

IFRRO Board Report 2019

This report covers the period 1 July 2019 – 30 June 2020.

1. Organisational Overview

1.1. Board Representation

Prior to 6 November 2019, when Board elections were held, the Board of Directors was comprised of:

Presidency

Rainer Just (VG Wort), President; Yngve Slettholm (Kopinor), First Vice President; Tracey Armstrong (CCC), Second Vice President and Treasurer.

Directors

Sandra Chastanet, (CFC); Mat Pflieger, (CLA); Dora Makwinja, (COSOMA); Eefke Smit, (IPRO); Vincent van den Eijnde, (Stichting Pictoright).

Substitute Directors

Samantha Holman, (ICLA); Ana María Cabanellas, (IPA); Edward Hasbrouck, (NWU/IFJ); One RRO Substitute Director position remained vacant, as a result of Dora Makwinja's appointment to fill a casual vacancy in a RRO Director position.

Following the Board elections on 6 November 2019, the Board of Directors was comprised of:

Presidency

Yngve Slettholm (Kopinor), President; Dora Makwinja (COSOMA), First Vice President; Tracey Armstrong (CCC), Second Vice President and Treasurer.

Directors

Sandra Chastanet, (CFC); Samantha Holman, (ICLA); Robert Staats, (VG Wort); Morten Visby, (EWC/ IAF); Sarah Faulder (IPA).

Substitute Directors

Javier Díaz de Olarte, (CEDRO); Anders Kristian Rasch, (COPYDAN Writing); Anke Schierholz, (EVA); Eefke Smit (IPRO).

In the period under review, Caroline Morgan served as CEO and Secretary General.

The Board met three times in the period under review: 4 November 2019, in Edinburgh, Scotland, 26 February 2020, in London, England and 26 June 2020 (virtual meeting).

1.2. Membership

As at 30 June 2020 IFRRO has 156 members in more than 85 countries. There are 106 RRO Members, of which 29 are Associate RROs and 15 Provisional RRO members. There are 50 Creator or Publisher Association Members. Collected fees by RROs remained steady, at around €979 million.

In the period under review, seven organisations became members of IFRRO, in the following member categories:

RRO: ONDA (Algeria),

Associate RRO: UPRAVIS (Russian Federation); Stichting UvO (Netherlands)

Provisional RRO: CMO UARA (Ukraine); ORPCG (Montenegro),

Creator or Publisher Association: CRSEA - the Confederation of Rightholders' Societies of Europe and Asia; Stichting Leenrecht (Netherlands).

Two organisations, each of which is a national publishers' association, CANIEM (Mexico) and TBPAI (Israel) resigned their membership in IFRRO.

2. Policy and Strategic Developments

The Strategic Plan guided IFRRO's activities and operations during the period under review. The Strategic Plan has two objectives, to **Advocate for Copyright and the Creative Sector** and to **Build a Strong and Resilient RRO network**. The Strategic Plan is available on the [Members Only](#) part of IFRRO's website.

This section of the report reviews activity in responding to the major strategic challenges facing copyright, collective management and RROs.

2.1. Covid – 19

The Covid - 19 pandemic, which struck in the second half of the financial year, has been devastating for societies and economies around the world, and has strongly impacted the creative sector, including collective management organisations and RROs.

Many RROs responded to support their licensees impacted by business and educational closures by enabling remote access or increasing the copying limits in their licences. Many also developed new licences to support online research, teaching and learning.

A significant cross section of members also adopted measures such as bringing scheduled distributions forward or establishing special funds in addition to or as part of their cultural allocations.

Many of these initiatives are documented in the two IFRRO [Survey Reports](#) and the three special Covid-19 newsletters.

In early April 2020, a large number of groups (including IFLA, Communia, and Education International) signed an [open letter](#) to WIPO, asking for action on exceptions and limitations to respond to the pandemic. Francis Gurry [responded](#) with a statement "Some Considerations on Intellectual Property, Innovation, Access and COVID 19", in which he said:

"It should be noted that many rights holders across the world have voluntarily taken steps, through innovative licensing arrangements and other measures, to provide free access to vast quantities of relevant content during the crisis"

In an [interview](#) given the same month, DG Gurry also warned against the relaxation of copyright protection during the pandemic:

"To cast off a copyright, you have to prove that there is a special need. I do not really see evidence of a problem accessing content in the current situation," he said, pointing out that it was *"still possible to purchase cultural goods online, like books and music."*

WIPO also launched a [policy tracker](#), to document and record voluntary initiatives to respond the pandemic. IFRRO is listed on the tracker, as are several of our members.

IFRRO also joined with IPA, IAF, STM and the European and International Booksellers Federation (EIBF) to issue a [statement](#) on World Book day, calling on national governments around the world to support their book sector. The statement received significant media coverage in many countries.

IFRRO has also [joined](#) more than 70 other groups representing European creative and cultural sector to call on the EU to support the sector through ambitious budgetary measures.

2.2. Exceptions and Limitations

Anti-copyright lobby groups took advantage of the pandemic to intensify their campaign at an international, regional and national level to expand the range of uses of copyright content that can be done for free by libraries and education institutions.

In the collective management sector, the campaign is focused on expanding unremunerated exceptions to copyright and the payment of lower licensing fees.

In responding to this campaign IFRRO works closely with its member associations representing authors, publishers and visual artists. IFRRO and the activities of its RRO members, demonstrate that collective licensing solutions guarantee affordable access to works and at the same time reward the creativity of authors and publishers.

2.2.1. WIPO

In last year's Board report, we discussed the two WIPO [action plans](#) on exceptions and limitations which have guided WIPO's work on this issue since mid-2018. One of the action plans concerns activities in respect of libraries, archives and museums and the other activities in respect of educational and research institutions and persons with other disabilities. The action plans comprise a combination of studies and reports on the issues being experienced in these sectors in accessing and using copyright content. Copies of the studies that have been completed to date can be accessed [here](#).

In addition to the studies and reports, in 2019 WIPO held three regional seminars (in Singapore, Nairobi and Santo Domingo) to more closely analyse the situation of libraries, archives, museums and educational and research institutions and identify areas for action. IFRRO was represented at each of these meetings, along with 23 of its members.

