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EVENTS:

14 May 2014, [L'Événement Magazine 2014](#), Paris France

15-16 May 2014 [ERA conference on European Copyright Law](#), Trier Germany

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

30 June-4 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

22-23 August 2014 [Satellite Conference IFLA's WLIC 2014: eBooks for everyone! An opportunity for more inclusive libraries](#), Paris France

27-30 October 2014 [IFRRO World Congress](#), Seoul, Korea

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

24-26 March 2015 [30th IPA Congress](#), Bangkok, Thailand

LINKS TO OTHER NEWS:

[PDLN Newsletter April 2014](#)

[IPA Newsletter April 2014](#)

IFRRO

IFRRO World Congress and AGM 2014 in Seoul (Korea)

On 29 April, the invitation to attend the IFRRO World Congress and AGM in Seoul was sent out to our members. The event will take place on 27-30 October at the Conrad Seoul Hotel and the overall theme of the event is *Collective management – Sharing knowledge*. IFRRO is expecting to gather some 200 participants between delegates and external guests to discuss relevant copyright related topics during several meetings taking place that week. A specially relevant meeting will be the IFRRO Business Models Forum and International seminar on *Digital: What we depend on – deserve – and demand in our information environment*, which is also an open event and not only for the IFRRO members.

The deadline for FRRO members to register for the IWC 2014 and to book accommodation is 31st of July.

Further information on the event is available on the special [IWC website](#) that KORRA prepared for the event, and for IFRRO members on the IFRRO [Members Only](#).

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IFRRO CEO signs open letter urging EU to ensure that WIPO sticks to balanced mandate for copyright framework.

In an open letter to the European Commission, Council of the European Union and Members of the European Parliament, 18 copyright holders' organisations at international, regional and national level ask the European Union and its Member States to join them in requesting that WIPO's Standing Committee on Copyright and Related Rights (SCCR) clarifies its mandate before committing to any further work with regard to copyright limitations and exceptions.

The letter, which is signed by IFRRO's CEO, Olav Stokkmo, on behalf of the 18 organisations argues that preferred approach should be to undertake an exchange of national experiences and technical cooperation based on the existing international copyright framework, which would also allow for appropriate and balanced copyright limitations and exceptions.

The 18 signatory organisations are: Australian Copyright Council (ACC), CISAC (Confédération Internationale des Sociétés d'Auteurs et Compositeurs), European Visual Artists (EVA), European Writers Council (EWC), FIA (International Federation of Actors), Federation of European Publishers (FEP), GESAC (European Grouping of Societies of Authors and Composers), IFRRO (International Federation of Reproduction Rights Organisations), IFPI representing the recording industry worldwide, International Confederation of Music Publishers (ICMP), International Federation of Film Producers Associations (FIAPF), International Federation of Journalists (IFJ), International Federation of Musicians (FIM), International Publishers Association (IPA), International Video Federation (IVF), Motion Picture Association (MPA), International Association of Scientific, Technical and Medical publishers (STM), UNI Global Union – Media, Entertainment and Arts (UNI MEI).

[Click here for the full text](#)

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IFRRO side event at the 27th SCCR WIPO meetings in Geneva

Digitisation and making available cultural heritage is increasingly on the agenda of governments and libraries around the world. On 1 May, in conjunction with the 27th meeting of the WIPO Standing Committee on Copyright and Related Rights (SCCR), IFRRO organised an event on Digitisation and making available cultural heritage, with a main focus on solutions for Orphan Works and Out-of-Commerce Works. The purpose was to demonstrate to the SCCR delegates successful practices on making cultural heritage available to the public through collaboration between libraries, authors and publishers, and collective rights management and licensing by RROs.

The well attended event was introduced by the IFRRO President, Rainer Just, and moderated by the IFRRO CEO, Olav Stokkmo. It included presentations of the orphan works solution in Korea by Professor Hong Taek Chung, the President of KORRA, the Korean RRO, and of the EU Orphan Works Directive by Damian Schai of STM.

