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EVENTS:

29-30 January 2013 [APE 2013 Full Conference: "The Funding of Publishing"](#), Berlin, Germany

13 February 2013 [e-Books and Accessibility Conference: Ugly Duckling or Adolescent Swan?](#), London, UK

14 March 2013 IFRRO Business Models Forum on Seamless Access, Dublin, Ireland

14 March 2013 IFRRO European Group, Dublin, Ireland

15 March 2013 IFRRO Senior Managers' Forum on Good Governance, Dublin, Ireland

LINKS TO OTHER NEWS:

[IPA Newsletter 95](#)

[EDItEUR Newsletter November 2012](#)

IFRRO

IFRRO AGM elects new President and 7 new Board members



Rainer Just: New IFRRO President (Photo VG Wort)

Rainer Just, joint managing director of VG Wort, was elected IFRRO President at the IFRRO Annual General Meeting in Buenos Aires on 25 October. He replaces the outgoing President Magdalena Vinent, who stepped down after four successful and energetic years. Rainer has been a member of the VG WORT administrative council since 1993 and of the board since 2000. He has been on the IFRRO Board since 2008.

At the same time, the AGM appointed seven new Board Members: Tracey Armstrong (CCC), Ana María Cabanellas (CADRA), Kevin Fitzgerald (CLA), Heikki Jokinen (International Federation of Journalists), Dora Makwinja (COSOMA), Benoît Proot (REPROBEL) and Yngve Slettholm (KOPINOR). Thanks are due to the retiring IFRRO Board members for all their efforts: Owen Atkinson (ALCS), Jens Bammel (IPA), Maureen Cavan (Access Copyright), Franziska Eberhard (ProLitteris), Bruce Funkhouser (CCC), Christer Johansson (Bonus Presskopia) and Magdalena Vinent (CEDRO).

The composition of the new IFRRO Board complete with biographies can be found by clicking [here](#).

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IFRRO welcomes new Music RRO member from China

IFRRO has admitted a new Music RRO member from China. The [Music Copyright Society of China \(MCSC\)](#) was established in 1992 and has mandates from some 4,000 rightholders. It has ties to over 30 foreign music copyright protection organizations including the Irish Music Rights Organization, the National Music Publishers Association in the United States, and the Performing Rights Society-UK. MCSC and SEMU (the Belgian Music RRO) have signed a reciprocal agreement, which will allow MCSC also to represent Belgian musical work in print.

It admits both authors and publishers as members and is responsible for music copyright including using musical works for public performance; public transmission; mechanical reproduction such as producing, reproducing and distributing sound and video recordings;

producing radio and television programs; producing background music of films, television, video recordings and any other audio-visual materials; and other uses of musical works where collective administration is suitable.

The addition of MCSC brings the IFRRO membership to 138 members of which 85 are RROs.

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IFRRO position on the Collective Rights Management directive.

IFRRO and its members support the broad objectives of the directive - transparency, accountability and good governance are fundamental principles that all Collective Management Organisations must respect for the benefit of their rightholders.

However, ensuring the respect of minimum standards should not conflict with well functioning models of operation that in the written and image based sector are often supported by legislation to facilitate the licensing of the rights. Also some flexibility should be allowed for efficient distribution models based on sampling, surveying and/or collective distribution models agreed by the rightholders.

On another level, IFRRO asks the decision makers to take care as regards the level of detail of the proposal to respect the principles of subsidiarity and proportionality.

Finally, the definitions and the provisions of the proposal should be drafted in a clear and unambiguous manner to bring legal certainty to Collective Management Organisations.

Click here for [full position paper](#)

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IFRRO calls for governmental action to protect Spanish rightholders

The IFRRO General Assembly at its meeting in Buenos Aires on 25 October passed a resolution highlighting the dire situation in Spain regarding private copying remuneration, educational licensing and public lending remuneration. It called upon the Spanish government to take the necessary legislative action to ensure that Spanish law complied with EU legislation and that the rights of rightholders were respected.

In a complementary move, the IFRRO European Group (IFRRO EG), which provides a forum for the IFRRO Members from states whose governments are members of the Council of Europe, passed a resolution requesting the European Commission DG Internal Market and Services to initiate proceedings towards the Spanish Government to urgently modify its legislation to make it compliant with current European Union norms and regulations. At the same time the IFRRO EG asked the Commission to take similar action towards other EU Member States which have failed to fully implement the EU Directive on rental and lending.

