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EVENTS:

20 May 2013 [FACT Seminar No.2 Text and Data Mining: International perspectives, licensing and legal aspects](#), London, UK

23 to 24 May 2013 [Annual Conference on European Copyright Law 2013: The Legal Framework in an Exponential Digital Age](#), Trier Germany

4 to 5 June 2013 [World Creators Summit](#), Washington DC, United States

10 to 11 June 2013 [2013 PDLN Conference “The rise of paywalls and media monitoring”](#), Stockholm, Sweden

13 to 14 June 2013 [Conference Future Publishing and Accessibility](#), Copenhagen, Denmark

17 to 28 June 2013 [Diplomatic Conference on a Treaty to facilitate Access to Published Works by Visually Impaired Persons \(VIPs\) and Persons with Print Disabilities](#), Marrakesh, Morocco

15 to 24 July 2013 [WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, \(25th session\)](#), Geneva, Switzerland

29 July to 2 August 2013 [WIPO Standing Committee on Copyright and Related Rights \(26th session\)](#), Geneva, Switzerland

23 September to 2 October 2013 [Assemblies of the Member States of WIPO \(51st series\)](#), Geneva, Switzerland

28 to 30 October 2013 [IFRRO World Congress 2013](#), Istanbul, Turkey

18 to 22 November 2013 [WIPO Committee on Development and Intellectual Property \(12th session\)](#), Geneva, Switzerland

16 to 20 December 2013 [WIPO Standing Committee on Copyright and Related Rights \(27th session\)](#), Geneva, Switzerland

LINKS TO OTHER NEWS:

[Access Copyright Newsletter for Creator Affiliates – March 2013](#)

[Access Copyright Newsletter for Publisher Affiliates – March 2013](#)

[IPA Newsletter](#)

[PDLN Newsletter No 16](#)

[EDItEUR Newsletter](#)

IFRRO

IFRRO position on the EU Presidency's compromise proposal for a CRM Directive

IFRRO issued a position statement on EU Presidency's compromise proposal for a European Parliament and Council Directive on Collective Rights Management (CRM) recognising it as a clear improvement on the original but nevertheless raising some concerns.

IFRRO welcomed a number of changes including the replacement of "collecting society" by "collective management organisations" (CMO) throughout the document, which has long been requested by IFRRO, the fact that more decisions are now left to be decided by the Member States (thus better ensuring the principles of subsidiarity) and the recognition that the different models under which RROs operate are compatible with the Directive. We also welcome the specification that dispute resolution mechanisms may be used by both CMOs and users

However objections were also made, among others, to the too detailed and ambiguous set of criteria for tariff setting; the high level criteria on fairness combined with appropriate dispute resolution settlement mechanisms should be sufficient. It is also necessary that the Directive recognises the validity of legal license model and of the remuneration right, and, most importantly, that the definition of a CMO is drafted in way that it excludes publishers and publishing activities from the scope of the Directive. Also, the reference to the Service Directive should be deleted. Finally IFRRO drew attention to various areas of the Directive that needed further clarification including whether the Directive addresses adequately the right of rightholders to establish distribution rules and plans, including the split of the revenue between authors and publishers, within the framework of the national CMO and limits set by national legislation.

The full text of the position paper can be found [here](#).

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IFRRO welcomes 2 new members

At its meeting in Dublin on 13 March, the IFRRO Board approved the applications of two new members - BURIDA (Bureau Ivoirien du Droit D'Auteur) and SOFAM, the visual rights CMO from Belgium

[BURIDA](#) is the multi-disciplinary CMO approved by the authorities in Côte d'Ivoire, also to act as the national RRO. It acts on the basis of a legal presumption. It has the support of relevant rightholder organisations, as well as individual authors and publishers and has already started to licence. BURIDA has been approved as a Provisional RRO member.

[SOFAM](#) is the Belgian Visual CMO, which was established in 1979 to respond to the specific needs of creators in the visual arts sector. It cooperates and has signed bilateral agreements with a number of Visual CMOs in membership of IFRRO and has also previously held IFRRO membership itself. SOFAM is approved as a Creator and Publisher Association member.

The addition of BURIDA and SOFAM brings the IFRRO membership to 140 members of which 86 are RROs.

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IFRRO participates in unique industry collaboration launches new rights model to improve legal access to online content

The [Linked Content Coalition](#), an industry coalition of rightholder representatives (including IFRRO) and users, has announced the creation of an innovative technical Framework to make it possible to manage and access online rights information seamlessly across all types of media and content, whether text, image, sound or audio-visual. The aim of the LCC is, that through interoperability, the use of existing open standards, such as the International Standard Text Identifier (ISTC) and the International Standard Name Identifier (ISNI) and commonality in the area of rights management, to produce a cross-media framework enabling businesses and individuals to manage and communicate their rights more effectively online.