EVA's Secretary General, Carola Streul, introduced the EC facilitated stakeholder Memorandum of Understanding (MoU) on out-of-commerce books, whilst the head of the French National Library's RELire project, Juliette Dutour and SOFIA's Christian Roblin presented the French initiative to digitise and make available out-of-commerce works published in France before 2001, and Dr. Elisabeth Niggemann, the German National Library's DG, the project to make available out-of-commerce works published in Germany before 1966. Both projects implement the EC facilitated MoU and are based on voluntary collective licensing.

Paola Mazzucchi concluded the presentation by demonstrating ARROW, the stakeholder developed electronic tool for rights information management that has allowed libraries to save up to 97.5% of the time and, presumably, costs involved in the search for information on authors, publishers, works and rights status, compared to the more cumbersome manual search for rights information.

All presentations given during the event are available [here](#).

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RRO News

Death of IRRO Treasurer Shakti Malik

IFRRO is sad to announce the death, after a long illness, of Shakti Malik, Treasurer of the Indian Reproduction Rights Organisation, IRRO. Our condolences are sent to his family.

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Historic TTRRO First Licence

The Trinidad and Tobago Reproduction Rights Organisation has just signed its first license with the Ministry of Legal Affairs 11 years after its incorporation.



Mr. Maximay, Left and Hon. Prakash Ramadhar addressing the audience at the signing ceremony (Photo credit Richard Aching)

The License was signed by Mr. Steve Maximay (President) on behalf of TTRRO and by Mr Bernard Sylvester (Permanent Secretary) on behalf of the Ministry of Legal Affairs. The Minister of Legal Affairs Mr. Prakash Ramadhar said that he had also advised his fellow ministers that they too would need licenses for the copying done by their departments.

TTRRO is heartened by this first license and determined that all parts of Government, tertiary and other educational institutions and also the private sector should abide by the law.

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DALRO and SAMMA Sign Copyright Agreement

DALRO, the South African RRO, and the South African Media Monitoring and Measurement Association (SAMMA) signed an agreement to bind all SAMMA members to acquire copyright licences. The royalties would be paid to copyright-owners whose works are distributed by the media monitoring organisations.

The signed agreement is a milestone in copyright compliance in South Africa, taking into account the provisions of the Copyright Act and ensuring that the country is on par with other countries that have been licensing in this area for at least a decade. DALRO will be the administrator and issuer of licences to SAMMA-member organisations. Members will pay an agreed upon amount which DALRO will then distribute to the respective rightsholders

[Click here for full story](#)

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COPIBEC: New Licensing Agreements with Education Ministry and other organisations

A new licensing agreement with the ministry of education, recreation and sports, allows teaching personnel in Quebec elementary and high schools to make copies of excerpts from works that will be converted into digital formats. The new agreement therefore complements the existing agreement that was limited to print format copying. This agreement demonstrates that the Quebec Education Ministry values the work done by authors and publishers.

Copibec has also signed licensing agreements with the École nationale de police du Québec, the Ordre des orthophonistes et audiologistes du Québec, the Fédération québécoise des municipalités, Qualitemps (training) and Zoetis Canada Inc. (pharmaceuticals) among others.

For more information see the [Copibec Newsletter](#)

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CCC launches MOOC licensing solution

U.S. IFRRO member CCC has launched a new content licensing solution, providing a simple, cost effective way to use published content in course materials. Designed specifically for academic Massive Open Online Courses (MOOCs), this easy-to-use solution makes it possible to include published content in course readings. MOOCs are large virtual classrooms that are accessed online by students worldwide and that are often sponsored by leading academic institutions of higher education.

More information is available on [CCC's website](#).

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Court Cases

IFRRO joins amicus curiae brief in The Authors Guild v. Google

In a filing with the U.S. District Court for the Southern District of New York, the Authors Guild gave notice that it is appealing Judge Denny Chin's ruling in the case Authors Guild v. Google Inc. before the U.S. Court of Appeals for the Second Circuit. The Authors Guild's appeal can be found [here](#).

The IFRRO Board has decided to join an amicus curiae brief in favour of The Authors Guild's appeal. The complete brief of the amici IFRRO, IPA, STM and the former Register of Copyrights Marybeth Peters in support of The Authors Guild can be found [here](#).

