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EVENTS:

3-4 March 2014 [The 5th Annual Internet of Things European Summit: Shaping tomorrow's European Internet landscape](#), Brussels, Belgium

28 April to 2 May 2014 [WIPO Standing Committee on Copyright and Related Rights \(27th session\)](#), Geneva, Switzerland

2-3 June 2014 [PDLN Conference](#), Madrid Spain

4 June 2014 [IFRRO European Group meeting](#), Athens, Greece

6 June 2014 [EU Greek Presidency conference on Intellectual Property and Digital Agenda in Europe](#), Athens, Greece

21-25 July 2014 [WIPO Standing Committee on Copyright and Related Rights \(28th session\)](#), Geneva, Switzerland

4-6 August 2014 [International Federation of Translators \(FIT\) Open Congress - Man vs. Machine](#), Berlin, Germany

8-12 December 2014 [WIPO Standing Committee on Copyright and Related Rights \(29th session\)](#), Geneva, Switzerland

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IFRRO

IFRRO makes submission to UK Public Consultation “Copyright works: Seeking the lost”

The UK Government launched a consultation on draft secondary legislation for both the UK orphan works licensing scheme and the transposition of the EU Directive on certain permitted uses of orphan works (2012/28/EU). Full details of the consultation can be found at: <http://www.ipo.gov.uk/pro-policy/consult/consult-live/consult-2014-lost.htm>

IFRRO’s complete comments to the UK consultation are available here ([attached](#))

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EU Affairs

Adoption of the EU CRM Directive by the Council of the European Union

On 20 February 2014, the Council of the European Union formally adopted the [new EU Directive](#) "on collective management of copyright related rights and multi-territorial licensing of rights in musical works for online uses in the internal market". The adoption by the Council followed a vote in the European Parliament on 4 February 2014.

The Council’s official press release is available [here](#).

EU Member States will have to incorporate the new provisions into domestic law within 24 months after the entry into force of the Directive, i.e. on the twentieth day following its publication in the Official Journal of the European Union.

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European Parliament adopts report on private copying levies

The European Parliament has adopted the report on private copying levies drafted by MEP Françoise Castex, two weeks after its adoption by the Legal Affairs Committee. The report will not be legally binding for the Member States but it will contribute to the debate on copyright and express the opinion of MEPs on private copying levies.

It was confirmed during the discussions preceding the vote that the report is limited to private copying levies and does not relate to reprography levies. Olav Stokkmo, CEO of IFRRO, acknowledged that “the European Parliament has decided to limit the report to private copying levies, leaving reprography levies outside the scope”. He then added: “we are satisfied with the report as a whole and the constructive spirit that has prevailed during this parliamentary term towards copyright-related issues”.

[Click here for more information on the procedure.](#)

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CJEU decides that territorial monopoly of CMOs is compatible with freedom to provide services

On 27 February 2014, the Court of Justice of the European Union (CJEU) delivered its [judgment](#) in Case C-351/12 Ochranný svaz autorský pro práva k dílům hudebním o.s. (OSA) v Léčebné lázně Mariánské Lázně a.s., in which it held that the EU Directive 2001/29/EC does not exempt a spa from the payment of fees where it transmits protected works to its guests, and that – as EU law stands at present – the territorial monopoly granted to collective management organisations (CMOs) is compatible with the freedom to provide services.

The CJEU's main findings are the following:

- The territorial monopoly granted to the CMO in question constitutes a restriction on the freedom to provide services inasmuch as it does not allow users of protected works to choose the services of a CMO established in another EU Member State. However, the restriction is justified, since that system is appropriate and necessary for attaining the objective of the effective management of intellectual property rights. As EU law stands at present, there is no other method allowing the same level of copyright protection. Hence, the monopoly granted by the national legislation to the CMO is compatible with the freedom to provide services; generally, Article 16 of Directive 2006/123/EC and Articles 56 TFEU and 102 TFEU must be interpreted as not precluding national legislation which grants a monopoly position to CMOs.
- The CJEU notes, however, that the imposition by a national CMO of fees which are appreciably higher than those charged in other EU Member States or the imposition of prices which are excessive in relation to the economic value of the service provided is indicative of an abuse of a dominant position (cf. Article 102 TFEU). Nevertheless, it is for the national court to examine whether such a situation exists in the present case.

The official CJEU press release is available [here](#). We reported about the Advocate General's Opinion [here](#).

