Collective Management:
The Role of RROs and IFRRO
Presenter name and job title

Date: Venue, country
Collective management in the copyright sphere
How does a work become protected by copyright?

- All works
- Automatic
- Author’s exclusive right
  - Economic rights
    - May be assigned
  - Moral rights
    - Generally non-assignable
Types of © works

- Literary, dramatic, musical, artistic
- Film, sound recordings, broadcasts and typographical arrangement
- Computer software, non-original databases
- Performances
Three pillars

Legislation  Management  Enforcement
Five principles

- Copyright education
- Strong legislation
- Compliance Enforcement
- Rightholder mandates
- User friendly licences
Value of the creative industries

• Cultural value
  o National identity
  o Fiction, non fiction (science, technology, education), poetry, drawings, photographs... And more!

• Economic value
  o Incentive to create and publish
  o Textbooks frequently engine of national publishing industry
## Economic value of the copyright industries – EU

<table>
<thead>
<tr>
<th>Contribution of © industries</th>
<th>€1.2 trillion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Added value produced</td>
<td>€450 billion</td>
</tr>
<tr>
<td>Percentage of total gross value added</td>
<td>5.3%</td>
</tr>
<tr>
<td>Number of persons employed</td>
<td>5.2 million</td>
</tr>
<tr>
<td>Percentage of total employment</td>
<td>3.1%</td>
</tr>
<tr>
<td>Contribution of print media to GDP</td>
<td>1.07%</td>
</tr>
</tbody>
</table>

*Source: The Contribution of Copyright and Related Rights to the European Economy* based on data from the year 2000: Final Report October 2003, prepared by the Media Group, Business Research and Development Centre, Turku School of Economics and Business Administration for European Commission, Directorate General – Internal Market
### Economic contribution of the creative industries – WIPO

<table>
<thead>
<tr>
<th>Country</th>
<th>Contribution to GDP %</th>
<th>Contribution to employment %</th>
<th>Contribution to GDP %</th>
<th>Contribution to employment %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>10.30</td>
<td>8.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bulgaria</td>
<td>2.81</td>
<td>4.30</td>
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<td></td>
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<tr>
<td>Canada</td>
<td>4.70</td>
<td>5.40</td>
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<tr>
<td>Colombia</td>
<td>3.30</td>
<td>5.80</td>
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<td></td>
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<tr>
<td>Croatia</td>
<td>4.27</td>
<td>4.64</td>
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<tr>
<td>Hungary</td>
<td>6.66</td>
<td>7.10</td>
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<tr>
<td>Jamaica</td>
<td>4.81</td>
<td>3.03</td>
<td></td>
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<tr>
<td>Latvia</td>
<td>5.05</td>
<td>5.59</td>
<td></td>
<td></td>
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<tr>
<td>Lebanon</td>
<td>4.75</td>
<td>4.49</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mexico</td>
<td>4.77</td>
<td></td>
<td></td>
<td>11.01</td>
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<td>Netherlands</td>
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<td>6.90</td>
<td>8.80</td>
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<td>Philippines</td>
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<td>4.82</td>
<td>11.10</td>
</tr>
<tr>
<td>Romania</td>
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<td></td>
<td>5.55</td>
<td>4.19</td>
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<tr>
<td>Russia</td>
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<td>Singapore</td>
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<td>Ukraine</td>
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<td>2.85</td>
<td>1.90</td>
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<td>USA</td>
<td></td>
<td></td>
<td>11.09</td>
<td>8.53</td>
</tr>
</tbody>
</table>

Copyright based sector
Contribution to GDP by industry – WIPO

- Press and literature: 44%
- Software: 10%
- Radio and TV: 12%
- Music, theatrical productions and opera: 9%
- Motion picture and video: 6%
- Visual and graphic arts: 3%
- Photography: 6%
- CR collecting societies: 1%
- Advertising: 9%
Copyright based sector: Contribution to employment by industry - WIPO

- Press and literature: 39%
- Software: 16%
- Radio and TV: 11%
- Music, theatrical productions, and opera: 12%
- Motion picture and video: 5%
- Visual and graphic arts: 3%
- Photography: 5%
- Collecting societies: 9%
- Advertising: 0%
Legislative framework for collective management

- Main instruments:
  - Berne Convention, TRIPS and WCT
- Exclusive rights include:
  - Reproduction
  - Distribution
  - Making available
  - Communication to the public
International treaties and conventions

- 1883 Paris Industrial Property Convention
- 1886 Berne Convention
- 1947 GATT General Agreement on Tariffs and Trade
- 1952 Universal Copyright Convention
- 1961 Rome Convention
- 1971 Geneva Convention
- 1994 TRIPS Trade Related Intellectual Property Rights Accord
- 1996 WIPO Copyright Treaty
- 1996 WIPO Performers and Phonograms Treaty
Regional and national law

• Regional legislation
  o EC – 7 Copyright Directives including Information Society Directive (2001)
  o NAFTA
  o Cartagena Agreement
  o Bangui Agreement
• National legislation
  o EU member states
  o Countries bound by WIPO Treaties
  o Others in bilateral agreements with EU
Exceptions and limitations

• Exceptions: 3-step test
  1. Certain special cases
  2. Must not conflict with normal exploitation
  3. Must not unreasonably prejudice legitimate interests of author
• Tests are cumulative
• May be linked to fair compensation
• Digital is different
Licensing and exceptions

- Working within established structures
- Developing practical alternatives
- National equilibrium maintained
- Toolbox of solutions
- Flexible interaction between licensing and exceptions
Q: What happened?

<table>
<thead>
<tr>
<th>C6(^{th})</th>
<th>1958</th>
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<tbody>
<tr>
<td>1439</td>
<td>1963</td>
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<td>1710</td>
<td>1984</td>
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<tr>
<td>1777</td>
<td>1988</td>
</tr>
<tr>
<td>1850</td>
<td>1989</td>
</tr>
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<td>1938</td>
<td>2009</td>
</tr>
</tbody>
</table>
A: Some © milestones

C6th Decision of King Diarmuid
1439 Gutenberg & moveable type
1710 Statute of Anne
1777 Collective management in theatre
1850 Collective management in music
1938 Chester Carlson patents electro photography
1958 Launch of first RRO
1963 Launch of Xerox 813
1984 Foundation of IFRRO
1988 CBS songs v. Amstrad Consumer Electronics plc
1989 Tim Berners Lee invents WWW
2008 Google settlement announced