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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:

[PDLN Newsletter No 14](#)

IFRRO

IFRRO pushes for informed debate on EU Copyright Policy

At the initiative of President Barroso, the European Commission held an orientation debate in the College of Commissioners on copyright and content in the digital economy on 5 December 2012. IFRRO and other rightholder groups made inputs into the debate through two papers sent to the Commissioners in which they asked the Commission to adopt a policy to maintain and strengthen an already strong European publishing industry. IFRRO, EWC and FEP sent a joint letter to President Barroso and other Commissioners urging support for DG Internal Market and Services Commissioner Barnier's approach in his Licensing Europe initiative. The European Newspaper Publishers Association (ENPA), the European Magazine Media Association (EMMA), the European Writers Council (EWC), the Federation of European Publishers (FEP) and the Press Database and Licensing Network (PDLN) subsequently joined IFRRO CEO, Olav Stokkmo in detailed comments with concrete proposals for Commission actions. Click here for the [full Stokkmo comments](#).

It is important that the Commission considers appropriately the vital role that authors, publishers and collective management by RROs and other CMOs play in the knowledge value chain. The papers also emphasise the contribution of existing legislation, which may be not sufficiently enforced or understood, and of existing initiatives such as ARROW and LCC, many of which receive EU support.

"This is a vital discussion, which must be based on reliable evidence and not just hear-say," states Stokkmo. "It is important that the Commissioners have all the facts and avoid making decisions which may jeopardize the effectiveness of existing initiatives or call into question national legislation."

The debate in the Commission concluded in agreement on two parallel tracks of action – immediate actions for a stakeholder dialogue in 2013 and medium term issues for decision in 2014. The 2013 stakeholder dialogue will cover six issues: cross-border portability of content; user-generated content; data- and text-mining; private copy levies; access to audiovisual works; and cultural heritage. The discussions will explore "the potential and limits of innovative licensing and technological solutions in making EU copyright law and practice fit for the digital age". By December 2013, the College of Commissioners will assess the outcome of this dialogue.

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RRO News

CLA launches a new mobile app, aiming to educate users of copyright works

A new app by The Copyright Licensing Agency (CLA) makes it possible for copyright users to scan the ISBN code of a book or magazine to find out whether they may legally copy from it under their CLA licence. The CLA Title Search app delivers copyright permissions to users in seconds, explaining how extracts may be used: from sharing them via e-mail to storing them

on a company intranet.

[More from CLA](#)

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Academic licensing takes off in Indonesia

The Indonesian RRO and IFRRO member, YRCI, has announced the signing of five new licenses including one with Indonesia's biggest Islamic university, the Universitas Islam Negeri Syarif Hidayatullah (State Islamic University), which has 30,000 students.

The presence of IFRRO's Regional Development Representative Asia, Paul Wee and the Chair of IFRRO's Asia Pacific Committee, Caroline Morgan, as well as Candra Daruslman of the World Intellectual Property Organisation (WIPO) at the ceremony underlined the legitimacy of the RRO work and demonstrated that it was recognised by the international IP organisations. At the same time licences were signed with four other institutions, including two universities - the Universitas Bina Darma of Palembang in Sumatra and the Universitas Multimedia Nusantara, which had earlier signed an MOU in 2011. Two schools, Sekolah Ora et Labora and Sekolah Global Mandiri, both from Jakarta, were also signatories to the licence agreements. The signing of the licence agreements is a major milestone for YRCI and IPR management in Indonesia, as it is the first for the publishing industry for academic books.

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Court cases

CJEU to consider copyright implications of linking and framing

Does a website operator infringe copyright in a work by providing a link to another website containing that work, or framing through to that work? Does linking and framing constitute a) a communication to the public and/or b) the making of an unauthorised copy?

In the EU, two cases have recently been referred to the CJEU:

Case C-607/11 [ITV Broadcasting](#), a reference from the UK High Court of Justice, seeking clarification as to whether rightholders can prohibit communication to the public of their content via third-party internet stream if that content has previously been authorised for communication via analogue means.

Case C-466/12 [Svensson](#), a reference from the Swedish court of appeal, regarding the infringement of exclusive rights to make copyright-protected work publicly available by a third party subscription search engine. In a nutshell, the Swedish court is asking the CJEU to address the following questions: Does linking constitute communication to the public? Does it matter if the website being linked to imposes restrictions on access on its users? Should there be a legal distinction between linking and framing? And can an EU Member State expand the meaning of "communication to the public" to go beyond Article 3(1) of the Directive 2001/29/EC?

