

IFRRO SEASONS GREETINGS 2006



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As 2006 draws near, we can be proud of the work accomplished by IFRRO and RRO's over the last 12 months. We look forward to the future with optimism and take this opportunity to wish you happy holidays and best wishes for the New Year.

DROIT DE SUITE IN UK FROM 2006

The Artist's Resale Right (*droit de suite*) comes into force on 1 January. The Regulations released on 15 December, (<http://www.patent.gov.uk/about/consultations/responses/resale/regulations.pdf>) guarantee the creator of an artwork a royalty of 0.25-4% of the sales price with a maximum payable of € 12,500, to be administered by DACS (www.dacs.org.uk), each time there is a resale worth over €1000.

EU-USA MINISTERIAL MEETING

IP Rights were on the agenda of the first informal EU-US economic ministerial meeting to discuss transatlantic economic integration and shared economic challenges, hosted by the EU Presidency on 30 November (http://europa.eu.int/comm/external_relations/us/economic_relations/index.htm). Participants agreed on an IPR enforcement cooperation strategy for the 2006 EU-US Summit. A working group will begin the work by the end of January 2006.

COPYRIGHT LICENSING

COPY-DAN (Denmark), (www.copydan.dk) has signed a licence with the Association of Local Authorities that grants public libraries the right to scan and expose cover pages of books from their

collections on their Internet site. Libraries in county boroughs with 10,000 inhabitants or more pay a fee per inhabitant per year, whereas smaller ones may opt to pay a yearly lump sum that allows the scanning and exposing of a maximum of 20 cover pages per year.

KOPINOR (Norway) (www.kopinor.no) has referred negotiations with the owners of public primary, secondary and high schools on the renewal of the licence to the State Mediator. The school owners demand that the price per page be reduced by 30% leading to a reduction of remuneration to rights holders by € 3 mill. A survey shows that the yearly volume of copies of copyright works in Norwegian schools amounts to 260 mill. pages, of which 10 mill. are printouts from Internet. This represents 260 pages per primary and secondary school student, and 379 pages per high school student.

DIGITAL ISSUES

IFRRO has contracted Rightscom to do an analysis of the Strengths, Weaknesses, Opportunities and Threats (SWOT) of RROs in the relation to the licensing of copyright works in the digital environment, to be delivered the first half of 2006.

At the **Publishers Forum** on 6 December, *Francisco Pinto Balsemao*, President of the European Publishers Council (EPC) stated that "The new models of Google and others reverse the traditional permission-based copyright model of content trading that we have built up over the years" (www.breitbart.com/news/2005/12/06/D8EATJEG5.html). This view is in line with Agence France Presse which has sued Google News for € 14.85 mill. for alleged copyright infringement.

Digitisation projects. HarperCollins has announced that it will digitise some 20,000 books to protect them from potential copyright infringement (http://news.com.com/HarperCollins+to+begin+digitizing+books/2100-1025_3-5992116.html?tag=nefd_top)

EC WORK PROGRAM 2006

The European Commission has included a possible Recommendation on *copyright levies in the information society* in its 2006 official work programme. The objective is to "reform the *copyright levies applied to equipment and media used for private copying.*" Commissioner *Charlie*

McCreevy expanded on this in a speech to the Legal Affairs Committee on 28 November: "In the course of 2006, we will come forward with proposals to determine when and how the availability of DRM should trigger the phase-out of equipment levies" (<http://europa.eu.int/rapid/searchResultAction.do?search=OK&query=markt&user.name=PROF&advanced=0&language=en>). We understand that the Commission wishes to make sure that rightsholders can be remunerated for the use of their works, and that there should be systems to enable this. For instance, RROs in 15 EU Member States administer levy systems. A major challenge is to ensure compliance. (See EC Work programme 2006 : http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2005/com2005_0531en01.pdf)

LEVIES

Poland. The court of Radom ruled on 27 October in favour of **KOPIPOL** (www.kopipol.kielce.pl) in a case filed against NFL Spółka z.o.o., an importer and vendor of reprographic equipment which according to Kopipol refused to pay levies on all machines as prescribed by the law. NFL now has to provide detailed data on reprographic devices sold between 1 February 1996 and 22 September 2005. This follows rulings of 26 November 2004 and 22 June 2005 in a similar case against CANON, in which the court specified that information had to be provided on "photocopiers, scanners and other similar reprographic devices enabling the making of copies on paper".

COPYRIGHT COMPLIANCE

COPY-DAN (Denmark), has won a law suit filed against a private company that reproduced a painting that had been shown on its premises without prior consent from or payment to the rights holder. The work that had been rented out by a gallery was used in PR material and exposed on the company's homepage. In addition to a remuneration of DKK 25,000 (€ 3,400), which equalled the sales price of the painting, damages of DKK 10,000 (1,400) were awarded.

Copyright Clearance Center (USA), announced 15 November its support for two major infringement suits brought by 10 publishers against copy shops serving colleges and universities in Boston and western Massachusetts. The suits are said to be one of the largest joint legal actions taken by publishers against alleged copyright violations. (<http://www.copyright.com/ccc/do/viewPage?pageCode=au111>)

COPYRIGHT LEGISLATION

Belgium. Following the implementation of the EU Directive 2001/29/EC into Belgian law in May

2005, the Belgian Senate held on 6 and 7 December a colloquium on "The Digital Clash or Copyright in a Global World". Topics discussed included questions raised by the implementation of technical measures of protection and DRM's. The government also seized the opportunity to present its new reform bill on the control of collective management of rights.

UK. *Andrew Gower*, former editor of the Financial Times, has been asked to lead an independent review to examine the UK's IP framework, *inter alia* considering whether the current exceptions in the Copyright Act are reasonable, reporting to the Chancellor in autumn 2006. (http://www.hm-treasury.gov.uk/independent_reviews/gowers_review_intellectual_property/gowersreview_index.cfm)

LATIN AMERICA

Chile. A national seminar at the Book Fair of Santiago de Chile on 4 November, organised by The **Camara Chilena del Libro**, discussed piracy, its detrimental effects on the book sector and strategies to fight it, pointing out how RROs can assist rights holders.

FROM THE MEMBERSHIP

The Association of American Publishers (AAP) together with other leading US organisations representing higher education and research libraries, distributed on 6 December a guide to campuses encouraging colleges and universities to adopt their copyright policies to be in line with recent legal and technological developments (<http://www.publishers.org/press/releases.cfm?PressReleaseArticleID=299>).

ENPA. *Valdo Lehari Jr.*, the German Reutlinger General-Anzeiger newspaper publisher has been elected new Vice President at the ENPA GM on 4 November.

EVENTS

IPA Copyright Symposium. The 6th International Publishers Association Copyright Symposium will take place in Montreal from April 23 to 25. The Association Nationale des Editeurs de Livres (ANEL) will be hosting the event (www.anel.qc.ca/ipa-symposium).

IFRRO Senior Managers' Forum 2006 will take place in London, at Kensington Close Hotel (www.kensingtonclosehotel.com) on 2 and 3 March and will focus on RRO information activities. RRO colleagues will be invited to meet to discuss their own communication initiatives and the development of a common message to be conveyed by IFRRO members.