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Draft Code and Consultation	
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EVENTS:

1-9 October 2012 [Assemblies of Member States of WIPO: Fiftieth Series of Meetings](#), Geneva, Switzerland

17-19 October 2012 [WIPO SCCR Inter-sessional Meeting on Limitations and Exceptions for Visually Impaired Persons/Persons with Print Disabilities](#), Geneva, Switzerland

22-25 October 2012 [IFRRO World Congress 2012](#), Buenos Aires, Argentina

12-16 November 2012 [WIPO Committee on Development and Intellectual Property \(CDIP\): Tenth Session](#), Geneva, Switzerland

19-23 November 2012 [WIPO Standing Committee on Copyright and Related Rights: Twenty-Fifth Session](#), Geneva, Switzerland

LINKS TO OTHER NEWS:

[COPIBEC Newsletter Summer 2012](#)

[IFJ Authors' Rights July Newsletter](#)

[IPA Newsletter 92](#)

[EDItEUR July Newsletter](#)

IFRRO

IFRRO reception and side event on seamless access to copyright works in education at WIPO's 24th meeting of the Standing Committee on Copyright and Related rights (SCCR)

The 24th WIPO SCCR focused on exceptions and limitations for education, libraries and persons with print disabilities. IFRRO made a general statement as well as specific ones on education and access to copyright works by the print disabled.



Photo by Veraliah Bueno

Regardless of legislative measures, agreements with rightholders and their representatives, supported by collective rights administration, such as by RROs, offer the most adequate user access to intellectual property in changing environments.

This was demonstrated at the side event organised by IFRRO during the SCCR on 19 July on seamless access to copyright works in education. Direct licensing combined with collective rights management by RROs offers the safest, simplest, fastest, most innovative, most convenient and most cost efficient way to seamless access to high quality teaching material from multiple rightholders. It works in developed as well as developing countries. What's more, flourishing local cultural industries and a healthy educational system with broad access to local resources contributes significantly to the nation's economy and employment. Collective administration of rights through RROs is about making copyright work.

Main presenters at the IFRRO side event were Jim Alexander of Copyright Agency (Australia) and Tracey Armstrong of CCC (U.S.A.) on RRO activities and IPA's Secretary General Jens Bammel on publisher business models for education. IAF's Maureen Duffy provided an author's perspective, while the IFRRO President Magdalena Vinent and the IFRRO CEO Olav Stokkmo introduced and summarised the key features.

Click here for [presentations at the side event](#).
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IFRRO participation in the 24th WIPO SCCR

The 24th WIPO Standing Committee on Copyright and Related Rights (SCCR) met from 16-25 July 2012. Issues included exceptions for educational and research institutions, libraries and archives, visually impaired persons and emerging legal instruments on broadcasters' rights. In its general statement (available [here](#)), IFRRO submitted that overbroad exceptions that conflict with normal exploitations of the works or broadening exceptions without providing remuneration to authors and publishers, would act as a disincentive to and have a negative impact on the continued creation and commissioning of works for the educational market. Both developed and developing societies would suffer from it. Access to copyright material through agreements with rightholders and RROs is what best meets the needs of educational institutions to legally access high quality teaching material in constantly changing environments. RROs began their activities in response to requests from educational institutions for the licensing of large scale copying of copyright works for teaching and research purposes, and educational institutions continue as the main beneficiaries of their services. The statement also made reference to the Universal Declaration of Human Rights, which gives everyone "the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author".

For full description of statements of IFRRO's participation and of its statements, [click here](#)
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IFRRO Publishes Guide to Distribution of Copyright Revenue

IFRRO has published a Quick Guide to Distribution of Copyright Revenue in the Text and Image Based Sector, outlining the rationale behind copyright and licensing and explaining how Collective administration of rights through RROs ensures that those who need access to knowledge – often schools, universities, private corporations or government departments - have the widest possible range of content available to them, while those who create and publish it are fairly paid when their published works are copied, made available or distributed for subsidiary uses (as opposed to sold).