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Persons with Print Disabilities

WIPO SCCR progress on legal instrument for persons with print disabilities

Progress was made at the 25th session of the WIPO SCCR Committee towards adoption of a legal instrument/treaty on appropriate exceptions and limitations for persons with visual impairment and/or print disabilities. The SCCR adopted a draft text, which it recommended to a Special WIPO General Assembly meeting on 17 and 18 December 2012. The Special GA will decide whether to convene a diplomatic conference in 2013 to finalize it. The text went through several iterations during protracted negotiations, which were welcomed by all parties as constructive. IFRRO had indicated its acceptance of a legal instrument in this area in a [statement to the SCCR](#) and had emphasized the importance of abiding by the 3 step test of the Berne Convention and that the making and cross-border transfer of copies or files under an exception should be made subject to there being no copies obtainable through ordinary commercial channels.

Discussions will continue at the SCCR/26 session on exceptions for libraries and archives and there may be a three-day inter-sessional meeting on that issue in the second half of 2013, between the SCCR/26 and SCCR/27 sessions, with the target to submit recommendations to the General Assembly by the SCCR/28 session.

Similarly the SCCR agreed to continue discussions on the provisional working document on limitations and exceptions for educational and research institutions. The 26th session will consider reorganizing the document and the possible identification of issues on which the Committee could focus its text-based work.

The 26th session of the SCCR will take place in July 2013.

Click here for the full [WIPO SCCR/25 conclusions](#)

Click here for all [IFRRO statements to the WIPO SCCR/25](#).

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Regional Cooperation

ARIPO appoints new Director General

At the 36th session of the African Regional Intellectual Property Organization (ARIPO) Administrative Council in Zanzibar, United Republic of Tanzania at the beginning of December, Fernando dos Santos was appointed as the new ARIPO Director General. Fernando dos Santos will serve as DG for a term of 4 years beginning in 2013. He will be taking over from the current ARIPO Director General, Gift Sibanda. Fernando dos Santos is currently Registrar of the Mozambique Industrial Property Institute (IPI).

IFRRO welcomes Fernando dos Santos and looks forward to working with him. We value the cooperation agreement that IFRRO has with ARIPO and we take this opportunity of thanking Gift Sibanda for the excellent and fruitful relationship that we have had over the years.

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IFRRO & NCAC collaborate on Collective Management seminar in China

Around 200 people attended a seminar on “Collective management of copyright in the digital age” organized jointly by IFRRO and the National Copyright Administration of China (NCAC) and held in Hangzhou on 28-29 November. Speakers at the event, supported by the Chinese Written Works Collecting Society (CWWCS), included representatives from many important organizations in China such as the NCAC and CWWCS, as well as contributors from IFRRO and several overseas RROs: Olav Stokkmo from IFRRO, Michael Healy (Copyright Clearance Center, USA), Paul Wee (CLASS, Singapore), Kevin Fitzgerald (Copyright Licensing Agency, UK), and Yngve Slettholm (KOPINOR, Norway).

The seminar was designed to help support the evolution and development of collective management in China and the programme included presentations on the key functions of CMOs both in China and internationally, and the challenges posed by the management of copyright in the digital environment.

[See also article in China Daily](#)

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EU affairs

EC consultation on the efficiency of proceedings and accessibility of measures regarding civil enforcement of IPR

The European Commission has launched a public consultation on the efficiency of proceedings and accessibility of measures used in the context of civil enforcement of intellectual property rights.

The consultation, open until 30 March 2013, aims at gathering specific information, enabling the Commission to conduct a comprehensive assessment of the functionality of civil enforcement systems put in place in EU Member States.

The consultation document and the related questionnaire are available [here](#).

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IFRRO Member News

Striking the right balance between access, fair remuneration and authors’ – EWC 2012 Authors’ Conference

The proceedings of the European Writers’ Council for 2012 Authors’ Rights Conference, which was held in June in Brussels in the European Parliament has just been published. The main topics for discussion were *Highlighting Access for the Benefit of Society: the Role of Writers in the Promotion of Digitisation in the EU*; *Sustaining the Work of Writers in the Digital Age*; *Collective Rights Management: An Authors’ Right?* and *the German Pirate Party Plans for Copyright Reform*

Click [here for the full proceedings](#)

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