



[IFRRO HOME](#)

Volume 16 – Number 5 – November 2013

Table of Contents

<p>IFRRO</p> <p>IWC 2013 in Istanbul: CMOs at the heart of the economy and society.....</p> <p>Copyright as a tool to reward and promote creation.....</p> <p>IFRRO calls on Lithuanian and Latvian governments to facilitate rights management.....</p> <p>EU Affairs</p> <p>EU ‘Licences for Europe’ stakeholder dialogue: Final Plenary Meeting.....</p> <p>EU ‘Licences for Europe’: Toolkit for licensing, including micro licensing in text and image works</p> <p>CRM directive - Agreement between the European Parliament and the EU Council Presidency</p>	<p>Court Cases</p> <p>First court victory in battle to license Korean Universities.....</p> <p>Member News</p> <p>2014 IPA Freedom to Publish Prize: Call for Nominations</p> <p>ALCS announces appointment of new Chair.....</p> <p>Advocat</p> <p><i>Free Ride</i> Author, Robert Levine, addresses IFRRO AGM.....</p> <p>Jaron Lanier’s Who Owns the Future – Value the information providers, or we all lose out to the Siren Servers</p>
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EVENTS:

18 to 22 November 2013 [WIPO Committee on Development and Intellectual Property \(12th session\)](#), Geneva, Switzerland

4 December 2013 [ARROW Plus final conference](#), Brussels, Belgium

16 to 20 December 2013 [WIPO Standing Committee on Copyright and Related Rights \(27th session\)](#), Geneva, Switzerland

LINKS TO OTHER NEWS:

[Access Copyright Newsletter](#)

[PLS Plus Magazine](#)

IFRRO

IWC 2013 in Istanbul: CMOs at the heart of the economy and society



Photo: Erkan Kurtulus

IFRRO's World Congress and AGM has successfully concluded in Istanbul hosted by YAYBIR and opened by the Turkish Minister of Culture and Tourism, Mr. Abdurrahman Arici. Over 200 delegates and guests learned of the importance of collective management, not only in rewarding rightholders but for building the economy and for fostering cultural diversity and protecting cultural heritage. IFRRO welcomed 2 new members - BESAM was accepted for Associate RRO membership to replace EDISAM as the Turkish authors' RRO and BASYAYBIR (Turkish Professional Association for Publishing and Printing) was granted Creator and Publisher Association membership. This brings IFRRO membership up to 141 of which 87 are RRO members.

In an opening speech, IFRRO President, Rainer Just, welcomed participants to Turkey and Istanbul, "a city which reflects and synthesises cultural diversity evolved over centuries". He

continued “Openness to the expression of science, ideas and culture, and the protection of creator’s moral and material interests is a fundamental principle of the Universal Declaration of Human rights. Turkey was among the first nations to sign the declaration in 1948, a declaration, which, I remind you all, includes statements on important issues, such as freedom of expression. Turkey is also the country that has fostered great writers, such as Enis Batur, Yasar Kamal and the Nobel laureate Orhan Pamuk. Copyright and the efficient management of rights aims at furthering creativity and broad dissemination of intellectual property, as well as furthering cultural diversity, providing access to scientific and cultural expression and the sharing of knowledge. With Istanbul as the venue, the topic of Copyright, Cultural diversity and Collective Management was an obvious choice for the International conference and Business Model Forum, as was the Collective Management – benefiting culture and economic growth for the World Congress itself.”

The IWC included an open Business Models Forum in which speakers highlighted the need for CMOs to be regarded as more than mere collectors of revenue but also as enablers of cultural diversity and providers of a one-stop shop for access to copyright works. For this reason a legal framework based purely on competition principles was inappropriate. The AGM heard from David Uwemedimo, Director of WIPO’s Copyright Infrastructure Division, who explained the background of the Marrakech treaty to facilitate access to published works by visually impaired persons (VIPs) and persons with print disabilities. The aim of the treaty was to give VIPs similar levels of access to printed materials as are enjoyed by their sighted fellow citizens. He emphasised the role that authorised entities played under the treaty in facilitating access and drew attention to the importance of stakeholder initiatives such as TIGAR.

Next year’s AGM will be hosted by the Korea Reproduction and Transmission Rights Association (KORRA) in Seoul from 27 to 30 October 2014.