It shows how RROs demonstrate transparency, accountability, good governance, efficiency and due diligence in their distribution schemes and lists examples of best practices from around the globe.

Click here for a copy of [Quick Guide to Distribution of Copyright Revenue in the Text and Image Based Sector](#) (pdf 2.6 MB)
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Two more European RROs join IFRRO

IFRRO welcomes two new RRO members to the IFRRO family.

The [Georgian Copyright Association](#) (GCA) which, as the Georgian Authors' Association (GSA) was formerly in the Creator and Publisher Association Membership category, has now become a full RRO member.

[Repro BG](#) joins IFRRO as a Provisional RRO member. It was approved by the Bulgarian authorities on 12 January 2012 to act as the national RRO. It has been set up and represents the members of the Bulgarian Association of Publishers, which is also a FEP member, and four authors' associations, including the translators' association.

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RRO News

Kopinor signs agreement with the Norwegian National Library on online access to Norwegian literature from the entire 20th century

The National Library of Norway and Kopinor have signed an agreement on 28 August 2012 for the permanent continuation of the digital Bookshelf. As a result, 250 000 books from the entire 20th century will become accessible online.

[For more information click here](#)

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CLA launches new online title search tool

The Copyright Licensing Agency (CLA) has announced the launch of a new online title search tool for licensees. The tool – available at www.cla.co.uk/licences/titlesearch - enables customers to find out whether they can copy or reproduce from a title under their organisation's CLA licence.

Whether photocopying and circulating an article to the company sales team, or e-mailing press cuttings to the board of directors, the title search allows licensees to quickly confirm whether the activity is compliant with the terms of their licence.

[See full Press Release](#)

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Copyright

UK follow-up to Hargreaves Report recognises efforts of creative industry to streamline for the digital age

The final report of the Digital Copyright Exchange Feasibility Study (Hooper Report), following the Hargreaves Report has just been published by the UK Intellectual Property Office.

The study comes up with an optimistic conclusion on the fitness for purpose and crucially on the willingness of the creative industry to adapt to the digital challenges but also notes that there is no room for complacency. It notes that "in response to concerns expressed in the Hargreaves Review, the creative industries have responded proactively and are busy streamlining copyright licensing for the digital age.....As a result, on the economic and cultural dimension, innovation and growth across the UK s creative industries and the UK s cultural institutions will be further stimulated."

IFRRO notes this report and is pleased by the recognition given to the ongoing work in the copyright community to address some of the concerns raised - in particular the ARROW project, which has been shown to reduce the cost of searching for rightholders by up to 95% and the contribution of the standards projects sponsored and/or sustained by IFRRO such as the International Standard Name Identifier (ISNI) and PLUS. To these could be added the ONIX for RROs suite of standards which streamline the information flow between RROs in the crucial areas of Repertoire and Distribution exchange and the International Standard Text Code (ISTC) for the unique identification of text based works.

IFRRO and its members will continue to work to facilitate easy legal access to copyright works. It has been demonstrated that direct licensing combined with collective rights management by RROs offers the safest, simplest, fastest, most innovative, most convenient and most cost efficient way to seamless access to copyright works (including high quality teaching material) from multiple rightholders. It works in developed as well as developing countries. What's more, flourishing local cultural industries and a healthy educational system with broad access to local resources contributes significantly to the nation's economy and employment. Collective administration of rights through RROs is about making copyright work and IFRRO is happy to contribute to the continued search for solutions.

The report can be found [here](#).

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Legislation

France's Private Copying Remuneration Law is Constitutional

On 20 July 2012, France's Conseil constitutionnel (Constitutional Court) ruled that the Act of 20 December 2011 relating to private copying remuneration is constitutional.

Based on the Court of Justice of the European Union's «Padawan» decision of 21 October 2010, the French Conseil d'Etat abolished (on 17 June 2011) the existing regime for not adequately providing for a system of reimbursement for purchasers of blank media intended for professional use. Against this background, the French legislator passed the Act of 20 December 2011 to (i) retroactively maintain the rates previously set by the relevant body that had been quashed by the 17 June 2011 decision and (ii) expressly provide for an exemption for blank media purchased for professional purposes.