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RRO News

Bonus Presskopia becomes Bonus Copyright Access

The Swedish RRO has recently rebranded its logo and changed its name. Changes in Bonus Copyright Access (previously known as Bonus Presskopia) include new email addresses, which can be adapted from the old ones by using the [rules](#) set out on the [Bonus Copyright site](#).

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Swedish RRO Bonus Copyright Access and Association of Swedish Higher Education sign new licence agreement

Since January 2014, there is a new licence agreement between the Swedish RRO, Bonus Copyright Access and SUHF (The Association of Swedish Higher Education). The new agreement increases the possibilities for both students and teachers to copy and share copyright protected material both in paper and electronic forms.

More information is available [here](#).

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Carlos III University signs agreement with CEDRO for digital uses of copyrighted material

The University Carlos III of Madrid signed in February a license for digital uses for CEDRO's repertoire. This will allow the professors and students of the University to reuse legally works in the digital environment.

In 2012, CEDRO filed a lawsuit against the University, one of the most important and prestigious Spanish educational institutions in the Social, Legal and Humanities arenas, because it was making digital uses of CEDRO's repertoire without the necessary license. With the signing of this agreement, the case is closed.

There are two other legal proceedings filed by CEDRO against two other Spanish universities that are still pending.

Olav Stokkmo, CEO of IFRRO, congratulated the University, their students and employees, as well as CEDRO and copyright holders for this achievement, which will benefit all as the only reliable way to seamless legal access to educational and other copyright material is through agreements directly with authors and publishers supported by collective rights management by RROs.

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Development

Creation of a RRO in Serbia

A RRO has been created in Serbia on 25 February 2014. Founding members are the Publishers and Booksellers Association of Serbia, the Novelists Association of Serbia, the Literary Society of Serbia, the Literary Translators Association of Serbia and the Association of Scientific and Technical Translators of Serbia.

The foundation event in Belgrade was attended by authors and publishers, the Serbian Intellectual Property Office, the Ministry of Education and Science, representatives of the Chamber of Commerce as well as journalists and received significant media coverage. The next step for the Serbian RRO is to be formally registered and to gather as many authors and publishers as possible in its membership.

IFRRO's CEO Olav Stokkmo welcomed the Serbian RRO into the family of RROs in more than 90 countries worldwide. This important achievement by the Serbian authors and publishers benefits both the copyright holders of text and image works in and outside Serbia, as well as users of copyright material, who will now be able to use fragments of copyright works for internal, including educational use legally. IFRRO is looking forward to working with the new RRO and assist them in becoming successful in serving the Serbian user and rightholder communities.

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Legislation

French Constitutional Council upholds French Law on out-of-commerce books

On 28 February 2014, the highest Constitutional authority in France confirmed that Law 2012-287 allowing for the digitisation and making available of protected out-of-commerce books is consistent with the French Constitution.

The Law provides for the creation of a public database where out-of-commerce books – defined as books published in France before the 1st of January 2001 that are no longer being marketed or published in printed or electronic form – will be recorded. It also enables a collective management organisation approved by the Ministry of Culture to manage the right of reproduction and making available of out-of-print books in electronic form six months after the books have been added to the database.

The ReLIRE registrar and project were launched shortly after the law was passed and have given the public access to thousands of books so far. IFRRO's member Sofia has taken part in the project since it started and was approved by the Ministry of Culture as the collective management organisation that offers licences and remunerates rightholders.

In its decision, the Constitutional Council ruled that the legal provisions, which had been challenged, support the general interest by providing access to out-of-commerce books to the public while ensuring remuneration to rightholders. It also indicated that none of these provisions were in contradiction with the author's rights since the author has a possibility to withdraw his work from the registrar, and as the law has no effect on the author's right to exploit his works under other formats than digital.

The decision is available [here](#), and you may find [here](#) a press statement released by Sofia (both in French).

See also IFRRO's website on the [German out-of-commerce works project](#), the [Norwegian Bookshelf](#), and the [IFRRO digital libraries](#) and [out-of-commerce MoU resource pool](#) pages.
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Intellectual Property Act reform submitted to Spanish Parliament

On 21 February 2014 the Spanish Government published its proposal for the reform of the Spanish Intellectual Property Act and submitted it to the Spanish Parliament. It is likely to become law in the autumn of 2014.

The main issues for CEDRO's authors and publishers are:

Education. The scope of the current exception for illustration for teaching (small excerpts) is made broader, because it would now include certain digital uses. There is no kind of remuneration for these uses foreseen in the proposal.