[Back to Contents](#)

Copyright as a tool to reward and promote creation

On 16 October, IFRRO, EFTA and Forum Europe coorganised a roundtable debate on [Sharing knowledge and access to intellectual property in the internet age](#). The event that took place at the EFTA premises as part of the European Internet week within the framework of the EU Single Market month, had as main speakers Director Kerstin Jorna (EC, DG MARKT), the Pirate Party MEP Christian Engström and IFRRO’s CEO Olav Stokkmo, and was moderated by Kevin Fitzgerald, CEO of the UK RRO Copyright Licensing Agency (CLA).

In welcoming the more than 70 participants to the EFTA premises, EFTA Deputy Secretary General, Helge Skaara, gave an overview of the EFTA secretariat and its work , including on copyright issues. In his welcome remarks on behalf of IFRRO, Olav Stokkmo noted that intellectual property, including copyright, has moved from being something that interested a few, and mainly from theoretical and philosophical perspectives, to become, in our days, a highly political issue. A recently published report documents that 50% of the EU industries are IPR active.

The roundtable gave the opportunity to discuss both business models and policy issues in relation to providing legal access to intellectual property and the sharing of knowledge. It showed that dialogue is an important step to raise awareness and to provide innovative solutions to user demands for enhanced access to copyright works.

Kerstin Jorna, from the European Commission, highlighted the importance of copyright as a tool to reward and promote creation. She also explained how copyright industries are important contributors for the economy and how they are an important source of jobs. She referred specifically to the publishing industry in Europe and its importance worldwide. Among other things, Jorna also addressed topics such as availability, cross-border access and portability as some of the main users demands; transparency for collective management organisations; the importance of European initiatives such as Licences for Europe; ARROW; the MoU on Out of Commerce Works; and counterfeiting and piracy.

In his intervention, MEP Christian Engström, agreed that copyright has moved from being a topic for specialists, to be a broader topic. He also explained how internet extended copyright matters. He stated that despite piracy, the creative industries are still moving forward and more works are being made available thanks to technological developments . He was highly critical to Collective Management Organisations (CMOs) which merely “try to collect money wherever they can” and defended the right of copyright holders to protect their economic and moral rights only in relation to commercial for profit transactions. He claimed that a new copyright framework is required, in which the term of protection for rightholders are dramatically shortened and the activities of CMOs are better controlled.

Olav Stokkmo IFRRO's CEO, in his [introductory remarks](#) stressed that content wants to be shared and that authors and publishers seek the broadest possible audience for their works. He further made three main observations: A main challenge is to make it easier for users to access copyright works and share knowledge legally than illegally; the fundamental principles in the copyright legal framework are still valid and fit for purpose also in the Internet age; and the best way to enable seamless access to copyright works is through agreements with copyright holders and CMOs rather than through copyright exceptions and limitations. Copyright is a fundamental human right recognised in the Universal Declaration of Human Rights. Income also from reuse and secondary uses of copyright works is indispensable to both authors and publishers as documented also in a PwC study in the UK.

Following the debate and interventions from the audience, Kevin Fitzgerald, wrapped up the roundtable by identifying key concepts of the discussions: dialogue as a very important tool; awareness; funding as one very important resource to provide solutions and finally; innovation, as a characteristic that needs to be observed nowadays.

[Back to Contents](#)

IFRRO calls on Lithuanian and Latvian governments to facilitate rights management

During a conference organised in Vilnius by IFRRO and LATGA - the Lithuanian collective management organisation - on “copyright levies and the activities of Reproduction Rights Organisations” on 4 October 2013, the members of the IFRRO European Development Committee issued two statements.

The [first statement](#) calls on the Lithuanian government to implement the regulations that will make the Lithuanian copyright law enforceable. The [second statement](#) is asking the government of Latvia to give formal approval to Latrepro and to enable it to act as a Collective Management Organisation.

[Back to Contents](#)

EU Affairs

EU 'Licences for Europe' stakeholder dialogue: Final Plenary Meeting



Photo: Martin Kala

On 13 November 2013, the final plenary [meeting](#) of the [Licences for Europe](#) initiative took place.

IFRRO, through its General Counsel and Deputy Secretary General, presented one of the results of Working Group 2 (UGC and Licensing for small-scale users of protected material): a toolkit for licensing, signed by seven organisations (EVA, EWC, EFJ, EPC, FEP, IFRRO, STM), supported also by EMMA and ENPA, enabling easier access to text- and image-based works. More information on the toolkit is available [here](#).

