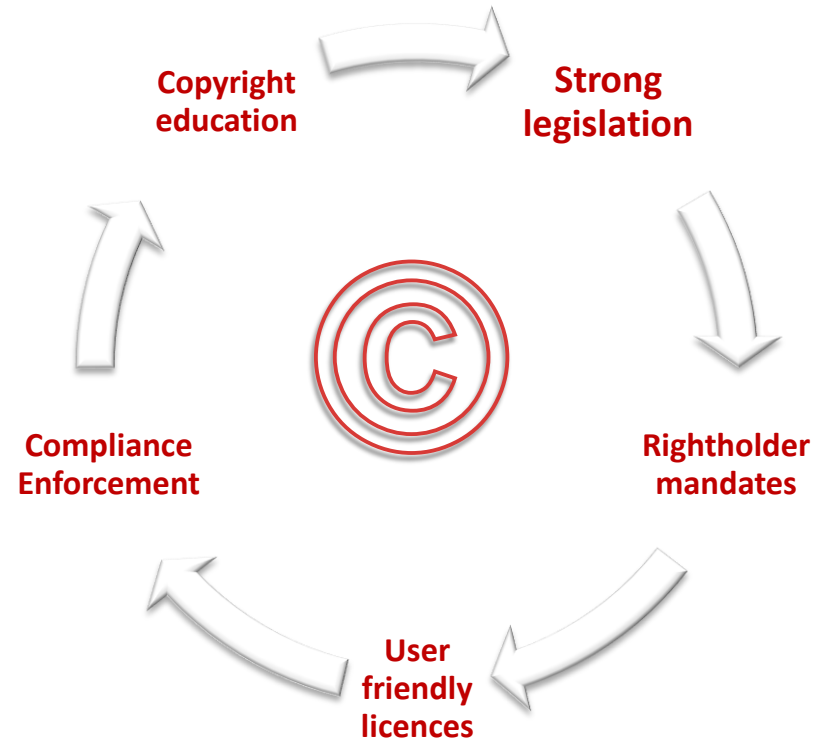
- Literary, dramatic, musical, artistic
- Film, sound recordings, broadcasts and typographical arrangement
- Computer software, non-original databases
- Performances



Three pillars



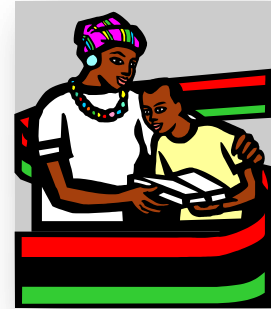
Five principles



Value of the creative industries

- Cultural value

- National identity
- Fiction, non fiction (science, technology, education), poetry, drawings, photographs... And more!



- Economic value

- Incentive to create and publish
- Textbooks frequently engine of national publishing industry



