

Stakeholder dialogues mark success in a difficult year



By Olav Stokkmo, IFRRO Chief Executive

A highlight of the year came with the signature on 14 September of the Memorandum of Understanding as a result of hard work put into the European Commission's stakeholder dialogue on enhanced access to copyright works by people with reading impairment. Work access is important to people with reading disabilities and the rightholder community is anxious to facilitate it. IFRRO as well as IFRRO members EWC, FEP and STM were among the signatories of the MoU on behalf of rightholders, while the reading impaired communities were represented by the European Blind Union and the European Dyslexia Association.

The MoU is significant not only as proof of progress in meeting legitimate user concerns but also as a template for future agreements with other users in other areas. The fact that the settlement was achieved by agreement between different stakeholders without recourse to legislation shows that results can be achieved through dialogue and that they can be faster and more effective than if the heavy hand of the legislator has to intervene. In the parallel discussions in the World Intellectual Property Organization (WIPO) on improved access to copyright works stakeholder dialogue has also led to results: The TIGAR (Trusted Intermediaries Global Access Resources) project will start piloting cross border access to copyright works for persons with print disabilities through a network of Trusted Intermediaries. The fact that third parties can command the trust of both sides shows that these are agreements based on mutual respect. The designation of Trusted Intermediaries underlines the depth of the accord.

It is heartening too that the European Commission has recognised that stakeholder dialogue is the way forward because there is still a tendency to assume that only legislation can solve copyright issues. As a result of a false perception that copyright is a problem to be solved and that user requirements must trump rights of creators, we have in 2010 seen a disturbing shift towards proposals for extensive copyright exceptions with no compensation. The bill still going through the Canadian Parliament and draft laws introduced in Brazil and Bulgaria, indicate a lack of respect for the creative process. This is muddled thinking and, as the Canadian creators point out in an open letter to their ministers, the creative sector is a huge contributor to a nation's economy and "creative content is the oil that fuels the machine that drives the digital economy of tomorrow". Creators do not only generate wealth they are the basis of the cultural heritage of a country. Remove incentives from creators and you create a more sluggish economy and a less vibrant culture.

We need to get back to basics in the copyright debate. The Berne Convention is the foundation for copyright law all over the world and embodies the principles of rewarding creators while enabling users certain legitimate access to copyright material. We also question the timetable set by the WIPO Standing Committee on Copyright and Related Rights (SCCR) to reach agreement on new international instruments for copyright exceptions. Educational and research institutions, for instance, are already well served through arrangements with creators and publishers and through the additional flexibility offered by access administered by RROs. Experience tells us that new international legislation does not offer the timely and flexible solutions that RROs, creators and publishers can provide.

I am sure that we can advance persuasive arguments to put copyright in its proper perspective and I look forward to your help in the coming year. I thank all the IFRRO community for its support in 2010 and wish you a restful and prosperous end of year holiday.

Season's Greetings 2011