In this joint brief, amici argue that the District Court's fair use analysis conflicts with the Second Circuit's precedents, which require U.S. courts to assess each instance of copying on a "case-by-case" basis to determine, inter alia, whether the defendant has created a transformative work that provides the public with "new expression, meaning, or message", or has instead merely repurposed copyrighted material for commercial purposes in a manner that harms the copyright owner's potential markets for exploiting the work. The District Court's approach also raises serious questions regarding whether the U.S. is complying with its international obligations. Reversing and remanding the case could lead to a more equitable, calibrated solution, similar to the licensing solutions that have emerged in other cases and countries.

IFRRO has also written a separate letter of support in favour of The International Authors Forum (IAF) regarding their own amicus curiae brief in favour of The Authors Guild. The IAF amicus curiae brief can be found [here](#).

All amicus curiae briefs are available [here](#).

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CJEU decides that private copying levies only apply to reproductions from lawful sources

The Court of Justice of the European Union (CJEU) has now delivered its decision in Case C-435/12 (ACI Adam BV and Others v Stichting de ThuisKopie, Stichting Onderhandeligen ThuisKopie vergoeding), in which it ruled that unlawful reproductions cannot be taken into account when calculating the amount of the private copying levy under the exception laid down in Article 5, paragraph 2, subparagraph b of Directive 2001/29/EC.

The Court was asked to decide whether the Dutch foundation that has to determine the amount of the private copying levy could, when determining the amount, take into account the harm suffered by rightholders as the result of copies made from lawful and unlawful sources. The Court answered that private copying exceptions can only apply to reproductions made from lawful sources.

More specifically, the Court ruled the following:

- In reply to the question as to whether Article 5 (5) of Directive 2001/29 could lead to broadening or restricting the scope of exceptions and limitations under Article 5 (2), the CJEU makes it clear that "Article 5(5) of Directive 2001/29 is not intended either to affect the substantive content of provisions falling within the scope of Article 5(2) of that directive or, inter alia, to extend the scope of the different exceptions and limitations provided for therein" (point 26).
- The Court then acknowledges that Member States have a freedom to introduce exceptions and limitations under Article 5(2); and when they choose to do so, they cannot allow reproductions made from unlawful sources since "the result of that would clearly be detrimental to the proper functioning of the internal market" (point 35).
- The Court concludes that "national legislation which makes no distinction between private copies made from lawful sources and those made from counterfeited or pirated sources cannot be tolerated" (point 37). The fair balance between the rights

and interests of rightholders and of users is not respected when users have also to pay a compensation for reproductions made from unlawful sources: all users are “indirectly penalised” under such a system.

The CJEU’s decision is available [here](#) while a press release can be found [here](#).

CJEU rules that blocking orders are possible and do not have to be specific

The CJEU issued, on 27 March 2014, its decision on copyright site blocking injunctions in UPC Telekabel v Constantin Film (Case C-314/12), a reference from the Austrian Supreme Court.

The CJEU held, in essence, that website blocking by the end user Internet Service Provider (ISP) is possible; a contractual relationship to the infringing website is not required. In addition, the CJEU decided that a generic blocking order is compatible with EU law – the fundamental rights concerned do not preclude such an injunction, on two conditions: (i) that the measures taken by the ISP do not unnecessarily deprive users of the possibility of lawfully accessing the information available and (ii) that those measures have the effect of preventing unauthorised access to the protected subject-matter or, at least, of making it difficult to achieve and of seriously discouraging users from accessing the subject-matter that has been made available to them in breach of the intellectual property right.

The complete CJEU decision is available [here](#). We reported about the Advocate General’s Opinion [here](#).

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Viacom and Google settle U.S. copyright lawsuit against YouTube

Google and Viacom [jointly announced](#) on 18 March 2014 that they agreed to settle a seven-year long litigation, in which Viacom accused YouTube of allowing its users to upload copyrighted content. However, Viacom failed to prove that YouTube had knowledge of what its users were uploading (see Judge Stanton’s ruling [here](#) and the Appellate Court’s ruling [here](#)).