The European Commission published a [Press Release](#) and an accompanying [Memo](#), setting out the outcome of the Licences for Europe dialogue. At its heart are 10 pledges ("solutions to make more content available in the Digital Single Market"), as summarised by the European Commission below; these are also available [here](#):

Ten pledges to bring more content online

1. Further development of cross-border portability of subscription services.
2. Improved availability of e-books across borders and across devices.
3. Easier licencing for music.
4. Easier access to print and images.
5. Enabling the identification of your work and rights online.
6. More active reader involvement in the online press.
7. More heritage films online.
8. Freeing up TV footage archives through digitisation.
9. Improving identification and discoverability of audio-visual content online.
10. Easier text and data mining of subscription-based material for non-commercial researchers.

[Back to Contents](#)

EU 'Licences for Europe': Toolkit for licensing, including micro licensing in text and image works

A toolkit for licensing has been developed within the framework of the European Commission initiative [Licences for Europe](#) in its Working Group on UGC and Licensing for small-scale users of protected material (WG2). This document brings together, for the first time, a range of licensing solutions, which were presented or explained in the context of the Licences for Europe framework, namely:

- Solutions for the identification of rights holders, their agents or other representatives (such as CMOs) from whom permission can be sought;
- Solutions to give users information about licensing and licensing conditions: how the licensing process works and what users can do with a work under a chosen licence;
- Streamlined one-click/click through/accessible and easy pay-per-use transactional systems that make the licensing process quicker and easier.

In addition to the work that has already been done in these three areas, the organisations involved commit themselves to:

1. Promote awareness of the licensing toolkit, set out in Annex A, among their members.

2. Support continued dialogue with users to explore further ways in which their needs can be met via innovative licensing solutions, and which allow the opportunities presented by the digital environment to be realised.
3. Support continued dialogue with the European Commission in order to inform and update it as regards ongoing licensing initiatives, including those set out in the toolkit, as well as exploring possible pan-European dimensions to national initiatives, such as the UK's Copyright Hub.
4. Where feasible, support the work of initiatives, which aim to develop further internet based solutions for the provision of legal access to and use of text and image based works, such as the Linked Content Coalition (LCC) initiative.

The toolkit, which has been signed by EFJ, EPC, EVA, EWC, FEP, STM and IFRRO, is available [here](#). In addition, ENPA and EMMA supported the toolkit in a [separate declaration](#).
[Back to Contents](#)

CRM directive - Agreement between the European Parliament and the EU Council Presidency

An agreement has been reached on the draft Collective Rights Management directive on Monday 4 November. Please find [here](#) the press release issued by the Lithuanian Presidency.

The draft text has to be approved by the Member States at a COREPER meeting on 6 November. It will then go back to the European Parliament Legal Affairs Committee for adoption on 26 November and is tabled for a first reading in plenary on 3 February 2014.
[Back to Contents](#)

Court Cases

First court victory in battle to license Korean Universities

In September, the Ministry of Culture, Sports, and Tourism of Korea (the MCST) won a lawsuit against six universities in Korea, which has improved the chances of the Korea Reproduction and Transmission Rights Association's (KORRA) own case against the universities for non-payment of copyright fees.

KORRA had sued the universities because they had refused to enter into agreements to pay the fees for the usage of copyright works in the classrooms. The universities responded by filing an administrative litigation against the MCST to cancel KORRA's lawsuit.

The court of Korea, however, turned down the universities' request and ruled that there was no reason to cancel KORRA's suit. This verdict strengthens KORRA's position vis à vis the universities.

The case is an important one because, if successful, it will enable KORRA to strongly protect the works of rightholders not just in Korea but also abroad, as well as entering into licensing agreements with the universities.

[Back to Contents](#)

Member News

2014 IPA Freedom to Publish Prize: Call for Nominations

Like the protection of copyright, promoting freedom to publish is a fundamental part of the IPA's activities. The closing date for nominations for the 2014 IPA Freedom to Publish Prize is 6 January 2014.

The Prize will be awarded on 27 March 2014, during the IPA Congress in Bangkok, and the recipient will receive CHF20,000.

