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**3-4 June**, [Access to information, Stockholm/Sweden](#)

**7 June**, [International seminar: new forms of diffusion of documents, archives and documentary heritage in the EU](#), Sevilla/Spain

**21-25 June**, [WIPO SCCR](#) (20th session), Geneva/Switzerland

**25-26 June 2010**, [TAA Conference on Text and Academic Authoring](#), Minneapolis/USA

**8-12 November 2010**, WIPO Standing Committee on Copyright and Related Rights (SCCR), Geneva/Switzerland

## **Links to other News:**

[IPA News Letter Issue 75](#)

[EDItEUR Newsletter](#)

[PLS Accessibility Newsletter Number 8](#)

### **EC digital agenda for Europe includes call for new legislation.**

The European Commission has published a communication, setting out a digital agenda, which outlines seven priority areas for action including the creation of a digital single market. The agenda shows the Commission supports for the ARROW project as the proposal for a directive and the dialogue should be complemented by rights information databases.

Among the measures to be taken to improve the completion of the digital single market, Vice-President Kroes announced that the EC should create a legal framework to facilitate the digitisation and dissemination of cultural works in Europe by proposing a Directive on orphan works by 2010, to conduct a dialogue with stakeholders with a view to further measures on out-of print works. In addition a directive on collective rights management will be proposed in the course of this year, which will aim to enhance the governance, transparency and pan European licensing for (online) rights management.

As regards other non legislative actions, the Commission is planning to organize an extensive stakeholder dialogue that should lead to a report in 2012 on the further need of measures in the area of copyright management. This will be prepared by a Green Paper on the online distribution of audiovisual content and other creative works. A report on the review of the enforcement directive should be presented in 2012. It will evaluate the need for additional measures to combat online piracy.

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### **Don't water down Gallo report: Creative sector organisations urge European Parliament**

Over [30 creative sector organisations, including IFRRO, have written to the Legal Affairs Committee \(JURI\)](#) of the European Parliament stressing the need to resist negative amendments to the Gallo report on enhancing the enforcement of intellectual property rights in the internal market.

The report, by the French EPP MEP Marielle Gallo, encourages the Commission, the Member States and stakeholders to analyse and implement effective public awareness campaigns in relation to the impact of counterfeiting and piracy on society and on the economy and to pursue ongoing dialogues and to seek agreements on voluntary practical measures aimed at reducing counterfeiting and piracy in the internal market, both online and offline. However some very negative amendments have been tabled. In a nutshell, it is proposed to elude the piracy issue, to weaken copyright protection and to introduce a global license to cover peer-to-peer file-sharing. The MEPs are urged not to dilute the findings of the report which recognizes a clear and undisputable problem and the need to find concrete solutions.

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### **European Parliament adopts Trüpel report supporting Europeana and ARROW**

The draft report "Europeana, the next steps", prepared by MEP Trüpel [has been largely adopted](#) by the European Parliament during its Brussels plenary session on 5 May 2010. The European Commission welcomed the European Parliament's strong support for Europeana.

This report called for solutions to be found for Europeana to offer copyright works, while complying with IPR laws. It stressed the importance of orphan and out of print works and recognized and welcomed initiatives such as the ARROW project, partnered by both rights-holders and library

representatives, in particular since these seek to identify rights-holders and their rights, and to clarify the rights' status of works including whether these are orphan or out of print.

IFRRO's CEO Olav Stokkmo welcomed the European Parliament's adoption of the Trüpel report and its support to the EC sponsored ARROW project for the establishment of practical solutions on a voluntary basis to enable the European digital libraries initiative.

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### **Economic losses due to digital piracy in Europe**

A recently published study named "[Building a Digital Economy: The Importance of Saving Jobs in the EU's Creative Industries](#)", made by Tera Consultants, a French consultancy firm, states that in the last decade digital piracy has increasingly threatened the economic performance of the creative industries such as movies, music, television and software. The study argues that digital piracy is growing rapidly and accounts for the majority of economic losses to the creative industries.

It stresses the need for the European Union policy makers to put the issue on top of their agendas. To take the best decisions in this area, policy makers need to be aware of the relation between the economic contribution of these creative industries and the damages that digital piracy is causing them. The study focus was primarily on the effects of digital piracy (meaning various forms of online piracy, including file-sharing via peer-to-peer (P2P) networks).