The French Conseil confirmed the Act's constitutionality. The complete ruling (in French) is [here](#).

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Costa Rica legislation broadens exceptions for education

On 19 June, the Legislative Assembly of Costa Rica approved a number of changes to the Costa Rican Intellectual Property Law (8039). The changes include broader exceptions and limitations to exclusive rights in favour of education. In the modified law, reproduction of protected material is possible as long as it is intended for educational purposes. Public representation, communication to the public and making available of copyright material in educational institutions or for the purpose of education will also be possible. The Assembly

has also removed all penalties for the unauthorised use of copyright material in relation to education. . IFRRRO has sent a letter to the President of Costa Rica urging that the text adopted by the Assembly not be signed into law as it will seriously affect the publishing industry.

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UK Government Policy Statement Published

In a policy statement, published on 2 July 2012 (available [here](#)), the UK Government announced that it intends to introduce legislation to enable schemes to be introduced for the use of orphan works, voluntary extended collective licensing and codes of conduct for collecting societies as soon as possible.

For further information [see here](#).

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Online Infringement of Copyright and the UK Digital Economy Act 2010: Draft Code and Consultation

On 26 June 2012, UK communications regulator Ofcom published three documents on digital copyright infringement, including a draft code requiring large ISPs to inform customers of allegations that their internet connection has been used to infringe copyright, and consultations on the code and on cost-sharing.

The consultation on the draft code ends on 26 July 2012. Information on the draft code and consultation is [here](#).

Ofcom's press release is available [here](#).

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Court cases

French Publisher Association reached an agreement with Google on out-of-commerce works

According to an article in the [New York Times](#), Google announced on 11 June 2012 that it had reached an agreement in France on out-of-commerce works.

Reportedly, the French Publishers Association and the Société des Gens de Lettres dropped lawsuits in which they claimed that Google's book scanning in France violated copyright. Under the agreement reached now, French publishers would be able to offer digital versions of their works for Google to sell. The deal is supposed to be modelled on previous agreements between Google and Hachette Livre / La Martinière. See further information [here](#).

According to the article, the agreement is not binding on French publishers, which retain the right to exclude their books from Google. Google said it planned to make the books available from its digital content store, Google Play, which has not yet been introduced in France. Publishers would also be free to sell the books elsewhere. In addition, as part of the arrangement, Google should support a programme to encourage reading among children.

The French Parliament has also passed a [law on out-of-commerce works](#).

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EU affairs

The European Commission adopts the Proposal on Collective Management of Copyright

On 11 July 2012, the European Commission adopted the proposal for a Directive on Collective Management of Copyright and related rights and multi-territorial licencing of rights in musical works for online uses in the internal market.

The proposal aims at ensuring that rightholders have a say in the management of their rights and envisages better functioning collecting societies as a result of the set standards all over Europe. The proposed directive will also ease the licensing of authors' rights for the use of music on the Internet

The proposal is available [here](#). Links to the press release, the impact assessment and the Frequently Asked Questions can be found [here](#).

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EP and Council reach an agreement on orphan works

On 6 June, the Council and the European Parliament had a last trilogue meeting to see if a compromise on the Proposal for a Directive could be found.

In a nutshell, it was agreed that a diligent search work by work should be undertaken to establish whether or not a work is orphan. Once the work is deemed orphan, it will have this status all over Europe. Uses must remain not for profit but libraries are entitled to recover the cost of the search and the digitisation of the work.

Also any rightholder that reappears can put an end at any time to this status and (s)he must be compensated for the use.

Finally, the directive remains without prejudice to arrangements in the Member States concerning the management of rights including mass digitisation.