The LCC Framework, which includes the innovative Rights Reference Model (RRM) together with radical Best Practice Principles for using identifiers and communicating information about rights through supply chains, is now available for peer review. It is also being tested in a project co-funded by the European Commission called Rights Data Integration (RDI), due to start in May.

IFRRO has been represented on the Board of LCC by its CEO, Olav Stokkmo and several of its members have been involved as partners. IFRRO has also been active in the various Work Streams (WS) on Governance, Business/use cases, Identifiers, Messaging, and Semantic and Interface.

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

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RRO News

CEDRO wins a case against university (UAB) for illegal digital uses

CEDRO, IFRRO's Spanish member, has recently won a case for infringement of intellectual property rights on its virtual campus against the "Universitat Autònoma de Barcelona" (UAB). This court decision is the first of its type in Spain.

The ruling states that UAB digitized and made available to the public protected works without authorization on its virtual campus, and so "infringes intellectual property rights." The judge has directed UAB to "immediately cease and refrain from any future act of scanning or digitization, reproduction and making available on its digital platforms, virtual learning environment or intranets, any copyrighted intellectual works in CEDRO's repertoire".

The ruling also obliges UAB to "withdraw in no more than 15 days, and by appropriate means erase all existing files and digital content in its virtual campus or equivalent communication network, containing works in whole or in part, belonging to the repertoire of CEDRO which

have been made available to students on the network without authorization from CEDRO and / or its owners".

The Decision sets out a compensation for the damages caused to authors and publishers due to the illegal use of works belonging to CEDRO's repertoire without the compulsory authorization. Finally, the university will have to publish the decision of the judgment in two national newspapers and on its website.

CEDRO has also filed two lawsuits against two other Spanish universities, that are still pending.

Olav Stokkmo, IFRRO's CEO, congratulates CEDRO on the result of this important court case, which confirms that that reproduction, making available or distribution of educational material clearly requires the agreement with the rightholders concerned or a RRO. The decision also reflects the spirit of the article 27 of the Declaration of Human Rights on the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production. "Reproduction Rights Organisations such as CEDRO, play a vital role in ensuring that high value educational material can be shared with educational institutions but it cannot be at the expense of the rights of the creators and publishers", he said. "RROs support access by acting as intermediaries between rightholders and users," he added.

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Indian Educational Institutions sign licenses with IRRO

As the Indian copyshop dispute wends its way through the courts, the Indian RRO (IRRO) is working to facilitate solutions for academic copying by negotiating licenses with Indian educational institutions.

Over the past couple of months IRRO has approached over 400 colleges, offering them a license to legalise their copying activities. As a result licenses are being signed with Aligarh Muslim University, IIM Ahmedabad, Kolkata-based Indian Statistical Institute and the Delhi-based Jamia Milia Islamia.

IFRRO has been supporting IRRO in its efforts to provide innovative access for India's educational establishments and IFRRO CEO, Olav Stokkmo, is extensively quoted in a recent article in the [Economic Times](#).

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CLA legal action forces UK city council to take copyright licence

Following legal action taken by The Copyright Licensing Agency Ltd (CLA), one of Britain's largest city councils has accepted that it needs a copyright licence. Brighton and Hove City Council has agreed to pay CLA an undisclosed sum to cover legal costs and retrospective licence fees as well as agreeing to take a CLA Licence for the future.

Lawyers acting for the Council had originally told CLA that it was not at risk of copyright infringement as it operated a 'no copying' policy, but evidence gathered by CLA showed that the policy had not worked and infringement was taking place.

A CLA licence is normally required by businesses or public sector organisations to allow reproduction of electronic or online publications, copying and emailing of press cuttings and articles or photocopying and scanning from print books, journals or magazines. Failure to

obtain the appropriate permission leaves an organisation open to legal action from CLA.
[Click here for full press release](#)
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Court cases

NLA v. Meltwater: UK Supreme Court refers temporary copies issue to the CJEU

On 17 April 2013, the UK Supreme Court [held](#) that it will refer to the EU Court of Justice (CJEU) the NLA v. Meltwater case relating to 'temporary copies'.

The Supreme Court considered whether a Meltwater service, in which the end user opened articles on a publisher site, might fall within the temporary copies exception. The decision contains a thorough analysis of the temporary copies exception contained in Article 5.1 of the Information Society Directive 2001/29/EC (EUCD) and previous CJEU case law, and sets out the conclusions that it reaches on the effect of the EUCD as the CJEU has interpreted and applied to date.