The activities in the action plans culminated in an international conference in Geneva on 18 and 19 October 2019 to review the outcomes of the three Regional Seminars, and to discuss the considerations arising from the seminars for the attention of WIPO's Standing Committee on Copyright and Related Rights ("SCCR").

IFRRO was represented at the meeting by its President, CEO and Manager for Policy and Regional Development. IFRRO RRO Members CADRA, CFC, ICLA, CEDRO, JAMCOPY and CCC participated, along with other IFRRO members such as the IPA, IFJ and IAF. The documents for the meeting are available [here](#).

At the SCCR meeting in November 2019, following a report on the implementation of the action plans Member States were unable to agree on a future work plan. The controversy related to the extent to which normative work on exceptions and limitations was to be prioritised in the work plan. The WIPO Secretariat, working with the SCCR Chair, was tasked with developing a revised draft work plan to be tabled at the next SCCR, meeting, which has been delayed until November 2020, due to the impact of the pandemic.

2.2.2. European Union

Since the adoption of the EU Copyright in the Digital Single Market ("DSM") Directive [2019/790](#) in April 2019, the focus in Europe has been on national implementation of the Directive, as all Member States are required to have implemented the Directive by June 2021.

The Directive includes a number of compulsory exceptions, and IFRRO, together with our European based members, has worked to ensure that these exceptions are implemented in a way that supports copyright owners and encourages licensing solutions.

With educational licensing being so significant for the IFRRO community, IFRRO felt that it was important to support members as Member States prepare and debate draft legislation implementing the Article 5 "illustration for teaching" exception. The Secretariat therefore worked closely with members to update the website www.contentforeducation.org, which was presented

and re-launched at a webinar on 7 July. IFRRO extends a special thanks to CFC for the time and resources it generously provided to support this project. The C4E website aims to:

- reinforce the importance of authors and publishers being remunerated when their works are used by educational establishments under Article 5
- raise awareness about the benefits of having a balanced approach for authors, publishers and teachers / students and the dangers of a broad, unremunerated exception
- provide information about collective licensing solutions that exist and how they benefit authors, publishers, educational establishments and their students
- provide suggestions for how Article 5 can be transposed in a way that ensures sustainable, diverse, high-quality content for education in Europe.

While the DSM Directive provides an opportunity for CMOs to conclude licences for the digitisation and dissemination of out-of-commerce works (OOCW) permanently in the collection of cultural heritage institutions, it also includes a ‘fall back’ exception where no “sufficiently representative” CMO exists. As a result, the operation of effective licences, and an efficient opt out mechanism are extremely important. In this regard the OOCW Portal, which is required to be developed and ultimately operated by the European Union’s Intellectual Property Office (EUIPO), is key.

IFRRO has engaged in the development of the Portal, through which libraries can advise their intention to digitise OOCW in their collections, and through which rightsholders can monitor these digitisation projects (see the [High Level Specification Document](#)). For further details, see section 5.2 (below).

The issue of OOCW was the subject of discussed at a special meeting of IFRRO members in Brussels in February 2020 (see 3.4 below for further details).

2.2.3. National Developments

There are several countries in which current or intended exceptions frameworks have either severely impacted copyright and collective management or have the potential to do so. As a result, we have been working closely with our members in those countries to respond to the challenges raised.

In **Canada**, the decision of the full Federal Court of Appeal in the York University case was handed down on 22 April, 2020. The decision was a mixed one for Access Copyright. Although the Appeal Court held that the decision at first instance on fair dealing was correct, and copying by York University under their purported Fair Dealing Guidelines was not fair dealing, the Court also overturned the first instance conclusion that tariffs set by the Copyright Board were mandatory.

Each of Access Copyright and York University have lodged appeals to the Supreme Court of Canada. It will take several months until we know whether the Court agrees to hear either or both of the appeals. IFRRO has provided an affidavit, explaining the history of collective management in the text and image sector and the importance of the tariff being enforceable to international rightsholders who may not otherwise be able to enforce their rights in Canada except through Access Copyright.

In **South Africa**, after waiting over 12 months, on 16 June 2020, the President sent the Copyright Bill back to parliament, due to concerns about its constitutionality and its compliance with South Africa’s international obligations. This referral came less than two weeks after a Constitutional Court challenge to the President from Blind SA (a lobby group representing the blind and visually impaired).

The referral back to Parliament was the outcome of intensive lobbying by South African rightsholders with support from the international community against the damaging provisions of the Bill. In January the US Trade Representative considered whether South Africa should continue to benefit from its General Systems of Preferences trade benefits in the light of the Copyright Amendment Bill.

In March, the Ambassador of the EU to the Republic of South Africa [wrote](#) to the South African President urging him not to implement the Bill, saying that

“the European Commission [...] remains concerned about the overall coherence of the current Bill. In particular, we once again regret the foreseen introduction in the South African copyright regime of provisions relating to fair use in combination with an extensive list of broadly defined and non-compensated exceptions. This is bound to result in a significant degree of legal uncertainty with negative effects on the South African creative community at large as well as on foreign investments, including the European ones.”

IFRRO is part of a group of international rightsholder organisations, including IPA, CISAC and IFPI supporting our local affiliates working together in the Coalition for Effective Copyright, by funding a retainer for legal assistance and expertise. In August 2019, IFRRO participated in a meeting of university representatives organised by DALRO to support licensing solutions.

Unfortunately, others around the world have also been inspired by the Covid -19 pandemic, including the Internet Archive in the **USA** that created a “National Emergency Library”. This online library was an expansion of the practice of “Controlled Digital Lending” which they claim is permitted by fair use and included 1.4 million digitised books from the last century, all freely available for download.

In November, 2019 the IFRRO AGM passed a [resolution](#) opposing Controlled Digital Lending. In May 2020, we also alerted the European Commission to the activities of the Emergency Library in a submission to the Directorate General for Trade.

US author and publisher groups vigorously opposed the activities of the Emergency Library. In late May 2020, The National Writers Union organised a virtual meeting with representatives of the Internet Archive. There were around forty rightholders representatives including IFRRO Director Morten Visby and a number of other IFRRO members. The Authors Guild was also very [active](#) in opposing the Emergency Library, organising a campaign for authors to issue take down notices to the Emergency Library.