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### **CMOs defend their track record on good governance at EU Hearing**

Collective Management Organisations, representing all kinds for rightholders, including film, music, text and visual arts, strongly supported their record of transparency and accountability at the Commission hearing on Good Governance on Friday 23 April. The aim of the hearing was to review how relationships between copyright owners, collecting societies and commercial users of copyright have evolved over time and suggest steps that could be taken by the Commission to develop the benefits of the collective management of copyright and neighbouring rights.

The [IFRRO contribution](#) and [slides](#) were presented by the IFRRO CEO, Olav Stokkmo and emphasized IFRRO's Code of Conduct and Relationship between RRO document and concluded that RROs are generally transparent and that the information provided is well balanced between user requirements and what the RRO is allowed to make available by law, statutes and those they represent. It is difficult to see that an EC Directive is required to change anything in this respect.

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### **EU consultation on the Green Paper "Unlocking the potential of cultural and creative industries"**

On 27 April 2010, the European Commission's DG Education and Culture launched an [online public consultation](#) with a deadline for submissions of 30 July 2010. The consultation is linked to the Green Paper "[Unlocking the potential of cultural and creative industries](#)", which aims to spark a debate on the requirements of a stimulating creative environment for the EU's cultural and creative industries (CCIs). Inter alia, the Green Paper highlights the Commission's intention to create a single market for online content and services, a balanced regulatory framework governing the management of intellectual property rights, measures to facilitate cross-border online content services, the fostering of multi-territorial licences, adequate protection and remuneration for rightholders and active

support for the digitisation of Europe's rich cultural heritage. Within the Strategy on Intellectual Property, the Commission will also focus on the use and management of rights.

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### **European Commission sets up a Reflection Group on digitisation**

European Commission President José Manuel Barroso announced on 21 April 2010 that the Commission will ask Maurice Lévy (CEO of Publicis), Elisabeth Niggemann (Head of the German National Library) and Jacques De Decker (writer) to come up with recommendations on how to speed up the digitisation, online accessibility and preservation of cultural works across Europe. This Reflection Group will examine ongoing initiatives involving both public and private partners (e.g. the Google Books project) and copyright issues to find ways to boost digitisation efforts. The Commission hopes that these recommendations will contribute to Europeana, Europe's digital library.

The Group, requested to submit its conclusions before the end of the year, has been invited to provide a set of recommendations for the digitisation, online accessibility and preservation of Europe's cultural heritage. It will look at how to fund digitisation and address copyright issues as well as licensing practices to facilitate the digitisation of copyrighted material, in particular out-of-print works and orphan works. The Commission's press release is available [here](#).

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### **Australian RRO appointed to manage artists' resale royalty scheme**

The Australian government has engaged Copyright Agency Limited (CAL) to manage the artists' resale royalty scheme. The scheme comes into operation on 9 June 2010 and will allow visual artists to share in the commercialisation of their work in the secondary art market. Until now, Australian artists did not have the same range of opportunities as other creators such as writers and composers to earn money through licensing reproductions, public performances or broadcasting their work. CAL's appointment followed an open tender process. The government is providing \$1.5 million over three years for the implementation of the scheme.

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### **Singapore RRO scores licensing "double"**

The Copyright Licensing and Administration Society of Singapore Limited (CLASS) has secured two licence agreements to revise its fees with the Ministry of Education (MOE) for all its schools and junior colleges in the country. The MOE, which had earlier this year approved CLASS' proposal to raise its fees for all government secondary schools and junior colleges, has also agreed to CLASS' request to revise its licence fees for the primary schools as well.

This agreement lasts for four years and will end in 2013. The licence for the secondary schools and junior colleges will end in December 2011. With the MOE's agreements, non-government schools and junior colleges are expected to follow likewise since such institutes often take their cue from the Ministry-run schools. The licence agreements will involve a total of about 500 schools nationwide.

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### **Argentinean RRO in library license deal**

The Argentinean Education Secretary, Professor María Inés Abrile de Vollmer and CADRA's president, Mr. Carlos Alberto Pazos, signed a licence that will allow the partial reproduction of copyright protected material at the National Library of Teachers. The agreement will contribute to promote the access to the culture and education in Argentina. In 2009, the library registered close to 30,000 users.

