

## Table of Contents

### IFRRO

- IFRRO World Congress and Annual General Meeting 2017 in Tokyo
- IFRRO welcomes three new members
- The 2016 edition of the International Survey on Text and Image Copyright Levies is now available
- Catherine Starkie joins IFRRO team
- IFRRO participates in the Emirates Reproduction Rights Forum 2017
- IFRRO and FEP at YAYBIR's General Assembly
- IFRRO participates in Kopinor – Norcode Regional Meeting in Gaborone, Botswana
- IFRRO participates in sensitising meetings with ZARRSO, the Zambian RRO
- Collective management in the Arab region: IFRRO attends WIPO meeting in Tunisia
- IFRRO Asia Pacific Committee meeting held in Seoul

### RRO News

- Copibec won the ability to commence a class action against Université Laval
- CLASS, IFRRO's Singaporean member, reaches agreement with the Government on copyright licence renewal
- CEDRO launches online workshop on intellectual property for teachers in Madrid
- LATREPRO, the Latvian RRO, signs breakthrough licensing agreement with Government
- REPRONIG reports further progress
- Reprobel wins national lawsuit against HP Belgium
- CADRA signs a new digital licence with the Argentinean Psychoanalytic Association
- Copyright Agency and Viscopy to merge
- Copyright Agency welcomes the passing of the Copyright Amendment Bill 2017 by the Australian Parliament
- CLNZ releases 2016 report

### Access

- ABC launches its rebranded "ABC Global Book Service"

### Legal developments

- Decision of the Canadian Federal Court of Appeal's judicial review of the Copyright Board's K-12 tariff
- Joint letter to the Prime Minister of Spain regarding private copy
- Australia introduces Copyright Amendment Bill that includes disability and other measures
- Austrian Supreme Court confirms levy on media storage devices
- Germany refers questions to the CJEU for a preliminary ruling on the German news publishers' right scheme
- Nigeria approves ratification of four copyright treaties
- IFRRO responds to the consultation on collective rights management in Singapore
- Spain: new regulation on private copy passed by the Congress
- Federal Court of Canada decision on the case Access Copyright vs York University
- Swedish Patent and Market Court decision on Bildupphovsrätt vs Wikimedia Sweden

### IP World

- Reorganisation of Copyright Management in China
- Sci-Hub to pay \$15m for copyright infringement

### EVENTS

More on IP? Visit:



## Creators and Publishers news

- Over 400 authors and publishers write open letter regarding copyright infringement at Université Laval

## EU News

- Adoption of two EU instruments implementing the WIPO Marrakesh Treaty into EU law
- Court of Justice says that the European Union has exclusive competence to ratify the WIPO Marrakesh Treaty

## IFRRO

### IFRRO World Congress and Annual General Meeting 2017 in Tokyo

IFRRO members have received the invitation to register for the upcoming IFRRO World Congress and Annual General Meeting 2017, which will take place in Tokyo (Japan) from 6 to 9 November. The event has as overall theme *Copyright. Technology. Transformation*. An international seminar will be held with the same title on the 7<sup>th</sup> of November, while the rest of the week, will be devoted to different meetings for our members.

The IFRRO World Congress is a key event for members offering very comprehensive network opportunities during the 4 days of meetings.

### IFRRO welcomes three new members

IFRRO is pleased to announce that three new members have joined the IFRRO family: [SODAV \(Société Sénégalaise du Droit d'Auteur et des Droits Voisins\)](#), [Stichting PRO \(Stichting Publicatie – en reproductierechten Organsiatie\)](#) and [EFJ \(European Federation of Journalists\)](#).

SODAV was accepted in the category of Provisional RRO member, while Stichting PRO has joined as an Associate RRO member and EFJ is now a Creators and Publisher Association member.

IFRRO warmly welcome the new members, and we are looking forward to working with them to further build effective and efficient collective licensing systems around the world.

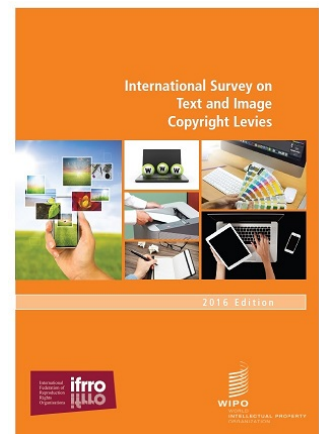
### The 2016 edition of the International Survey on Text and Image Copyright Levies is now available

The 2016 (and third) edition of the 'International Survey of Text and Image Copyright Levies', jointly published by WIPO and IFRRO is now available.

The publication builds on and updates the first two surveys published in 2014 and 2015, and analyses the origins, scope and current use of these levies around the world, and their role in ensuring easy legal access to copyright material.