On 1 June, four members of the [Association of American Publishers](#) filed a copyright infringement lawsuit against the Internet Archive. On 16 June, the Internet Archive closed the Emergency Library.

2.3. Public Lending Right

The Steering Committee managing the activities of *PLR International* continued its work throughout the year. Its members are Barbara Hayes (Chair), Carola Streul, and Myriam Diocaretz representing authors, José Borghino and Anne Bergman-Tahon representing publishers and Kurt Van Damme representing RROs. In June 2020, Caroline Morgan resigned from the Steering Committee as a RRO representative and was replaced by Geoffroy Pelletier from Sofia.

Until his retirement in May 2020, Jim Parker was engaged as the PLR administrator responsible for carrying forward the activity plan and objectives of *PLR International*. In May 2020, IFRRO’s Pierre Lesburguères and Stichting Leenrecht’s Arjen Polman jointly took on the administration of PLR International. We thank Jim Parker for his contribution in the establishment and successful operation of PLR International and wish him well with his retirement.

PLR International has two main objectives:

- Supporting the establishment of PLR systems in EU Member States which have not yet met their obligations under the EU Lending Right Directive, and provide support to improve the operation of existing systems in the EU,
- Outside the EU, provide support for campaigns for PLR that are already underway and publicise the benefits of PLR more widely.

The *PLR International* website is at <https://www.plrinternational.com/>.

Participation in WIPO meetings is an important way for PLR International to develop awareness of the benefits of PLR amongst national government representatives. In October 2019, the government of Sierra Leone drew the attention of Member States to the importance of PLR for authors in developing countries. The Sierra Leone intervention was backed by a number of Member State and stakeholder organisations and the interest in PLR was recorded in the official minutes of the meeting. We understand they are preparing a formal proposal asking WIPO to undertake a study on the benefits of PLR for authors.

PLR International is also focused on increasing pressure on those European governments that have not yet met their obligations under the EU Rental and Lending Right Directive.

As part of this work, the Steering Committee met with the Permanent Representative of Romania to the EU, to draw attention to the problems with the implementation of PLR in that country. *PLR International* also met with the European Commission to discuss the non-implementation of the Directive in Romania and in other countries.

Outside Europe there were also positive developments in the adoption of PLR, with the introduction of PLR planned in each of Malawi and Zanzibar in the coming year.

The biannual PLR International Conference was held in London on 26 and 27 September 2019, hosted by the British Library to mark the 40-year anniversary of the British PLR scheme. IFRRO supported the participation of delegates from developing countries and chaired two sessions of the conference. Among the important issues discussed were e-lending and educational lending schemes, which are still under-developed. The growing interest for PLR in the developing world, illustrated by the plans to introduce PLR in Malawi and Zanzibar, was a major feature of the conference.

An important part of the work done by PLRI is to develop tools, such as leaflets, that can be used to sensitise governments and stakeholders to the importance of PLR, as well as undertaking studies on various aspects of PLR. Over the year, PLRI developed an infographic and a FAQ, both now available in French, English and Spanish. Older PLR documents were revised and refreshed and are available online. Further work was done on a survey about visual artists' share in PLR schemes, and a SWOT analysis of PLR was carried out by the Steering Committee.

2.4. Visually Impaired

The [Marrakesh Treaty](#) entered into force on 30 September 2016. There were 71 Contracting Parties at the time of writing (see [here](#)), including the EU and the USA.

In October 2019, IFRRO surveyed its members about the implementation of the Treaty in their country. Of the 25 members that responded, 79% said their country had implemented the Treaty. Key concerns raised include:

- The wide interpretation of disability in many countries. Forty-two percent said that their national legislation included disabilities that went beyond visual impairment and print disabilities, with some respondents saying that the exception in their country covered all disabled people.
- Problematic models of remuneration or no remuneration at all. Only 45% said remuneration was payable.
- The impact on the market due to the non-application in legislation of the commercial availability test. For further details, see the IFRRO presentation made to the Legal Issues Forum in Edinburgh [here](#).

IFRRO is an active participant in the [Accessible Books Consortium \(ABC\)](#), which plays a practical role in implementation of the Marrakesh Treaty. Caroline Morgan represents IFRRO on the Advisory Board of ABC, which is chaired by the WIPO Director General Francis Gurry, and also includes representatives from IPA, IAF, publishers, organisations representing people with print disabilities, including the World Blind Union, and libraries serving the print disabled.

ABC has three main activities:

- (i) Inclusive publishing, to increase the number of works published in accessible formats through encouraging enhanced use of the latest version of EPUB3.
- (ii) Sharing of technical skills and know-how through a technical assistance and capacity building programme, primarily directed towards countries under development.
- (iii) Further development of the international database and book exchange hosted by WIPO.

At the time of writing, 71 Authorised Entities had joined the ABC Global Book Service, contributing over 635,000 titles to the database.

2.5. Levies

Compensation for the private copying and reprographic reproduction of copyright protected works (also called levies) is an important component of many RROs' income.

IFRRO's priorities in this area are to promote and defend reprography levies, support the expansion of existing systems for private copying compensation to include text and image rightholders and to support our members in their lobbying for the implementation of private copying remuneration that includes text and image rightsholders.

IFRRO enables the exchange of technical information between RROs administering levy systems. Recent rulings of the Court of Justice of the EU have reshaped the EU framework for levies, for instance regarding the application of VAT to levy collections. Other aspects, such as the appropriate level of compensation, the sale of devices coming from third countries, and the introduction of refund schemes, have been considered by IFRRO members during the year.

In December 2019, CISAC, IFRRO, SODAV and WIPO co-organised a regional seminar on the remuneration for private copying and reprography, in Dakar, Senegal. An outcome of the meeting was the formation of a Steering Group comprised of WIPO, CISAC, IFRRO and UEMOA (the West African Economic and Monetary Union). The Steering Group will monitor and advise on the implementation of private copying and reprography levies in the region.