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### **Copyright Licensing Ltd Announces New CEO**

Copyright Licensing Ltd (CLL) has announced the appointment of Paula Browning as CLL's new Chief Executive Officer. Paula will take up the position on 14 June 2010.

Paula has held senior roles in the commercial, education and sport sectors that have included strategic communications, contract management, community engagement, finance and advocacy. She is currently the Business Manager at Sport Auckland where she has recently led the establishment of the Auckland Sports Reference Group and worked with the Auckland Transition Agency in the development of the new Auckland local government structure.

Paula takes over the role from Kathy Moore who has moved on after 15 years at CLL.

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### **PLS Chief Executive moves to new position in Elsevier**

PLS Chief Executive, Alicia Wise, will move to a newly-created post of Director of Universal Access with Elsevier in June. Her part-time secondment to The Publishers Association as its Head of Digital Publishing will also come to an end at that time.

During her time as CEO, PLS has distributed £150m in revenue to UK publishers, and the number of mandating publishers has increased by 33%. The society has also steadily modernised all aspects of its operations and infrastructure, in particular PLSe - an innovative online repertoire and royalty account management system. The PLS Chair, Graham Taylor commented that PLS had gone from strength under Alicia's leadership and was now in good shape to face the future.

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### **IFRRO reiterates position on Orphan Works**

In January 2010 the IFRRO Board reiterated its position on orphan works. For the administration of orphan works, the final decision on which body should provide the necessary license/certification of due diligent search should lie with the authors and publishers nationally. However, for the text and image based works sector, collective management by RROs is an appropriate solution. In this case the roles will typically be:

- Carry out diligent search for rightholders to a work, in addition to the search carried out by the user. (The starting point would be for the RRO to carry out the search in the country of publication. When appropriate, the RRO can also perform a wider search through its network of bilateral agreements.)
- Collect remuneration for the digitisation, making available and other uses of orphan works;
- Hold collected fees in escrow; verify that a reappearing rightholder is the one that is entitled to claim the remuneration; and pay out the remuneration

- Authorise and sign licences on the digitisation, making available or other uses of an orphan work. (This requires that they are authorised to do so, normally by law or some public authorities.)
  - (a) Conditions should be set by rightholders of the same category of works, most often through their representatives on the RRO governing bodies
  - (b) The licensing, authorisation or collection of revenues would also be for the mass digitisation and/or the mass making available when this is a part of the mandate or the authorisation that the RRO has received from the authorities

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### **IFRRO – WIPO – OAPI copyright education programme for French speaking Africa**

For a second consecutive year IFRRO, WIPO (World Intellectual Property Organization) and OAPI (Organisation Africaine pour la Propriété Intellectuelle) organized a copyright education session for OAPI's Member States. The sessions took place at OAPI's training center in Yaoundé on 26-29 April and were attended by Directors and or other employees from the Intellectual Property Offices in 10 countries: Burkina Faso, Cameroun, Congo (Brazzaville), Côte d'Ivoire, Gabon, Guinea, Niger, Senegal, Tchad and Togo as well as the RROs in Burkina Faso, Cameroon and Mauritius. The RROs also provided resource persons who shared their experiences from administering reprography in Africa through Chantal Forgo (BBDA, Burkina Faso). Jean Noel Mevuola (SOCILADRA, Cameroon) and Gérard Louise (MASA, Mauritius). This year's programme built on last year's and covered the administration of rights in visual material with ADAGP Legal Director Marie-Anne Ferry-Fall as the teacher, in addition to reprography. The French lawyer Jenny Vacher from A&J Vacher Desvernais Roederer Monod Watson was the main teacher who admirably monitored the session.

In their opening speeches both the OAPI DG Paulin Edou Edou, Senior Programme Officer Neema Nyere at WIPO and the IFRRO CEO Olav Stokkmo stressed the importance of the education programme in its current form and for it to be extended to also cover musical and audiovisual works. It is truly a unique and fruitful cooperation between the three organisations that has provided an important copyright education opportunity for the OAPI Member States.

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### **UK approves anti-piracy legislation**

On 8 April 2010, the British Parliament approved legislation against digital media piracy by imposing obligations on ISPs regarding notices to be sent to customers who infringe copyright, providing for technical measures to be imposed if the implementation of these obligations fails to reduce digital copyright theft significantly and ultimately authorising the suspension of repeat offenders' Internet connections. Following agreement by both Houses on the text of the Bill, it received Royal Assent and is now an Act of Parliament. Britain is the second large European country, after France, to approve a so-called graduated response system, under which online copyright violators face technical measures such as bandwidth throttling or even temporary suspensions of their Internet accounts if they ignore warning letters to stop. The Bill aims at stimulating the development of the digital economy in Britain.