The Survey also aims at showing how and why text and image (TI) levies are different from audio and audio-visual private copying levies. As with the previous editions, it uses data provided by IFRRO members, collated and presented by Paul Greenwood, a consultant, with the assistance of representatives of IFRRO members and the IFRRO Secretariat.

You can download the survey [here](#).



### Catherine Starkie joins IFRRO team

IFRRO has appointed Catherine Starkie as Director, European Affairs. Catherine's responsibilities will include working with members in order to inform and successfully influence key decision-makers from the EU Institutions as regards relevant legislative proposals.

Catherine was employed at EMMA (the European Magazine Media Association) as Director, Legal Affairs for 6 years with responsibility for EU lobbying activities, including analysing proposals, writing position papers, liaising with EU decision-makers and coordinating with EMMA members, in order to positively influence the outcomes of EU legislative proposals.

We are looking forward to working with Catherine, and drawing on her experience to IFRRO's - and our members' - benefit, at this critical time in the development of the digital single market and in particular the revision of the EU's copyright framework.

Catherine has already begun working at IFRRO and her email address is: [catherine.starkie@ifrro.org](mailto:catherine.starkie@ifrro.org).

### **IFRRO participates in the Emirates Reproduction Rights Forum 2017**

Experts, including IFRRO CEO Caroline Morgan, gathered in Sharjah on 27 and 28 February, to discuss establishing the Arab World's first Reproduction Rights Organisation (RRO) in the United Arab Emirates (UAE).



*Photo: EPA*

Organised by the Emirates Publishers Association (EPA), in collaboration with the Emirates Intellectual Property Association (EIPA) and Emirates Writers Union (EWU), the forum aimed at analysing global RRO models that could best fit the UAE according to their legal system.

Among the speakers, Caroline Morgan, IFRRO's CEO, addressed the important role that RROs play in the economy and highlighted the necessary governance requirements for the setting up of a successful RRO. Michael Healy, Executive Director of International Relations at [CCC](#), discussed the financial aspects of setting up a CMO, and Tarja Koskinen-Olsson discussed the possible models of operation for RROs. More information about the event is available [here](#) and [here](#).

### **IFRRO and FEP at YAYBIR's General Assembly**

[YAYBIR](#)-Publishers Copyright & Licensing Society had its biannual General Assembly on 2 March in Istanbul. Current issues for the publishing industry, copyright and collective management were discussed in the meeting, prompted by guest speakers Caroline Morgan from IFRRO and Anne Bergman from FEP. Mr. Serhat Baysan stepped down as Chairperson of the organisation. The meeting elected a new Board and Mr. Erdal Karakaya of Dogan&Egmont Publishing is the new Chairperson of YAYBIR.





Photo: YAYBIR

As part of the meeting, FEP Director Anne Bergman-Tahon spoke on the implications of the European copyright reform for publishers, and IFRRO CEO Caroline Morgan spoke on key aspects of an RRO's operation and highlighted new business models being developed by RROs around the world. More information and photos from the meeting can be found on the YAYBIR [website](#).

### **IFRRO participates in Kopinor – Norcode Regional Meeting in Gaborone, Botswana**

On 8 and 9 March 2017, IFRRO's CEO Caroline Morgan and IFRRO's Policy Advisor Pierre-Olivier Lesburguères participated in the sixth regional RRO meeting organised by Kopinor, the Norwegian RRO, and Norcode, the Norwegian Copyright Development Association, in Gaborone, Botswana.



Photo: Heidi Wøllo

The meeting was organised by Kopinor and Norcode as a key part of their engagement in the region so that the African RROs could exchange views and learn from each other's experiences. The meeting gathered delegates from five CMOs: COSBOTS (Botswana), COSOMA (Malawi), URRO

(Uganda), ZARRSO (Zambia) and ZimCopy (Zimbabwe), and it was opened by a welcome speech from Keitseng Nkhai Monyatsi, Copyright Administrator of Botswana.

On the first day the program allowed for in-depth discussions on the situation in each country represented. On the second day, participants exchanged views on the common challenges for RROs in the region and discussed how to organise authors' societies on the continent. Caroline Morgan gave a detailed presentation on the activities, objectives and priorities of the year for IFRRO, while Pierre-Olivier Lesburguères presented the work of the IFRRO African Development Committee.

A highlight of the meeting was the progress being made in many countries, with the sense that there is now a gathering momentum towards collective licensing. All delegates acknowledged that the meeting had been a great opportunity to share experience and to learn from experts and they agreed that a further meeting should be held in the region in 2018.