The first project supported by the Steering Group is a study reviewing private copying remuneration in each of the 8 UEMOA Member States and also in reference countries, such as Ghana, Malawi, France, Algeria and the Netherlands. The project was launched at a virtual workshop in May 2020, and will conclude in November/December 2020 with the delivery of a proposal for a binding directive on private copying, applicable to all 8 UEMOA countries

In the first half of 2020, Burkina Faso agreed to share private copying compensation with text and image rightsholders, so that in addition to a reprography levy remuneration, they will now also receive a share from the private copying levy collections.

In Mexico, a proposal to introduce private copying levies in the copyright legislation is being debated at the Mexican Congress. The text would include writers, publishers, and visual artists as beneficiaries of the levy. CeMPro, the Mexican RRO, is leading the fight and has been active in promoting the sharing of the levy with text and image rightsholders.

In Tunisia, the existing private copying decree was revised in June 2020 in order to include text and image devices. Thanks to this addition, part of the amounts collected from the levy will be distributed to authors and publishers.

However, levies are not universally supported and there is an active campaign by the IT industry in Europe for their removal. IFRRO is monitoring the campaign closely, and in February 2020, IFRRO organised a workshop of European RROs that administer levy systems, to discuss our strategy in response. We are working closely with other federations (CISAC, GESAC, SAA, SCAPR) that have a shared interest in protecting the existing legal framework for levies. In June 2020, IFRRO met with the European Commission to discuss the levy situation, and we were advised that there was no EU plan to review the legal framework for private copying levies in the near future. This was

subsequently confirmed in the Commission's response to a Parliamentary Question on the topic in July (see [here](#)).

2.6. New Constitution

Following an indicative vote on adopting new Articles of Association (Statutes) and Internal Rules at the IFRRO Annual General Meeting in early November in Edinburgh, the new Statutes were formally adopted at an Extraordinary General Meeting on 28 January in Brussels, before Notary Public, Tim Carnewal.

The meeting was attended by 46 RRO members, 9 Associate RRO members, 6 Provisional RRO members and 19 Creator and Publisher members by proxy, and IFRRO President, Yngve Slettholm, CEO Caroline Morgan and Head of Legal Affairs, Catherine Starkie in person.

The new Statutes comply with the requirements of the 2019 Belgian Code for Companies and Associations and also reflect the outcome of a systematic review of the Statutes to simplify the language and structure to make them more flexible and understandable.

Some key changes include the possibility of meetings being held via any means of telecommunications, a simplified and streamlined process for the appointment of proxies and the clarification of the residual powers of the Board of Directors.

The new Statutes are available on the IFRRO website in both English and French, together with the amended Internal Rules (see all documents [here](#)).

3. Member Relations, Stakeholders and Communication

The Board recognises that IFRRO's communication activities must enable IFRRO and its members to defend the principles of copyright and authors' rights, embrace the digital environment, and communicate the importance of collective management.

3.1. Communication and Engagement

In the period under review, IFRRO organised or spoke at awareness raising activities and events with national and international audiences including:

- Seminars for **government officials and stakeholders**, in Azerbaijan, Benin, Bolivia, Ecuador, Egypt, Oman, Senegal, Serbia, Tunisia.
- Workshops and seminars for **RROs, publishers and authors** in Benin, Bosnia and Herzegovina, Egypt, Morocco, South Africa.

3.2. Member Relations

IFRRO supports members in responding to national issues of concern, including proposals to amend the copyright law in different countries, or other proposals that would impact negatively on our sector.

During the period under review IFRRO made submissions in Armenia, Botswana, Bosnia and Herzegovina, Cote d'Ivoire, China, Cyprus, Ghana, Greece, Indonesia, Kenya, Malaysia, Mexico, Namibia, Spain and Zambia.

3.3. Newsletters

In order to share information about measures taken by members to respond to the pandemic, between April – June IFRRO issued three newsletters focused on those responses. Copies of the newsletter are available on the [IFRRO website](#). Responses to the special newsletter were very positive and members used Twitter and LinkedIn to further disseminate the information.

As we have been unable to hold face to face meetings, which provide an opportunity for exchanges of information on other matters, IFRRO also issued a number of email updates on PLR, and on WIPO, in addition to the regular updates on EU affairs.

The IFRRO Newsletter was published four times while monthly issues of the Information Alert were produced so members can be reminded of important deadlines and information that has been disseminated by IFRRO, and to share links to articles and events. The IFRRO website is updated on a regular basis as are social media channels such as Twitter, LinkedIn and YouTube.

3.4. Meetings

IFRRO held two special meetings in late February 2020, in Brussels. The first of these, a special meeting on the DSM Directive, had around 50 participants. There were two sessions, the first a panel discussion on “How to successfully license OOCW under the DSM Directive?”, chaired by Olav Stokkmo, and the second, a session explaining Extended Collective Licensing with Danish legal expert Peter Schønning, with a question and answer session moderated by Yngve Slettholm.

Bence Kertesz and Anna Kolodziejska from the European Commission’s Copyright Unit (DG Connect) began each session with presentations about the relevant provisions in the DSM Directive and were also very engaged in the question and answer sessions, which followed the panel discussions on each topic.

The other special meeting was a full day meeting of the Equipment Levy Forum. This was in response to feedback that shorter meetings did not allow for thorough discussions about practical and technical levy issues.

Due to the Covid – 19 pandemic, all IFRRO meetings after March were organised as virtual meetings, including the June Board meeting. The midterm meetings scheduled for Oslo in May 2020, were cancelled. The African, Asia Pacific and Latin American meetings which were due to take place between March – May 2020, were all replaced with virtual meetings.

Despite constraints imposed by time differences, the virtual meetings were well attended, with more than 158 representatives from over 79 member organisations and several observers, including WIPO, ARIPO, OAPI and CISAC.

The virtual meetings included:

- Latin American Committee (5 and 19 June)
- Equipment Levy Forum (22 June)
- Board meeting (24 June)
- European Group seminar and Content for Education website launch (7 July)
- African Committee (9 and 23 July)
- Asia Pacific Committee (16 July)

The 2020 Annual General Meeting will be held virtually on 4 November 2020, and Singapore will now host the 2021 IFRRO World Congress.

4. Business Models and Approaches

4.1. Business Models

The IFRRO International Conference programmed by Tracey Armstrong (CCC) enables the exchange of best practices and discussion to stimulate development of RRO business models, and for the communication and exchange of views on the digital future.