The case revolves around the Digital Millennium Copyright Act (DMCA) and its "Safe Harbor" provision, which gives YouTube protection from copyright claims so long as it takes down the offending content quickly after being made aware of it. Originally, Viacom was claiming approximately USD 1 billion in damages.

The joint announcement now states that: "This settlement reflects the growing collaborative dialogue between our two companies on important opportunities, and we look forward to working more closely together." The terms of the settlement were not made public.

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Legislation

'Marco Civil' bill becomes law in Brazil

On 23 April 2014, the Brazilian President Dilma Rouseff signed the [Marco Civil bill](#) (in Portuguese), following its approval by the Brazilian Chamber of Deputies and, subsequently, by the Federal Senate. The bill provides a first comprehensive legislative framework for the

Internet in the Brazilian jurisdiction that has been compared to an Internet bill of rights. It considers that data of Brazilians is under Brazilian jurisdiction, regardless of the location of servers where they are stored. The bill also establishes net neutrality and data protection rules.

According to a [press release](#) (in Portuguese) by the Senate, the quick approval, without amendments, was motivated by the interest that “the bill becomes law during NETmundial,” which starts on 23 April 2014 in São Paulo.

See also:

[Brazilian Senate approves Internet Bill of Rights](#)

[Brazil Scores Before “the Internet World Cup” Begins: Marco Civil Approved by the Senate](#)

[Brazilian Chamber of Deputies Approves Marco Civil Bill](#)

[Approval of Brazilian ‘Marco Civil da Internet’ draft bill further postponed by Congress](#)
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EU Collective Rights Management Directive published in the EU Official Journal

The EU Collective Rights Management Directive was published on 20 March 2014 in the EU Official Journal, acquiring the official title of “Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market”.

It is now up to the EU Member States to transpose the Directive into their national laws, by 10 April 2016 at the latest.

The full text can be accessed [here](#). See also our previous article on the [IFRRO website](#).
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German legislation on orphan and out-of-commerce works

On 1 January 2014, the new German law on orphan and out-of-commerce works came into force.

Among other things, the aim of the law revision was 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. The RROs concerned are the IFRRO members VG Wort (for text) and VG Bild-Kunst (for images). The German law also introduces provisions for authors of scientific publications, who now 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.

More specifically, the main provisions are:

Amendments to the German Copyright Act (“Urheberrechtsgesetz”):

Publicly accessible and established libraries and institutions are allowed to digitise orphan works and make these available online, following a diligent search for the rightholders (inter

alia, via searching the database of VG Wort (for text-based works) and VG Bild-Kunst (for image-based works), and the ARROW system), in order to fulfil their cultural heritage mission, in accordance with Directive 2012/28/EU.

Amendments to the German Copyright Administration Act (“Urheberrechtswahrnehmungsgesetz”):

The digitisation and making available of out-of-commerce works is enabled, provided that certain conditions are fulfilled. The proposal is based on the European Commission-facilitated Memorandum of Understanding (MoU), signed on 20 September 2011 by the relevant organisations representing stakeholders concerned (incl. IFRRO), setting out [key principles](#) on the digitisation and making available of out-of-commerce works by publicly accessible libraries and similar institutions in the EU. The German law now introduced a legal presumption that an RRO in the respective field is assumed to represent non-mandating rightholders (“outsiders”), subject to the following conditions: (i) the works are published before 1 January 1966; (ii) the works are contained in the archives of public institutions; (iii) uses are limited to the reproduction and making available for non-commercial purposes; (iv) entry of the works into a public registry of out-of-commerce works, following a request by an RRO; (v) the rightholder has not objected, vis-à-vis the RRO, to the entry into the registry within 6 weeks after the entry. The registry of out-of-commerce works is held with the German Patent and Trademark Office, and all entries are made available to the public via the website www.dpma.de.

The legislation (in German) is available [here](#).
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WIPO

Francis Gurry Appointed for Second Term as WIPO Director General

The WIPO Member States have appointed Francis Gurry to a second term as WIPO Director General from 1 October 2014 to the end of September 2020.

Mr Gurry, an Australian national, said that he was looking for the organisation to achieve "a shared understanding of the contribution and value of intellectual property to economic, social and cultural development."

For full press release [click here](#).
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