The case followed an appeal on this specific technical aspect of the NLA v. Meltwater UK Court of Appeal judgment in 2011; all other issues decided in the NLA's favour remain unaffected. Both the [UK High Court](#) and the [UK Court of Appeal](#) had held that users of Meltwater's news aggregation service need a licence from the NLA in order to receive and read Meltwater news snippets.

Olav Stokkmo, Chief Executive of IFRRO, commented:

“We welcome the fact that core NLA principles have been upheld by the UK Supreme Court – paid-for web monitoring services using rightholders’ content require copyright licences and remuneration for rightholders. We are looking forward to receiving further clarification by the CJEU on the ‘temporary copies’ exception. The provision of easy, legal access to copyright creative works, protects both the users and content creators.”

The UK Supreme Court's judgment is [here](#). See also NLA's press statement on its [blog](#).
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General Court of the EU partially annuls Commission decision in CISAC v. European Commission

On 12 April 2013, the General Court (Sixth Chamber) of the European Union ruled in [Case T 442/08](#), International Confederation of Societies of Authors and Composers (CISAC), supported by European Broadcasting Union (EBU) v. European Commission.

The General Court partially annulled the Commission's decision (Case COMP/C2/38.698 – CISAC), which found anti-competitive conduct on the part of collective management organisations (CMOs). By its decision of 16 July 2008 (under the then Article 81 EC Treaty and Article 53 of the EEA Agreement), the Commission prohibited 24 European CMOs from restricting competition, in particular by limiting their ability to offer their services to authors and commercial users outside their domestic territory .

In a nutshell, the General Court now annulled, for CISAC and for 20 of the CMOs concerned, the Commission's decision in respect of the finding of a concerted practice to restrict competition; it considered that the Commission did not provide sufficient evidence in this regard. However, the General Court rejected the applications in so far as they sought the annulment of the Commission decision in respect of the membership and exclusivity clauses.

The case could be appealed to the EU Court of Justice (CJEU).

Sources: [Case T 442/08](#); and Curia [media release](#).

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Canadian Federal Court of Appeal Decides in Favour of Writers and Publishers in "Crown Immunity" Decision

On 3 April 2013, the Federal Court of Appeal released its decision on the "Crown immunity" argument raised by the objectors in the Provincial and Territorial Governments Tariff. The decision was in Access Copyright's favour.

This is a positive turn of events - especially given the pressures writing and publishing is facing in Canada with regard to the overly broad and damaging interpretations of fair dealing of some Canadian educational institutions.

Click here for [full press release](#)

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European Court of Human Rights rejects appeal of Pirate Bay founders

In a judgment delivered on 13 March 2013, the European Court of Human Rights (ECHR) rejected the appeal of Pirate Bay founders Fredrik Neij and Peter Sunde Kolmisoppi, who had asked the ECHR to declare the rulings of the Swedish courts against their operation of the file-sharing service Pirate Bay a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.

In its final [decision](#) in Neij and Sunde Kolmisoppi v Sweden, the ECHR unanimously ruled that Pirate bay co-founders' criminal conviction for assisting copyright infringement on the Internet was justified.

More specifically, the ECHR held that sharing, or allowing others to share, files on the Internet, even copyright-protected material and for profit-making purposes, was covered by the right to "receive and impart information" under Article 10 of the European Convention on Human Rights. However, the ECHR considered that the Swedish courts had rightly balanced the competing interests at stake (the right of the applicants to receive and impart information and the necessity to protect copyright). The ECHR therefore rejected their application as manifestly ill-founded.

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Legislation

German cabinet passed legislative proposal on orphan and out-of-commerce works

On 10 April 2013, the German cabinet passed the legislative proposal on orphan and out-of-commerce works.

Among other things, the aim of the law revision is to implement Directive 2012/28/EU of 25 October 2012 on certain permitted uses for orphan works, and to introduce a collective management-based system for out-of-commerce works, to implement the EC facilitated Memorandum of Understanding (MoU) signed by IFRRO and 9 European authors', publishers' and library organizations on the digitization and making available of such [works](#). The RROs concerned are the IFRRO members VG Wort (for text) and VG Bild-Kunst (for images).

The German government also includes draft provisions for authors of scientific publications which have been financed at least to an amount of 50% by publicly funded means. Authors will have the opportunity to re-publish their articles after a 12 months deadline following the first publication, provided that it is for a non-commercial purpose.

The press release by the German Federal Ministry of Justice (in German) is [here](#).

The legislative proposal (in German) is [here](#).

More information can be found [here](#).