The 2019 Conference, in November in Edinburgh with the theme *Technology, Copyright and the Global South: Embracing Possibilities for the Future*, explored the opportunities for those in the global south to meet sustainable development goals through the application of blockchain and

other technology. In a thought-provoking keynote address, RT Hon Lord Boateng considered how copyright and intellectual property were key components of global development.

Other speakers reviewed the challenges that Artificial Intelligence poses for the copyright and creative sector, and the opportunities that blockchain technology enables for identifying and licensing content.

The program concluded with a panel discussion by the IFRRO Regional Chairs, moderated by Tracey Armstrong, considering how the different regions of the world were responding to these challenges.

4.2. Agreements between RROs

Following their [presentation](#) at the Legal Issues Forum meeting in Edinburgh in November 2019, the Toolkit for Bilateral Agreements and the Sample Bilateral Agreement were made available for member comments until the end of 2019. The feedback received by IFRRO was very positive, with members finding the documents very informative. Most importantly, we understand that these documents are now being used in practice by members when negotiating bilateral agreements. The finalised documents can be accessed [here](#).

The Board offers its thanks to the Task Force members – Chair, Martin Kyst (Copydan Writing), Javier Diaz de Olarte (CEDRO), Phillippe Masseron (CFC), Carola Streul (EVA), and Carlo Scollo Lavizzari (STM / IPA) – for all their work on this project.

4.3. Technical Standards

EDItEUR - IFRRO is a member of EDItEUR, which is responsible for several standards of interest to IFRRO members, including ONIX for RROs, and administers the ISTC and ISNI International Agencies. Caroline Morgan represents IFRRO on the Board of EDItEUR.

ISNI (International Standard Name Identifier)- Michael Healy (CCC) chairs ISNI-IA (ISNI-International Association) on behalf of IFRRO. Caroline Morgan is actively involved in the ISNI work for IFRRO, also sitting on the Board. The ISO certified global standard number (ISNI) aims to identify the millions of contributors to creative works and those active in their distribution. ISNI's mission is to assign to the public name(s) of a researcher, inventor, writer, artist, performer, publisher, etc. a persistent unique identifying number to resolve the problem of name ambiguity in search and discovery and diffuse each assigned ISNI across all repertoires in the global supply chain so that every published work can be unambiguously attributed to its creator, wherever that work is described. The [ISNI database](#) is contributed to by 56 major national and research libraries, institutions and databases. CEDRO, COPYRUS, ICLA and PLS are ISNI members. There are now over 11.51 million ISNIs, including 10.45 million individuals, of which 2.91 million are researchers and 1.06 million organisations.

5. Strategic Relationships

5.1. WIPO

IFRRO's strong cooperation with WIPO continued in the year under review. We reported earlier about IFRRO and our members participation in the WIPO Action Plans on exceptions and limitations.

In 2020, we launched three joint capacity building projects with WIPO, two single country projects in each of Malaysia and Peru and one regional project in North and West Africa (Algeria, Benin, Burkina Faso, Côte d'Ivoire, Morocco, Senegal and Tunisia), to build capacity to manage reprographic rights in a group of CMOs. The North and West Africa project is a new cluster approach to development, in which a group of culturally/ linguistically/ economically similar countries work together. Our experience in development projects focused on a single country is

that the impetus often falters after the project concludes. We hope the network established by the project will sustain the impetus after the conclusion of the project.

The Covid-19 pandemic has forced a review of the timelines for the projects, and the Peruvian project has been deferred until 2021. The other two projects are continuing using virtual means.

In the Malaysian project we have engaged Jim Alexander formerly of Copyright Agency (Australia) as a consultant, and he is working closely with rightsholder groups to establish a text and image CMO, tentatively called MARC. CLASS in Singapore is providing assistance as a mentor.

In the North and West Africa project, Olav Stokkmo, former IFRRO CEO, is the consultant and CFC and ProLitteris are supporting the project by sharing their experiences.

In June 2019, IFRRO participated in the WIPO Heads of Copyright Offices meeting in Africa Nairobi, Kenya. At the meeting, African Member States with WIPO, ARIPO, OAPI, UEMOA and partner organisations adopted the Nairobi Strategic Plan for copyright and related rights in Africa which includes, among other objectives, to enhance collective management and to facilitate the establishment of CMOs.

In July 2019, IFRRO took part in the WIPO meeting of Heads of Copyright Offices in Latin America and the Caribbean. In November, IFRRO participated in the WIPO meeting of Heads of Copyright Offices in the Arab Region, held in Cairo.

In August 2019, Paul Wee (CLASS) represented IFRRO at a WIPO-JCO Practical Training on Collective Management that took place in Tokyo.

In October 2019, IFRRO was represented at the WIPO General Assemblies by Dora Makwinja (COSOMA), Roanie Levy (Access Copyright) and Pierre-Olivier Lesburguères (IFRRO). They met with WIPO officials from numerous divisions as well as with national governments and intergovernmental organisations such as ARIPO and OAPI.

IFRRO Board member Samantha Holman recorded a video message for the WIPO Regional Seminar on Collective Management of Copyright and Related Rights in November 2019 in Baku, Azerbaijan.

In November 2019, Benoit Muller of WIPO's Copyright Management Division, attended IFRRO's Legal Issues Forum in Edinburgh, where he discussed amongst other things the [Accessible Books Consortium](#) (ABC) project.

From mid-March 2020, all WIPO meetings, both those due to be held in Geneva and elsewhere have been cancelled or replaced by virtual meetings. The next SCCR meeting, initially scheduled for early July, will now take place in November 2020. At that meeting the future work plan on exceptions and limitations will be agreed.

WIPO was represented and spoke at the virtual IFRRO African Committee in July 2020.

Efforts continue to have the Resale Royalty added to the formal agenda of the SCCR. Despite support from many Member States, and observers such as IFRRO, the topic has not yet become a standing item on the agenda of the SCCR.

After twelve years in the role, Francis Gurry will step down as Director General of WIPO at the end of September, 2020. His replacement will be Daren Tang of Singapore, the former Chair of WIPO's SCCR. In that role, he has first-hand experience of the complexity of the copyright issues being discussed at WIPO.