Economic value of the copyright industries – EU

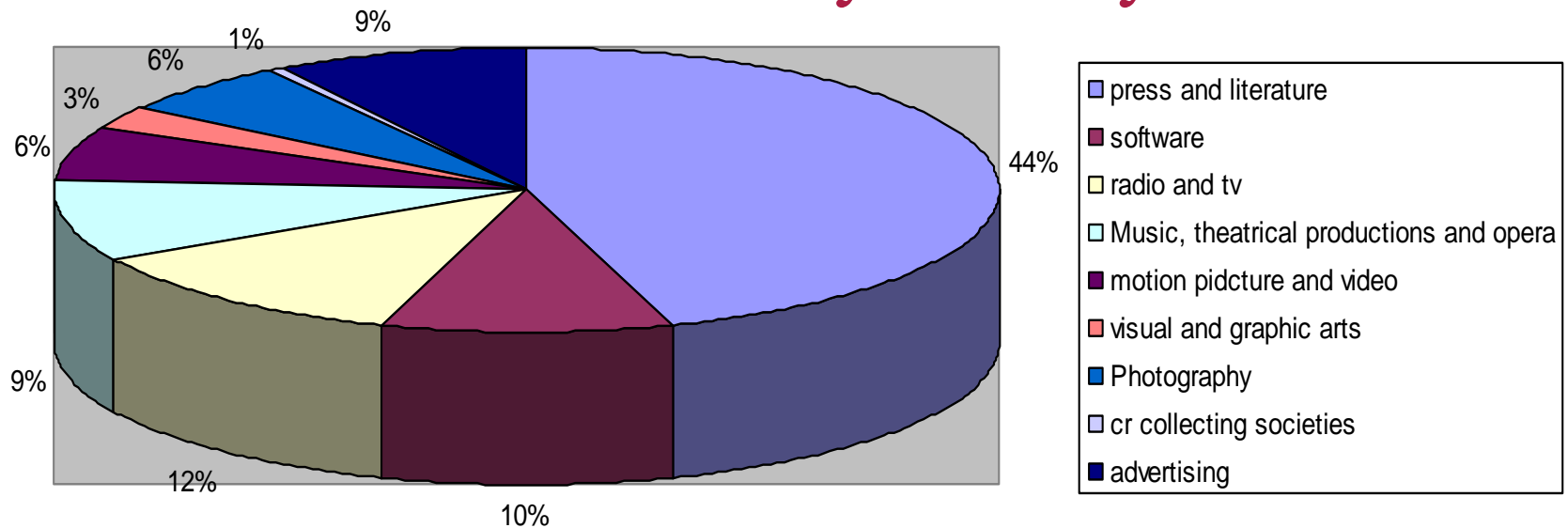
Contribution of © industries	€1.2 trillion
Added value produced	€450 billion
Percentage of total gross value added	5.3%
Number of persons employed	5.2 million
Percentage of total employment	3.1%
Contribution of print media to GDP	1.07%

Source: The Contribution of Copyright and Related Rights to the European Economy based on data from the year 2000: Final Report October 2003, prepared by the Media Group, Business Research and Development Centre, Turku School of Economics and Business Administration for European Commission, Directorate General – Internal Market

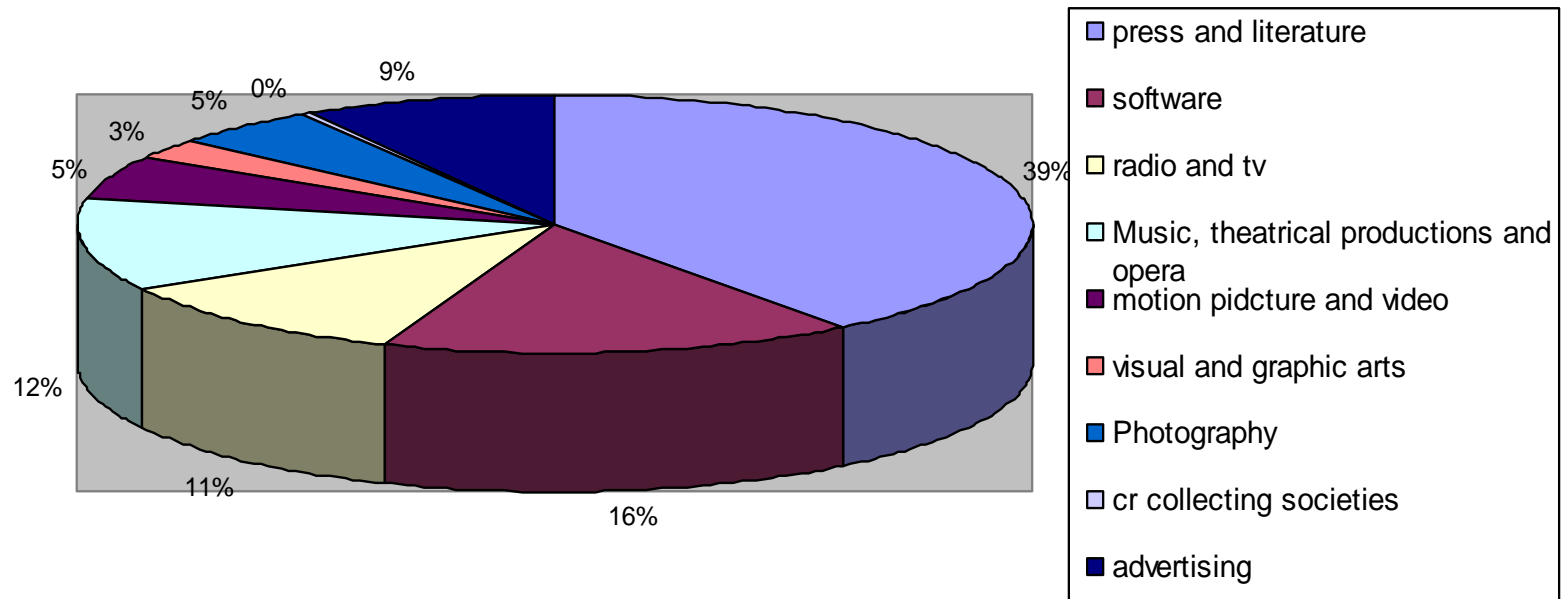
Economic contribution of the creative industries – WIPO