The IFRRO EG also discussed IFRRO's position on the Collective Rights Management directive proposed by the EC – a position will soon be posted on the IFRRO website – and elected a new EG Executive Committee: Kevin Fitzgerald of CLA (Chair) and Anders Rasch of COPYDAN and Robert Staats of VG Wort as Vice Chairs.

Click here for copies of the [IFRRO AGM Resolution](#) and the [IFRRO EG Resolution](#).

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RRO News

CLA launch new digital licence for Media Monitoring Organisations

The UK Copyright Licensing Authority has announced the launch of a new digital licence for Media Monitoring Organisations (MMOs). The digital licence reflects the multiple ways in which MMOs source content and deliver their services to clients. In addition to providing the permissions to supply hard copy and digital press clippings from magazines and periodicals to clients, the licence also permits MMOs to index and provide links to content from leading media websites.

Developed in consultation with media publishers and the UK Media Monitoring Association (UKMMA), the trade body that represents UK Media Monitoring companies, the licence provides a collaborative solution which supports MMOs in continuing to deliver cutting-edge media monitoring and evaluation services, while ensuring that copyright owners receive a fair reward for their investment in content.

[More from CLA](#)

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Philippines RRO signs first license agreement

FILCOLS has signed its first license agreement with The Manila Times College (TMTC) last 19 July 2012. The agreement was signed by FILCOLS chair Dr. Isagani R. Cruz and TMTC chair Dr. Dante A. Ang in its campus in Manila.

TMTC is a wholly-owned subsidiary of The Manila Times, the country's oldest English language newspaper. The newspaper was born in 1898 when news of the end of the Spanish-American War, effected by the signing of the Treaty of Paris, reached Manila. (<http://www.manilatimes.net/>)

After 38 years as professor and publisher at the De la Salle University Manila, Dr. Cruz became the first president of TMTC this year. He is a founding board member of FILCOLS and was elected chair in 2010. (<http://www.isaganicruz.net/>)

TMTC offers courses in Journalism, Filmmaking, and Acting for Film and TV. It has cooperation with other institutions such as the Asia-Pacific College, Emilio Aguinaldo College, Don Bosco Technical Institute, and the Business Processing Association of the Philippines. (<http://themanilatimescollege.wordpress.com/>)

At present, TMTC has only 37 students. The duration of the license agreement is for two years (2). The license fee is PHP 100 per student per year.

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Copyright

Delhi University undertaking to avoid illegal copying paves way to win-win solution

An undertaking by Delhi University not to indulge in future acts of illegal copying has been converted into an injunction by the Delhi High Court to ensure that the University keeps its word. The court also recognised that the making of course packs by the photocopying outlet

(Rameshwari Photostat) falls outside a “fair use” defence and so issued a formal injunction against Rameshwari as well.

This opens the way for a win-win resolution of the dispute between the three Academic Publishers – Oxford University Press, Cambridge University Press and Taylor Francis - and Delhi University (see [earlier story](#)), which has generated such intense [debate in the Indian press](#). The recognition by the university that its past copying was illegal and its undertaking, backed by an injunction, not to engage in illegal copying in the future means that negotiations can start in earnest with the Indian Reproduction Rights Organisation (IRRO) to license such copying legally and to ensure that the rights of rightholders are respected while the access of students to the texts they need is assured.

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Court cases

CJEU rules, in Football Dataco v Sportradar, that “at least” transmission theory applies

The Court of Justice of the EU (CJEU) held, in Football Dataco v Sportradar (Case C 173/11), that the sui generis right (the database right) could apply under the Database Directive in the country of transmission (the country where the database is re-utilised) if there is evidence that the person re-utilising that data intended to target the public in that country.

The reference was made in proceedings between Football Dataco and others and Sportradar concerning the alleged infringement by Sportradar of Football Dataco's sui generis right in its football database.

The CJEU concluded that the Database Directive should be interpreted as meaning that: "the sending by one person, by means of a web server located in Member State A, of data previously uploaded by that person from a database protected by the sui generis right under that directive to the computer of another person located in Member State B, at that person's request, for the purpose of storage in that computer's memory and display on its screen, constitutes an act of 're-utilisation' of the data by the person sending it. That act takes place, at least, in Member State B, where there is evidence from which it may be concluded that the act discloses an intention on the part of the person performing the act to target members of the public in Member State B, which is for the national court to assess."