IFRRO's President and IFRRO's CEO together wrote to congratulate Mr. Tang on his appointment. In his response, he expressed his appreciation for "*the strong partnership built over the years between the WIPO and IFRRO*".

5.2. European Union

The IFRRO Secretariat has remained in close contact with key decision-makers in the EU Institutions over the last year, in particular to raise awareness about concerns relating to the implementation of the DSM Directive, the need for support for the cultural and creative sector in light of the Covid-19 crisis, and other policy issues.

IFRRO continues to work closely with the European Commission, which started a new term on 1st December 2019, headed by its new President, Ursula von der Leyen. As well as reaching out to new Commissioners in charge of key issues for IFRRO members, such as Thierry Breton (Internal Market) and Mariya Gabriel (Innovation, Research, Culture, Education and Youth), we continue to stay in close contact with the relevant Commission Directorate-Generals (DGs).

In October 2019, IFRRO was invited by the DG for Communications Networks, Content and Technology (DG CNCT), responsible for copyright, to participate in a Commission-led stakeholder dialogue to discuss best practices for cooperation between online content-sharing service providers and rightholders, as required by Article 17 of the DSM Directive. Six meetings were organised between October 2019 and February 2020. IFRRO's input, together with other participants', will feed into the Commission Guidance document foreseen at the end of 2020, aimed at assisting Member States in implementing Article 17.

As mentioned above (3.4), Bence Kertesz and Anna Kolodziejska from DG CNCT's Copyright Unit participated at IFRRO's special session on out-of-commerce works and collective licensing with an extended effect in February 2020.

IFRRO continues to work closely with the Commission's DG Trade, as copyright/IPR is an important element of the EU's bilateral trade discussions. In May 2020, IFRRO made a submission to the Commission's Consultation on the Counterfeit and Piracy Watch List. We informed the EU authorities about a number of online and physical marketplaces where pirated books and e-books are made available, in Brazil, Indonesia, Singapore and Turkey, and alerted the Commission to institutional infringement of copyright in Canada and in the US. IFRRO also continued to monitor the negotiations of free trade agreements between the EU and third countries, and the implementation of existing FTAs, for instance with South Korea.

IFRRO also continues to engage with DG Education and Culture, in particular in light of our ongoing concerns regarding the implementation of the education exception under the DSM Directive, as well as concerns about the impact of Covid-19 on the sector.

In addition, IFRRO has strengthened its contacts with the European Union's Intellectual Property Office ([EUIPO](#)), a decentralised agency of the EU. The EUIPO is required to develop an out-of-commerce works (OOCW) Portal under the Copyright in the Digital Single Market Directive (2019/790), by June 2021, through which libraries can advise their intention to digitise OOCW in their collections, and through which rightholders can monitor these digitisation projects (see the [High Level Specification Document](#)).

The effective and efficient operation of the Portal is of great importance not only to EU rightholders, but also to non-EU rightholders, as their works may also be digitised. IFRRO has been working closely with the EUIPO, together with some of our creator, publisher and RRO members, in order to help shape the development of the Portal, and in particular the opt-out mechanism for rightholders.

Elsewhere, following the European Parliament elections in May 2019, IFRRO reached out to all MEPs (most of which were elected for the first time) with a welcome postcard introducing IFRRO. Over the last few months, we have particularly been in contact with those MEPs involved in copyright and cultural issues.

IFRRO also continues to stay in contact with representatives of all 27 EU Member States, which are represented in the Council of the EU, to highlight our key concerns.

5.3. ARIPO

IFRRO contributed to two initiatives from ARIPO, the African Regional Intellectual Property Organisation, representing 19 English and Portuguese speaking countries in Africa.

The first of these is the ARIPO Model Law, which was reviewed in the first half of 2020, on which IFRRO made a submission. The other is a proposal for a Protocol on Regional Registration of copyright in participating Member States. IFRRO is of the view that an effectively managed voluntary registration system would have significant benefits to rightsholders in reducing the burden of proving ownership of copyright in enforcement activities such as litigation and customs procedures. However, there are risks that the system if poorly implemented would have an adverse impact on rightsholders and possibly lead to fraudulent registrations.

ARIPO was represented at the IFRRO Congress in Edinburgh in November 2019, and at the virtual African Committee meeting in July 2020. In October 2019, IFRRO also met with ARIPO Director General Fernando Dos Santos, the Director General of ARIPO on the occasion the WIPO General Assemblies to discuss continuing the work together to strengthen CMOs in the ARIPO region.

5.4. OAPI

OAPI (*Organisation Africaine de la Propriété Intellectuelle*) is the regional IP organisation for seventeen Member States in West and Central Africa.

IFRRO held a high-level meeting with OAPI at the WIPO General Assemblies in October 2019, meeting Denis Bohoussou, the Director General of OAPI, and his team, at which it was agreed that IFRRO and OAPI will also work together on a “copyright implementation plan” for all OAPI Member States. The first phase of this project is to establish CMOs in the three OAPI Member States where there is no CMO. The first country that they are working with is Mauritania. CISAC, IFRRO and WIPO are all participating in the project with IFRRO remotely sharing experience and knowledge on reprography, as required. OAPI was represented as an observer at the virtual African Committee meeting in July 2020.

5.5. Other Intergovernmental Organisations

During the year under review, IFRRO also provided speakers for events organised by or further developed our relationship with other intergovernmental organisations.

IFRRO has observer status with **UNESCO** and is a member of the UNESCO NGOs network. During the year, IFRRO attended the UNESCO-led ResiliArt events to support artists and ensure access to culture during the pandemic. IFRRO also answered to a UNESCO Consultation on the involvement of NGOs in the response to the Covid-19 crisis.

On 20 November 2019, Javier Diaz de Olarte from CEDRO represented IFRRO at the 34th meeting of the Council of **CERLALC** (Centro Regional para el Fomento del Libro en America Latina el Caribe) held in Paris.

On 20 May and 14 July 2020, Javier Diaz de Olarte and Ana Maria Cabanellas participated in a virtual seminar organised by the **US Patent and Trademark Office (USPTO)** to discuss collective management in Bolivia and Ecuador. CISAC, IFPI, SCAPR, WIPO and LatinArtis also participated in the seminars.