	Contribution to GDP %	Contribution to employment %		Contribution to GDP %	Contribution to employment %
Australia	10.30	8.00	Mexico	4.77	11.01
Bulgaria	2.81	4.30	Netherlands	5.90	8.80
Canada	4.70	5.40	Philippines	4.82	11.10
Colombia	3.30	5.80	Romania	5.55	4.19
Croatia	4.27	4.64	Russia	6.06	7.30
Hungary	6.66	7.10	Singapore	5.67	5.80
Jamaica	4.81	3.03	Ukraine	2.85	1.90
Latvia	5.05	5.59	USA	11.09	8.53
Lebanon	4.75	4.49			

Copyright based sector Contribution to GDP by industry – WIPO



Copyright based sector: Contribution to employment by industry - WIPO



Legislative framework for collective management

- Main instruments:
 - Berne Convention, TRIPS and WCT
- Exclusive rights include:
 - Reproduction
 - Distribution
 - Making available
 - Communication to the public

International treaties and conventions

- **1883 Paris Industrial Property Convention**
- **1886 Berne Convention**
- 1947 GATT General Agreement on Tariffs and Trade
- **1952 Universal Copyright Convention**
- 1961 Rome Convention
- 1971 Geneva Convention
- **1994 Convention Establishing the World Intellectual Property Organisation (WIPO)**
- **1994 TRIPS Trade Related Intellectual Property Rights Accord**
- **1996 WIPO Copyright Treaty**
- 1996 WIPO Performers and Phonograms Treaty

Regional and national law

- Regional legislation
 - EC – 7 Copyright Directives including Information Society Directive (2001)
 - NAFTA
 - Cartagena Agreement
 - Bangui Agreement
- National legislation
 - EU member states
 - Countries bound by WIPO Treaties
 - Others in bilateral agreements with EU

Exceptions and limitations

- Exceptions: 3-step test
 1. Certain **special cases**
 2. Must not conflict with **normal exploitation**
 3. Must not unreasonably prejudice **legitimate interests** of author
- Tests are **cumulative**
- May be linked to **fair compensation**
- Digital is different

Licensing and exceptions

- Working within established structures
- Developing practical alternatives
- National equilibrium maintained
- Toolbox of solutions
- Flexible interaction between licensing and exceptions



Q: What happened?

C6th

1958

1439

1963

1710

1984

1777

1988

1850

1989

1938

2009

A: Some © milestones

- C6th Decision of King Diarmuid
- 1439 Gutenberg & moveable type
- 1710 Statute of Anne
- 1777 Collective management in theatre
- 1850 Collective management in music
- 1938 Chester Carlson patents electro photography
- 1958 Launch of first RRO
- 1963 Launch of Xerox 813
- 1984 Foundation of IFRRO
- 1988 CBS songs v. Amstrad Consumer Electronics plc
- 1989 Tim Berners Lee invents WWW
- 2008 Google settlement announced