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German Parliament passed law to protect news snippets from republishing

An update to German copyright law, providing for an auxiliary protection for tiny extracts from press articles, has been passed by the German Upper House ("Bundesrat"). The enactment of a related right to copyright will ask commercial aggregators to pay publishers for the use of headlines and extracts of news articles. Internet platforms will require a licence for the use of publishers' content, except for "single words" or "minimal extracts".

The Bundesrat's statement, with a link to the amendments, is [here](#) (in German).

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WIPO

IFRRO Participation in WIPO SCCR Special Sessions on Exceptions and Limitations for Persons with Print Disabilities

The WIPO SCCR met in special sessions from 18-22 February and then again from 18-20 April in the run-up to a diplomatic conference to be held in Morocco from 17-28 June 2013.

The SCCR adopted a revised "Draft text of an international instrument/treaty on limitations and exceptions for visually impaired persons/persons with print disabilities". IFRRO, in its [statement](#) on 20 February, reiterated the importance of the "three-step test" and that exceptions in favour of the print disabled should be made subject to copies not being commercially available.

The Chair's Conclusions are available [here](#) and [here](#)
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IFRRO Member News

Dutch Royal Library signs agreement with IFRRO members Pictoright and Lira to provide access to cultural heritage

The Dutch Royal Library is collaborating with the IFRRO members Stichting Pictoright and Stichting Lira to launch a website aiming at making content from magazines dating from 1850 to 1940 available to the public (<http://tijdschriften.kb.nl/>).

More specifically, the Royal Library obtained a licence to provide free online access to articles and illustrations of magazines. Under the licence, other institutions besides the Royal Library are also allowed to share the provided materials for information or research purposes. The spirit of the agreement reflects the plans of the EU to encourage copyright solutions for public online access to cultural heritage, while respecting the interests of rightholders, and shows how collective management organisations and libraries find joint solutions for making content available online.

The joint press release (in Dutch) is [here](#).
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SAVA's New Face

SAVA- Argentina's visual artists' CMO in membership of IFRRO has presented a new face and made a number of changes to attract and familiarize the local artistic community with the world of copyright protection and the benefits of being part of a collective management society.

Along with a new image which includes a fresher logo and a slogan ("Valuing culture, protecting your rights"), SAVA has improved its communicational tools by producing informational pieces aimed at different audiences. Artists, users, recent members- each has their own concerns, so each of them will now receive material specially developed for them.

The declared aim of the redesign is to make it easier for members to assign mandates and to make them more user-friendly. Among other things, SAVA is now giving the opportunity for members applying for membership to choose which rights they want to have managed. This way, SAVA adapt to the needs of each individual, who will now have the freedom of conferring the administration of all of their rights, or just secondary rights or the resale right, according to their needs.

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Standards

ISNI International Agency reelects Olav Stokkmo as Chairman

At the ISNI-IA Board meeting in London yesterday, IFRRO CEO, Olav Stokkmo was unanimously re-elected as Chairman. Stokkmo had taken the Chairmanship initially for a one year period in April 2012 but agreed to extend his tenure for a further year. "This has been an exciting year," he said, "during which we have seen the ISNI database expand to over 6.6 million names covering the whole range of creative activity from literature, newspapers, film, audio and research gleaned from a large number of sources including CMOs, Libraries and Research databases. I look forward to seeing the growth of the practical implementation of ISNIs in the coming year."

The ISNI founding members are IFRRO, CISAC, SCAPR, CENL, OCLC, and ProQuest.

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NISO endorses ISNI as standard Institutional Identifier

The National Information Standards Organization (NISO) has endorsed the use of the International Standard Name Identifier (ISNI) in its recently announced Recommended Practice: Institutional Identification: Identifying Organizations in the Information Supply Chain.

NISO is a not-for-profit association accredited by the American National Standards Institute (ANSI), which fosters the development and maintenance of standards that facilitate the creation, persistent management, and effective interchange of information, in conjunction libraries, publishers, information aggregators, and other organizations that support learning, research, and scholarship. In 2008 it established its Institutional Identifier (I²) Working Group to define the requirements for a standard identifier for institutional identification in the supply chain. The I² group developed a minimum set of metadata elements to identify institutions engaged in a digital information workflow and then established a number of representative use cases to validate them. Finally I² compared four existing identifier standards against its requirements and found that only ISNI supported all the core requirements for the I² standard.

"As the Secretariat for the ISO committee responsible for the ISNI standard, NISO was very supportive of using the ISNI for institutions rather than creating a new standard and infrastructure," states Todd Carpenter, NISO's Executive Director. "The ISNI-RA has already appointed two Registration Agencies—Ringgold and Bowker—who can register ISNIs for institutions."

Click here for [full press report](#) and for full [Recommendation](#)

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