The IPA Call for Nominations is [here](#), while the Nomination Form is available [here](#). The nomination form is also available on the [IPA website](#).

[Back to Contents](#)

ALCS announces appointment of new Chair

The Authors' Licensing and Collecting Society (ALCS) has announced the appointment of Adam Singer as Chair of the ALCS Board of Directors for a three-year term, effective from November 2013. Adam Singer succeeds Dr Penny Grubb who has stepped down after six years in the post. He brings extensive global experience of broadcasting, telecoms and corporate governance to the role of Chair, having helped to launch both the Discovery Channel and UK TV; filled senior roles at Telewest, Viacom, TCI International and at the MCPS-PRS Alliance, worked closely with regulators including Ofcom for the past three decades; and served as a director for a number of creative organisations.

The ALCS Board currently comprises nine Directors, the majority of whom are writers working across the fields of journalism, legal, academia and scriptwriting. For the past three years ALCS has distributed in excess of £30m each year among over 60,000 of its Members.

[Click here for full press release](#)

[Back to Contents](#)

Advocating Copyright

Free Ride Author, Robert Levine, addresses IFRRO AGM

In a special session of the IFRRO AGM in Istanbul, Robert Levine, author of "Free Ride" described how he had become disillusioned after at first welcoming Napster as a way to correct inequalities in the music market. He ridiculed the notion of a "gift economy" which would somehow provide creators with a living (but not through royalties) but was deemed inappropriate for academics, who needed their steady salaries. Authors have a right to choose whether and how to be remunerated and he noted that publishers act as risk aggregators, allowing writers live while creating. He praised copyright as a liberating force which, far from acting as a brake on innovation, enables different business models to flourish. The purpose of copyright was not to clamp down on individual acts of consumptive infringement but to prevent commercial infringement that would make creative activity impossible.

[Back to Contents](#)

Jaron Lanier's Who Owns the Future – Value the information providers, or we all lose out to the Siren Servers

Jaron Lanier is a creator. Indeed he has been recognised by the Encyclopaedia Britannica as one of history's 300 greatest inventors. A leading edge computer scientist, he coined the term "virtual reality" and was behind many of the earliest prototypes in the field. But he is also a musician, visual artist and author of several books advocating the primacy of humanity in the digital age. His latest book "Who owns the Future" argues that the current obsession with free information overlooks the fact that "information is people in disguise and people ought to be paid for value they contribute". The penalty for not recognising the role of human beings in the value chain is to kill the golden goose, which creates the value in the first place, and to destroy the middle class on whose spending power the economy depends.

The 'villains' in the plot are a handful of companies – Google, Apple, Amazon and a few others, which can monopolise "big-data", and which Lanier calls the "Siren Servers". He maintains that the middle classes have already lost their economic dignity to the Siren Servers, although, so far, the main victims have been limited to the 'creative classes' of musicians, journalists and photographers, of which Lanier himself is one. However he predicts that the service industries are next in the firing line. He claims that the additional destruction of the middle classes in transportation, manufacturing, energy, office work education and health care will have devastating effects on society and the economy and will be inevitable if the current model of the information economy is not improved. With a touch of wry humour he notes that some of the most enthusiastic supporters of the "free information" model are the holders of academic posts in higher education whose jobs "could be Napsterised and vaporised in a matter of a few short years".

Lanier calls for "a humanistic information economy" where people are compensated for their data contribution and the act of creation is valued. He admits that a belief in the specialness of people is a minority position in the tech world and that he would like to change that. But his advocacy of a more person-oriented approach to high-tech economics comes from a practical business perspective not just from a liberal concept of fairness. He lists the business benefits from humanistic information economics as including an expansion of long-term business models, a more consistent approach to IPR, more predictable liabilities and obligations in the area of privacy and similar concerns and finally enabling a more sustainable economic model.

So Lanier is a poacher turned gamekeeper – a scientist at the forefront of the digital revolution, who has recognised the dangers as well as the advantages that it brings. But he is not without hope and his book "proposes a grand future story in which the pattern of Siren Servers will be superseded by a more inclusive pattern". He believes that monetising the contribution of everyday data providers will create a middle-class-oriented economy in which information is not free but affordable. Lanier contends that this is essential to the continuing health of the digital economy and would result in greater not less accessibility to critical information.

[Back to Contents](#)