

## COLLECTIVE MANAGEMENT – A FLEXIBLE WAY OF PROVIDING ACCESS; SOLUTIONS EXIST, AND THEY WORK!



**By Olav Stokkmo, IFRRO Chief Executive**

A current principal driver of the copyright debate is the request to provide access to and make available the vast and growing store of knowledge and invention. This may, for instance, be in academic texts, works of literature or objects of cultural significance.

On one side, there is the perception that these are a common heritage and property of mankind, and that obstacles to their diffusion should be minimised. Copyright is accused by some of being an obstacle and efforts are concentrated on attacking or circumventing it, often by means of requesting new legislation enforcing ever wider exceptions and limitations to existing copyright laws without remuneration to authors and publishers. Some allege that the copyright system is outdated, and not fit for purpose in the digital age. But what is the copyright system? Is it not the granting of some exclusive rights to copyright holders, combined with the possibility to make certain exceptions or limitations to those rights on carefully crafted criteria? So what makes this outdated, and what is the alternative? And if the gist of the debate is a request for more exceptions, does not that really mean that the copyright system *does* work and *is* fit for purpose!

On the other hand, copyright is championed, not only as a means to protect and encourage the continued production of cumulative knowledge but also as an efficient and flexible way to provide access to it. Collective Rights Management is an important component in this. Also, a respected independent think-tank, the European Policy Centre, published in 2014 the issue paper No, 78 “[Towards a New Industrial Policy for Europe](#)” urging the EU to develop a globally competitive IP policy, which includes provision of IP management at EU level and enforcement of IPR within and outside the EU.

During 2014, the debate ebbed and flowed. In May, 22 rightholder organisations, headed by IFRRO, signed an [open letter](#) to the EU calling on European Union and its Member States to join them in requesting that WIPO’s Standing Committee on Copyright and Related Rights (SCCR) clarified its mandate before committing to any further work with regard to copyright limitations and exceptions, while in June there was a [report](#) from the European Commission confirming collective management as an attractive alternative to legislation. In July, there were discussions on libraries’ exceptions at the WIPO SCCR and a call for “reform” of the European copyright legislation by EU Commissioner Neelie Kroes. Like many calls before it, Kroes’ speech paid lip-service to the need to “remunerate and reward creators” and railed, at the same time, against the copyright system for erecting barriers, which she claimed prevent creators from reaching their “full audience” without suggesting any means (other than copyright) by which they could monetise such an audience. Sometimes it appears as if there are those who believe that creators only have a right to be read rather than also to write for a living.

IFRRO answered Kroes’ speech in an [open letter](#) clearly spelling out the dangers of precipitate and ill-considered legislation. At the same time the Reproduction Rights Organisations (RRO), the Collective Management Organisations in the text and image sector, show-cased, in cooperation with library representatives, best practices in the field of digitisation and making available cultural heritage, at a [side event](#) at the WIPO SCCR in May. A similar [side event](#), on easy access to copyright works in education, was given at the SCCR in December. A special session of the IFRRO

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AGM in Seoul in October focused on administering access to educational material by RROs, with examples from Argentina, Australia, Belgium, Brazil, Finland, Norway, Spain, the UK and the US. The IFRRO [website](#) hosts its members' initiatives for opening up educational access and promoting copyright and its enforcement.

Transparency is at the heart of the copyright debate and IFRRO and WIPO collectively took an important step in contributing to the process by publishing the [study on Text and Image copyright levies](#). This analyses the origins, scope and current use of these levies around the world and their role in ensuring easy legal access to copyright material. It aims to provide transparent information on the administration of the levy system with regard to authors, publishers, users of copyright works, manufacturers, importers, and other stakeholders.

In October, IFRRO launched the Value of Copyright Campaign at the Frankfurt Book Fair, with the aim of emphasising the importance of copyright and improve information about the protection of literary and artistic works, primarily in the text and image-based sectors. The campaign features a website [Copyrightlink.org](#) intended to provide a single online access point for factual information on international and local information on copyright. The website includes news and events, relevant legislation, useful facts and details on the value of the protection of literary, scientific and artistic works, in addition to its usage and importance. It provides information on copyright issues, showcases best practices, hosts a forum for all involved to explain how copyright affects them while giving links to authoritative sources on copyright matters, including legal issues.

The CopyrightLink website comes at an important moment in the copyright debate. Towards the end of the year yet more reports (in the [EU](#) and the [Philippines](#)) have appeared showing the important role of copyright and creative industries in fuelling the economy and, in Europe, there is a new Commission which has already placed copyright high up on the agenda. The new President of the Commission, Jean-Claude Juncker has included 'modernising of copyright' among the [ten priorities](#) for the Commission's 2015 working programme. At WIPO, the debate on exceptions and limitations, with a current main focus on libraries and education, is still unresolved. The rightholders are determined that this debate shall be as well-informed as possible and that more than just lip-service should be given to the principle that creators and their publishers have a right to be rewarded for their efforts.

These are exciting times and the stakes are high. We must ensure that the copyright framework and collective management continue to enable quick flexible access to copyright works at conditions, which do not conflict with the interest of creators and publishers. RROs contribute to that! There is much to do in 2015 and we look forward to working together with all stakeholders to achieve our common ends, and to continue to document that solutions exist – that they work, and will be developed further, as required!

I wish you all the best for the festive season and 2015.