Besides, the text sets up a new kind of legal license but only for the university level. According to this legal license, on one hand, universities could make several uses (both photocopying and digitizing) of bigger fragments of books and periodicals. On the other hand, they will have to pay a remuneration to authors and publishers through the corresponding RROs.

Private Copy Levy. The concept would be reduced to the minimum, so that the damage to be compensated would be extremely small. From 1 January 2012 compensation has been paid out of Public Funds.

Digital Piracy. The text takes into account the possibility to act against web pages linking to other websites where illegal copies of protected works can be obtained. The functions of the Second Section of the Intellectual Property Commission, the public body in charge of managing these actions, are strengthened on this issue. Besides, according to the reform a rightholder or a CM, before filing a legal action, would be able to request the Court for a preliminary order to get the infringer's identification.

Collective Management Organizations. The reform includes a "one stop shop" to be created by all the CMOs . But the profile of this one stop shop is not clearly defined yet. The Second Section of the Intellectual Property Commission will be the key body to control many aspects of the CMOs, including the setting of tariffs.

Press. Content providers using "non significant" fragments of content published in newspapers, magazines, periodicals or periodically updated websites will have to pay compensation to publishers and other rightholders. Payment will be made through the corresponding CMOs.

Orphan Works. The European Orphan Works Directive is partially transposed. The proposal refers to later regulations on key issues for law enforcement.

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European Commission announces review of conflicting laws and jurisdictions that apply online

In its Communication on "Internet Policy and Governance", the European Commission (EC) addresses several aspects with respect to Internet policy and governance.

Inter alia, the EC announces that it will launch an "in-depth review" of the risks present in conflicting laws and jurisdictions that apply online (cf. chapter 8, pages 10-11). The result might lead to possible legislative initiatives or additional guidelines, subject to impact assessments.

The Communication further states that the EC has identified "a number of contradictory legal decisions" that have been applied in an online setting and concludes that the review of risks presented by conflicting laws and jurisdictions is merited due to the "sheer quantity of cross-border transactions of various types which take place online".

Also, at the international level, rules to address conflicting laws and jurisdictions are "insufficiently developed, leading to unsolved conflicts of laws beyond the Union", in particular for online industries that are "cross-border in nature, such as cloud-computing services".

The Communication is available [here](#).

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Australian Law Reform Committee (ALRC) Report tabled in the Australian Parliament

The report by the Australian Law Reform Commission (ALRC) with respect to the adequacy and appropriateness of Australia's current copyright exceptions/limitations and statutory licences was tabled on 13 February 2014. It is the result of an 18-month inquiry and contains 30 recommendations for reform.

The full 478 page report is [available here](#) and a [summary here](#). IFRRO also made a [submission on ALRC's first report](#).

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National Initiatives

UK IPO publishes its first user guide to copyright

The UK Intellectual Property Office (IPO) has published a “user guide” to copyright, which focuses on digital images, photographs and the Internet.

The Guide can be found at <http://www.ipo.gov.uk/c-notice-201401.pdf> and the UK IPO's press release is available [here](#).

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WIPO

WIPO mandated Max Planck Institute Report on "Copyright, Competition and Development is published

In December 2013 the Max Planck Institute for Intellectual Property and Competition Law, Munich published its report on “Copyright, Competition and Development”, which was mandated by WIPO in 2012. The report analyses the practice of competition law jurisdictions on copyright-related markets around the world.

In its general conclusions, the report states, *inter alia*, that it is hoped that the report can provide incentives for the future work agenda for WIPO, and infers from its results that “the most appropriate regulation of collective rights management may appear as a most appropriate candidate for the future work agenda of WIPO”. Finally, the report concludes that more work on integrated approaches to regulating collective rights management, taking into account both copyright law and competition law, seems to be needed.

The full report is available [here](#).

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Standards

BnF is first national library in the world to become an ISNI Registration Agency

From January 2014 the Bibliothèque nationale de France (BnF) has been appointed as an ISNI Registration Agency by the ISNI International Agency (ISNI-IA). The BnF has been active in establishing the ISNI standard and is the first national library in the world to commit to being a Registration Agency.

Olav Stokkmo, Chair of the ISNI-IA and CEO of IFRRO, has welcomed the appointment and looks forward to BnF's continued role in serving French authors and publishers by disseminating ISTCs.

[For the full Press release click here.](#)

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