The compromise has still to be formally adopted by both the Parliament and the Council for the directive to be definitive. The vote in the Parliament is taking place in plenary on 13th September

Click here for the [press release of the European Parliament](#)

Click here for the [press release of the Danish Presidency](#)

Click here for the [press release of the Commission](#)

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WIPO

WIPO Beijing Treaty on Audiovisual Performances is concluded

The Beijing diplomatic conference to finalise a new treaty for audiovisual performers was successfully concluded on 26 June 2012 as negotiators from WIPO Member States signed the Beijing Treaty on Audiovisual Performances (BTAP).

According to a WIPO media release, the BTAP will strengthen the economic rights of film actors and other performers. It will potentially enable performers to share proceeds with producers for revenues generated internationally. It will also grant performers moral rights, and provide a clearer international legal framework for their protection, also in the digital environment.

The BTAP - which can be [read in full here](#) - consists of 30 Articles. It will enter into force once it has been ratified by 30 eligible parties, including countries or certain intergovernmental organisations.

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Access for Print Disabled

TIGAR Project Accelerates Book Accessibility

The [TIGAR project](#), in which IFRRO and RROs work together with representatives of authors, publishers, print disabled and the World Intellectual Property Office (WIPO) to enable enhanced access to copyright works in accessible formats for people with print disabilities across borders, has issued a [press release](#) to update on its latest development. It highlights inter alia the following key progresses made to date: Accessibility organisations in Australia, Brazil, Canada, Denmark, France, Jamaica, Norway, the Netherlands, New Zealand, South Africa, Sweden, Switzerland, and the United States participate in the project; there are ongoing dialogues with countries in Africa and Asia for their inclusion in the project; more than 30 leading publishers and RROs and other collective rights management organisations are involved; since the first cross-border exchange of books in October 2011, more than 500 books have been shared by participating organisations from the thousands of books available in an array of languages through the TIGAR network.

IFRRO supports the efforts of the TIGAR project to enable enhanced access to intellectual property by persons with print disabilities and welcomes its rapid and positive development.

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IFRRO Member News

NWU raises concerns regarding copyright enforcement and "orphan works"

In recent consultations and position papers, the National Writers Union (NWU) has raised concerns about what they claim to be writers' inability to enforce their copyrights and the incompatibility of current "orphan works" proposals, including those in the European Union, with the Berne Convention.

The NWU participated in a high-level conference on orphan works and mass digitization in April 2012, at which the NWU presented a white paper on the "[Facts and Fallacies of Orphan Works](#)"

In May 2012, the NWU met with the American Library Association to discuss these and related concerns.

In August 2012, the NWU submitted [comments](#) to the U.S. Intellectual Property Enforcement Coordinator, incorporating the NWU white paper on orphan works and addressing the obstacles faced by writers in enforcing their copyrights, especially against infringement by publishers. Additional information is available on the NWU Book Division website <http://www.nwubook.org>.

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The International Association of STM Publishers and Datacite Statement on the Linkability and Citability of Research Data

The International Association of STM Publishers and Datacite announce best practice recommendations the two organizations are endorsing to make research data easier to find, link to, re-use and cite.

Recent years have shown an exponential growth in the volume of available research data. Most stakeholders across the spectrum of researchers funders, librarians and publishers agree about the benefits of having researcher validated research data available and findable for reuse by others. Still, the current estimates about research data are that approximately 70 percent are never shared and remain on personal computers or hard disks of the researchers or at best their department at the institute.

[Click here for full press release.](#)

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IPA Congress Resolutions Highlight Industry Challenges

On 14 June 2012 the 29th Congress of the International Publishers Association (IPA) ended with a celebration of freedom of expression by the 2012 IPA Freedom to Publish Prize winner Jonathan Shapiro. Congress resolutions, the traditional formal summary demands, concluded the event.

The resolutions focus on key issues for publishers: Copyright, freedom to publish, e-books and industry issues such as VAT. A new emphasis was put on publishing in indigenous languages, publishers as enablers of social change, the threat of state publishing, the need to avoid monopolies, or dominant positions in digital distribution, the call on public figures to accept a higher level of criticism than the ordinary citizens, and to reject the abuse of broad definitions of terms such as state security, state secrecy or terrorism as dangerous inroads for censorship.

[Click here for full Press release.](#)

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