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### **Mexico introduces amendments to the legislation to fight against piracy**

Mexican Congress has approved a legislative amendment allowing the authorities to freely confiscate pirated merchandise. In the past, the interested or affected party needed to file a legal procedure and present evidence to the authorities to confiscate illegal products. The amendment means that authorities will now be able to detain sellers, producers and distributors of pirated goods without going through a lengthy legal process.

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### **UNESCO launches Anti-Piracy Observatory**

UNESCO recently established and launched the World Anti-Piracy Observatory ([WAPO](#)), a free on-line platform that provides information on anti-piracy measures and policies implemented by Member States. The Observatory makes available comprehensive information on copyright legislation, news and announcements of events related to the fight against piracy worldwide, and best practices. Free awareness-raising and capacity-building tools can also be downloaded. Mrs. Irina Bokova, the Director-General of UNESCO pointed out that "in the light of the emergence of new forms of books, of changes in the design, production and access to contents of books, it is urgent to recall that there can be no book development without respect for copyright," She added that "this is particularly the case at a time when digitization further exposes books to risks of illicit use."

Olav Stokkmo, the IFRRO CEO, says that IFRRO welcomes this timely UNESCO initiative which addresses copyright education as well as enforcement through its best practice approach. IFRRO will examine how it can cooperate with the UNESCO Observatory.

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### **ACTA: Release of consolidated draft text**

The 8th round of negotiations on the proposed Anti-Counterfeiting Trade Agreement (ACTA) was held in Wellington, New Zealand in April 2010 and, for the first time the negotiation parties published the [consolidated draft text](#) of the last round of negotiations. The European Commission, in its [press release](#), stated that ACTA will be fully in line with current EU legislation, being limited to the enforcement of intellectual property rights, and that the agreement will not include provisions which modify substantive intellectual property law, create new rights or change their duration. The next meeting will be hosted by Switzerland in June 2010. The parties also reaffirmed their commitment to continue their work with the aim of concluding ACTA as soon as possible in 2010.

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### **IFRRO posts first DAISY accessible documents on IFRRO site**

IFRRO is committed to accessibility. As a first step it has made [DAISY versions](#) of the English and Spanish editions of its booklet on "Collective Management In Reprography", giving a general description of the concept of collective management and its role in the field of reprography.

The Daisy Standard is based on open standards and offers a more flexible and pleasant reading experience for people who are blind or print disabled. The booklets are available either as DAISY text or in full audio version.

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### **ASMP, GAG et al. file class action against Google**

The American Society of Media Photographers (ASMP), the Graphic Artists Guild (GAG), the Picture Archive Council of America, the North American Nature Photography Association, Professional Photographers of America, and several photographers and illustrators, have filed a class action copyright infringement suit against Google, Inc. in the U.S. District for the Southern District of New York. The suit relates to Google's alleged illegal scanning of millions of books and other publications containing copyrighted images and displaying them to the public without regard to the rights of the visual creators. ASMP and GAG, together with the other trade associations, decided to file the class action after the Court denied their request to join the currently pending USD 125 million class action that had previously been filed primarily on behalf of text authors in connection with the Google Library Project. The new class action goes beyond Google's Library Project, and includes Google's other claimed systematic and pervasive infringements of the rights of photographers, illustrators and other visual artists. A pdf copy of the complaint can be found here:

<http://www.graphicartistsguild.org/news/>.

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### **IFRRO appoints temporary Legal Advisor**

Ingrid de Ribaucourt has joined IFRRO as Senior Legal Advisor from 15 May 2010. She replaces Anita Huss during her maternity leave period which lasts throughout 2010. Besides giving legal advice, Ingrid will act as a liaison between the Secretariat and the Legal Issues Forum as well as other committees and working groups.

Ingrid de Ribaucourt is a Belgian Lawyer with a master degree in European Affairs and currently doing a Master in UK, US and EC copyright law. She has gained practical experience in EU policies related to the media, working for more than four years for the European Federation of Magazine Publishers. Among other tasks, she was in charge of following all the issues related to intellectual property.

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