

Disrupt or be Disrupted. Evolving to meet user needs



By Olav Stokkmo, IFRRO Chief Executive

Study after study has shown that the creative industries are a vital and vibrant part of the world economy. Copyright affects our daily life as never before. Accordingly, there is an increasing demand for ways to enable easy legitimate legal access to copyright works. These should come from authors and publishers, and through collective rights management, and IFRRO is here to help its members come up with appropriate solutions. The alternative to offering appropriate solutions to legitimate user needs to access and usages of published works, is that users and policy makers will impose their own solutions. These generally come in two forms: illegal access, often in the form of piracy, resulting in the well-functioning illegal markets that we already know; or, when legislators develop the solutions, they come in the form of exceptions and limitations, too often without obligation to remunerate authors and publishers for the use of their works. In both cases the damage to the creative industries and the economy at large can be devastating. A White Paper issued by International Center for Law & Economics (ICLE) warns that calls for broad “fair use” exceptions can be harmful to consumers around the world by de-incentivising creativity and innovation. Separate studies detail the damage done in individual countries. In Canada, the unintended repercussions of the 2012 extension of educational exceptions has been documented in an IFRRO Memorandum and a PwC study. Recently in the CJEU ruling on HP – Reprobel Case, Publishers’ rights have come under specific attack and IFRRO has argued that the decision is not in keeping with well-established functioning Collective Rights Management practice by RROs, and is calling on the European Commission and the European Parliament to give clarification and provide stability and legal certainty to IFRRO members. It is pivotal to maintain the system that has been successful for so many years in a whole series of EU member states in providing free access to copyrighted works and at the same time fairly compensating authors and publishers.

In order to better meet legitimate user needs and contribute to a functioning legal market for copyright works, we encourage the members to engage in active dialogue with users. RROs are also reaching out to users so as to demonstrate a solution oriented and dynamic approach, and willingness to have a constructive dialogue with users of scientific and creative works, not only referring to existing practices. And this is where I see an important role for IFRRO. On the one hand, through their active involvement with IFRRO, authors and publishers can identify how they can benefit from RROs administering certain of their rights. On the other, IFRRO can also help by contributing to a better understanding of the future; and facilitating exchanges of best practices in RRO rights administration and the solutions they develop and offer.

Moreover, to offer the correct solutions, it is vital to understand the future – how the market, usages, technical and other possibilities, etc. evolve. This requires broad cooperation and IFRRO understands that it is important to engage in alliances with those who can contribute to broadening the understanding of how the future will look like. We are not trying to convince them that our view is the only correct one but we aim to contribute to a shared understanding of how things will develop and of alternative ways of meeting future challenges and to show that we will make the right choices and disrupt, when required, rather than being disrupted.

So in 2016 I look forward to forging new alliances and to users being offered new solutions to their demands for legitimate access to copyright works. In the meantime I wish you all the best for the festive season and for 2016.

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