[The CJEU's complete decision can be found here](#)

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Digitising Cultural Heritage

Stakeholders establish Out of Commerce Implementation Group

The signatories to Out of Commerce MoU have formed the Out-of-commerce works Mou Implementation Task force (OMIT) with IFRRO CEO, Olav Stokkmo as its meeting convener. The [MoU signed by organisations representing all relevant stakeholder groups](#) – libraries,

authors, publishers, RROs and IFRRO – establishes agreed mechanisms to facilitate the making available of Out of Commerce works. OMIT is in the process of identifying library and other projects which include the making available of out-of-commerce works. To facilitate the understanding of they have prepared a [short three page introduction](#) with explanations of the key elements. .

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Persons with Print Disabilities

ETIN Board and By-Laws approved

The Board and the Board By-Laws of the “European Trusted Intermediaries Network” (ETIN) has been approved. Rainer Just, the IFRRO President, is the IFRRO representative on the ETIN Board.

ETIN was established following the [EU Memorandum of Understanding](#) on access to works by people with print disabilities and is a Brussels-based network representing both trusted intermediary organisations and rightholders. It aims to have pan-European coverage. ETIN has agreed a model licence/agreement for the cross-border transmission of accessible copies of works. This model licence/agreement is put forward as a basis for arrangements between potential trusted intermediaries (TIs) and rightholders at national level, based on mutual recognition of TIs within the ETIN network. It is envisaged that ETIN will serve as a contact point and advisory and consultation centre for the cross-border transmission and supply of accessible copies of works.

Further information, including the (i) [ETIN Licence/Agreement](#), the (ii) [ETIN Accreditation](#), the (iii) [ETIN By-laws](#), and an (iv) [ETIN – TIGAR Information note](#), is available on the [European Commission’s website](#).

To help RROs in assisting authors and publishers in providing appropriate access to their works, the IFRRO Board has approved the following documents: (i) a Mandate for Alternate Format Licensing, (ii) an Accessible Copies Licence, (iii) an Annex to Agreements between RROs, and (iv) a Template for Seeking an Accessible Copies Licence. All these documents are available on the IFRRO website: <http://www.ifrro.org/content/resources-visually-impaired-persons-vips>.

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EU affairs

Copyright is engine for diversity, creativity and innovation, says Commissioner Barnier

In an address to the CEPS Digital Forum Taskforce on Copyright in the EU Digital Single Market, European Union Commissioner for the single market, Michel Barnier, spelled out the role that copyright has to play in meeting the challenges and opportunities of the digital age. The Commission is looking for the optimum balance between the widest possible access, fair

remuneration of creators, sufficient incentives to invest in creation and legal certainty for content distribution.

The Commissioner called for a more rational debate and a frank exchange of views. He said that copyright must be an enabler in support of creation and innovation, giving access to quality content across border and fostering investment in the European economy, freedom of information and cultural diversity. He specified four goals for a copyright framework to achieve: to facilitate access to cultural heritage, to make more content available to more citizens across borders, to provide the right incentives to creators and investors in creativity and to be enforceable. He recognised the role of collective management and made it “crystal clear” that he “did not share the view of those that think copyright protection should be weakened so others can develop new commercial services free of cost. This would simply amount to legislating for free-riding: shifting wealth from the content industries – many of which are based in Europe creating jobs and paying taxes here – to other industries”. “This cannot be right,” he said.

Solutions are in the hands of main actors in the market, according to the Commissioner, and would need the engagement all parties in the process in a spirit of partnership.

Click here for the [full text of the speech](#).

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IFRRO Member News

Creative Industries Drive Momentum to Streamline Copyright Licensing in the Digital Age: PLS comments

Representatives of the publishing, music, images, audio-visual and other creative sectors have joined forces to take forward Richard Hooper’s recommendations in his report, *Copyright Works*, published in July of this year. Steps to implement recommendations from the report will focus on streamlining copyright licensing for the digital age, making it easier for users to access rights and services lawfully and so ensuring that creators are rewarded when their works are used. In line with the recommendations the creative sectors have seized the initiative to follow up on the report and have already committed funding to enable this project to progress. Click here for [full press release](#)

Commenting on the steps being taken by representatives of the creative industries to implement Richard Hooper’s recommendations in his report, *Copyright Works*¹, to streamline copyright licensing for the digital age, Sarah Faulder, Chief Executive of the Publishers Licensing Society (PLS) said:

“Richard’s Hooper’s proposed Copyright Hub promises to ease copyright licensing for the benefit of users and right holders alike. This is a very significant project which has attracted widespread support from the creative industries. I am delighted that PLS has been able to play a role in harnessing the industry’s enthusiasm for taking it forward.”

Click here for copy of [Copyright works: Streamlining copyright licensing for the digital age](#). An independent report by Richard Hooper CBE and Dr Ros Lynch, July 2012, IPO.

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