In Africa, IFRRO is also working with the **West African Economic and Monetary Union (UEMOA)**, an organisation of eight mainly francophone West African States, which is becoming increasingly active in cultural and copyright policy development in its Member States. We are now discussing formalising our cooperation, in particular in view of the joint project on private copying that started in 2020.

During the year IFRRO also renewed its ties with the **African Union**. In December 2019, the African Union organised a workshop in Geneva on WIPO issues, including exceptions and limitations in a digital environment. The workshop was attended by 20 to 30 Member State representatives, including Board member Dora Makwinja. IFRRO, together with Prof. Joseph Fometeu of Cameroon, discussed the needs of the publishing industry in Africa, and the role of CMOs. No formal conclusion was reached at the end of the workshop, however there is now an opportunity to undertake further work on collective management with the African Union.

In the Arab region, there is increased interest in collective management. IFRRO participated in a training on collective management organised by the **Gulf Cooperation Council (GCC)** and the US Patent and Trademark Office (USPTO), in the Sultanate of Oman, in July 2019. The six countries of the GCC - Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates - were present. Since then IFRRO has developed a partnership with the GCC to introduce collective management in the region. During the year we also renewed ties with the League of Arab States.

5.6. IFLA

In August 2019, the IFRRO CEO attended the IFLA General Assembly and Congress and participated in strategic partner discussions in Athens, Greece. At the strategic partners meeting IFLA Secretary General, Gerald Leitner spoke to the new IFLA Strategy, 2019 – 2024, which is the final stage of the Global Vision process which has been underway since 2017. [The Strategy](#) has four strategic directions, and a series of key initiatives for each direction.

IFLA intended to arrange a further one-day strategic partners meeting in the first part of 2020, however that plan was deferred due to the Covid - 19 pandemic.

Martyn Wade, a former Scottish National Librarian and chair of the IFLA copyright committee, represented IFLA at the IFRRO World Congress in Edinburgh.

5.7. Author Representative Organisations

In the past year IFRRO worked with the international and regional authors association in membership of IFRRO to ensure authors are fully engaged in the work of RROs. Several meetings of an informal group, which includes IAF, EWC, EVA, IFJ and EFJ have taken place at which issues of joint concern and interest are discussed.

We also work with national and international authors associations as part of IFRRO's development activities. IFRRO supported the participation of author representatives at the WIPO Regional Seminar in Santo Domingo in July 2019, and at the WIPO Conference on Exceptions and limitations in October 2019.

5.8. Publisher Representative Organisations

IFRRO also engages with the publisher representative organisations in membership of IFRRO to identify common concerns and to share information. It is important for IFRRO and its members to understand publishers' concerns and priorities, including their new and developing business models and also important for publishers to better understand the role of collective management in countering demands by users for access to copyright works through exceptions.

IFRRO has worked particularly closely with FEP in relation to key issues arising in the context of the Copyright in the DSM Directive, such as educational licensing and licensing of out of commerce works.

IFRRO attended the STM Frankfurt Conference and met with national and international publishers' groups at the Frankfurt Book Fair in October, 2019.

5.9. Kopinor

Kopinor actively supports the text and image sector in Africa, developing the publishing industry (through the Malawi School Book Project, in which Kopinor is working with local rightsholders and government to help develop a domestic market for schoolbooks) and also in working directly with RROs in Africa to build their collective management capacity. As part of this support program they hold an annual meeting of RROs to exchange experiences and build their skills. IFRRO participates in this program and works closely with Kopinor on capacity building activities across the continent.

In 2020, IFRRO and Kopinor planned to coordinate our African Regional Meeting and Seminar in Lilongwe Malawi. However, due to the coronavirus pandemic this plan has been deferred until 2021.

5.10. Other International Federations

IFRRO continues to engage with other rightsholder representative organisations through discussion and information exchange. Issues of common interest, such as the implementation of private copying levies, regulation of the collective management sector and the international discussion on exceptions and limitations are the focus of this cooperation.

In the year under review, practical cooperation with **CISAC** to implement private copying levies continued to develop, with the joint organisation with UEMOA and WIPO of a regional seminar on private copying and reprography levies in Dakar, Senegal, in December 2019. In July 2019, IFRRO was invited to speak about the management of reprography and the WIPO discussions on exceptions and limitations at the meeting of CISAC's African Committee in Tunis. A year later, the CISAC Regional Director for Africa attended and presented at IFRRO's virtual African Committee meeting.

During the year, IFRRO worked closely on selected national copyright matters with CISAC, both the head office in Paris and the Regional Directors for Africa, Asia-Pacific, Latin America and Europe. In June 2020 we made a joint submission to the government of Kenya, asking that the private copying scheme be updated to start compensating creators across the music and print sector.

5.11 NORCODE

NORCODE, the Norwegian Copyright Development Association, is an initiative of several Norwegian CMOs which undertakes training projects in Asia, Africa and Latin America to develop collective management infrastructure. IFRRO participates, along with the other international federations, in NORCODE's training programs for government and CMO staff, including RROs.

Sarah Tran, Chair of the APC, participated on behalf of IFRRO in the NORCODE Regional Training Programme in Hanoi in November 2019. Participants were drawn from around 20 CMOs and Copyright Offices in Asia, including VIETRRO, FILCOLS and IRRO.

IFRRO had planned to host a NORCODE roundtable meeting in March 2020, to assess previous programmes and plan future programmes, however that was managed virtually due to the pandemic.

6. Regional Activities and Development

During the year, working closely with the Chairs of the different regional groups, IFRRO continued to actively engage in establishing RROs, and to develop the emerging RROs in membership of IFRRO around the world. In this work, we coordinate closely with our national and international members, national author and publisher groups, other creative sector organisations such as SCAPR, IFPI and CISAC, and with our strategic partners, such as WIPO. More detailed information about these regional activities is contained in the Regional Committee Reports, available [here](#).

6.1. Asia Pacific

There are 14 RROs in membership of IFRRO in the Asia Pacific region. There is also one Music RRO, MCSC (China). IFRRO's Asia Pacific Committee (APC) is chaired by Sarah Tran, Copyright Agency.

The APC met twice in the period under review – in Edinburgh on 7 November 2019 and also a virtual meeting on 16 July, 2020. There were 24 attendees at the virtual meeting.

As well as National Reports, matters discussed at the meeting included the impact of the pandemic in the region, including the early implementation of the new compulsory multi repertoire licence for education in Japan.

6.2. Africa

There are 16 RRO members of IFRRO in the African region and one Creator and Publisher Association member, PASA, the Publishers' Association of South Africa. The African Development Committee (ADC) is chaired by Dora Makwinja from COSOMA.

The ADC met in Edinburgh on 7 November 2019, and were scheduled to meet in Lilongwe, Malawi in late March 2019. Due to the pandemic, that face to face meeting was deferred and replaced by two virtual meetings held on 9 and 23 July. There were 60 attendees at the virtual meetings.

Matters discussed at the virtual meetings included the challenges posed by the pandemic, and other national developments. The ADC also held a half day special session in Edinburgh on 6 November 2019.

6.3. Europe

The European Group (EG) met once during the year under review, in November 2019 in Edinburgh.

The key focus of the work of the EG in the period under review was discussing members' concerns relating to the implementation of the Copyright in the Digital Single Market ("DSM") Directive, following its adoption in April 2019.

The European Group is chaired by Samantha Holman (ICLA) with two Vice Chairs, Robert Staats (VG Wort) and Valtteri Niiranen (Kopioisto).

6.4. Latin America and the Caribbean

There are 13 RRO members of IFRRO in the region. As ECCLA is a sub-regional RRO for six Eastern Caribbean States, the 13 RROs in Latin America and the Caribbean cover 17 countries. Ana Maria Cabanellas (CADRA) chairs the IFRRO Latin American Committee.

The Committee met three times during the period under review, during the IFRRO World Congress (IWC) in Edinburgh in November 2019 and also two virtual meetings held on 5 and 19 June, at which the impact of the pandemic was discussed and national reports were also shared.

7. Technical Working Groups and Fora

7.1. Equipment Levy Forum (ELF)

The ELF is an informal forum open to all IFRRO members for the exchange of information amongst RROs administering Text and Image (TI) levies. It met twice during the period under review (on 7 November 2019, and 22 June 2020) and is chaired by George Zannos from OSDEL. Several practical issues, such as the level of compensation, the sharing of the levy among groups of rightholders, the application of VAT, or the re-export of devices that have been levied, are discussed at ELF meetings. In order to allow more time for thorough discussions about practical and technical

levy issues, a full day meeting of the Equipment Levy Forum was organised in February 2020 in Brussels.

Further information about the work of the ELF is available [here](#).

7.2. Legal Issues Forum (LIF)

The LIF, chaired by Martin Kyst (Copydan Writing), is a forum open to all IFRRO members for the exchange of information on legal issues. In the period under review the LIF met once, on 7 November 2019. Discussions were focused on IFRRO's revision of the IFRRO sample bilateral agreement, implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, as well as insights into national and regional developments, including recent case-law of the CJEU. Further information about the work of the LIF is available [here](#).

7.3. Musical Forum (MF)

The MF chaired by Marc Hofkens (SEMU) was disbanded as a standing committee in 2019. It will continue to meet from time to time as issues arise.

7.4. Newspaper and Periodicals Working Group (NPWG)

The NPWG, chaired by Sandra Chastanet (CFC), met once during the year under review on 7 November 2019. The NPWG focuses in particular on the development of business models regarding the licensing of newspapers and periodicals in the business sector, media monitoring as well as education. A strong emphasis is given to licensing for digital uses and the sustainability of digital media business models, with a recent focus being implementation of the press publishers' neighbouring right under Article 15 of the Copyright in the Digital Single Market Directive. Further information about the work of the NPWG is available [here](#).

7.5. Public Lending Right Forum (IPF)

The IPF is an informal forum open to all IFRRO members, and links IFRRO with the work of PLR International. It was convened once during the period under review, in conjunction with the IWC 2019 in Edinburgh, and members also met in London in September 2019 at the Public Lending Right International Conference. The Forum is Chaired by Kurt van Damme from Reprobel.

Important issues affecting PLR schemes, such as the lending of e-books, changes in user behaviour, and the distribution of PLR revenues, are discussed at IPF meetings. The IPF also monitors the implementation of the EU Rental and Lending Rights Directive. A database with key information relevant to the administration of PLR is available on the Members Only section of the IFRRO website. A number of PLR documents are also available on the PLR International [website](#).

7.6. Visual Working Group (VWG)

The VWG, chaired by Vincent van den Eijnde (Stichting Pictoright), met once during the year under review. Its objective is to study and review issues involved in the reproduction of still images contained within books, journals and newspapers and to determine strategies and suggest solutions for co-operation and closer involvement of the visual creators in the field of RRO licensing. Further information about the work of the VWG is available [here](#).

8. The Secretariat

The Secretariat is based in Rue du Prince Royal 85-87, 1050 Brussels, where the IFRRO Secretariat is co-located with IFRRO members EVA, SCAM and SOFAM, and other international copyright and authors' rights organisations.

Caroline Morgan served as CEO and Secretary General in the year under review.

Catherine Starkie is the Head of Legal Affairs, and takes responsibility for managing legal and EU affairs impacting IFRRO and its members, including the DSM Directive. She also provides secretariat engagement in the work of the Legal Issues Forum and the European Group, together with the Newspaper and Periodicals Working Group. *Pierre-Olivier Lesburguères* is the Manager for Policy and Regional Development and takes responsibility for IFRRO's relationship with WIPO and other strategic partners. Pierre provides secretariat engagement in the work of the Equipment Levy Forum, the PLR Forum and the African Committee. *Tadhg O'Carroll*, is the Junior Policy Officer, supporting both Catherine and Pierre in their roles.

Nadege Grard is the Office and Accounts Manager, joining IFRRO in January 2020. *Veraliah Bueno Álvarez* maintains the IFRRO website, attends to selected communication and information activities, and manages events, including the Congress and AGM. During the period under review, *Nadine Dauer* chose not to return from parental leave, and is no longer employed by IFRRO.

Munkhdulam Naranbayasakh was the IFRRO accountant throughout the year, employed on a consultancy basis. IT services are provided by TWIDO.



Yngve Slettholm
President