### **IFRRO participates in sensitising meetings with ZARRSO, the Zambian RRO**

On 13-15 March 2017 IFRRO's Policy Advisor Pierre-Olivier Lesburguères and Cosoma's Head of the RRO Unit Rosario Kamanga travelled to Lusaka, Zambia to participate in a series of meetings with the Zambian RRO, ZARRSO.



*Photo: @Coin productions*

Incorporated in 2010 and a member of IFRRO since then, ZARRSO was set up to administer the reproduction right on behalf of authors and publishers in Zambia. During the last two years the RRO has successfully signed several licensing agreements (see [here](#) and [here](#)) and is now busy negotiating more agreements with institutions where copyright-protected works are being copied.

During the first two days the delegation led by Ruth S. Mwenya, CEO of ZARRSO, met with representatives from the Government, the Copyright Office, schools and rightholders, and on the third day two sensitising meetings were organised with private schools and writers unions. Kenneth Musamvu, Registrar of Copyright of Zambia, opened the first meeting and presented the legal framework for collective management, expressing full support to the work done by ZARRSO. Rosario Kamanga (Cosoma) shared experience of developing successful licencing solutions in a neighbouring country, Malawi, and Pierre-Olivier Lesburguères (IFRRO) gave an introduction to copyright and collective management at international level, showing how they benefit users and rightholders alike. Ruth S. Mwenya (ZARRSO) explained with details the objectives of the work carried out by ZARRSO and led vivid debates during which dozens of questions were asked by the participants.

The first results of these seminars are already visible: some private schools have entered into negotiations to sign a licencing agreement with ZARRSO while the writers' unions have agreed to establish a joint communal secretariat that will be hosted in the premises of the RRO.



## Collective management in the Arab region: IFRRO attends WIPO meeting in Tunisia

On 29 and 30 March 2017 IFRRO participated in a Regional Meeting for Copyright Offices in the Arab Region that was organised by the World Intellectual Property Organisation (WIPO) and the Tunisian Copyright Office, OTDAV (Organisme Tunisien des Droits d'Auteur et des Droits Voisins).



© Pierre-Olivier Lesburguères

Sixteen countries from the region were represented at the meeting: Algeria, Comoros, Djibouti, Egypt, Iraq, Jordan, Lebanon, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syria, Yemen and the host country, Tunisia. Despite sharing a language and a culture, the countries form a disparate group when it comes to collective management: CMOs have been firmly established in some countries while in other they are still at a nascent stage.

Over the last two years IFRRO has become more involved in the region as witnessed by a recent IFRRO [study visit](#) to Algeria and by the [participation](#) of the Secretary General of IFRRO in the Emirates Reproduction Rights Forum 2017, and this Regional Meeting offered an opportunity for IFRRO to strengthen links with WIPO and with Copyright Offices and CMOs in the Arab Region.

The discussions were led and moderated by Sylvie Forbin, WIPO's Deputy Director General. In addition to the 16 Arab countries, participants included IFRRO's Policy Advisor Pierre-Olivier Lesburguères, CISAC's Adriana Moscoso, GESAC's Martine Rezzi, Dr Silke von Lewinski from the Max Planck Institute and WIPO's Ola Zahran.

In her opening speech Ms Forbin highlighted the relevance of copyright “for all countries, small and big”, and she hinted at the importance of enforcement without which even the most comprehensive copyright law becomes useless. Her remarks were echoed by Mr Mohamed Zinelabidine, Minister of Cultural Affairs of Tunisia, who emphasised that “copyright is the cornerstone of society”, and later on by IFRRO's Pierre-Olivier Lesburguères who presented case studies of countries in Africa and in Europe that have successfully implemented copyright policies and collective management despite hardships and difficult economic environments. Mr Lesburguères, in a panel discussion with CISAC and GESAC on “the Role of Collective Management Organizations in Reaping the Benefits of Culture”, further explained how Reproduction Rights Organisations are essential in developing and sustaining a local publishing industry. Using the examples of Andorra, Ivory Coast, Slovenia and Zambia, where RROs have been established and where a proper licensing framework is being developed, he showed how this in turn contributes positively to the protection of local cultures and languages as well as to growth and employment.

During these two days of intensive meetings a cultural programme allowed delegates to discover Tunisia's rich cultural heritage, from the ancient Roman mosaics of the Bardo National Museum to traditional Tunisian music, reflecting the role of copyright in ensuring that yesterday's cultural works are effectively protected and that today and tomorrow's creators have an incentive to continue creating.

### **IFRRO Asia Pacific Committee meeting held in Seoul**

The IFRRO Asia Pacific committee meeting was held on 11 - 12 May in Seoul, Republic of Korea. In opening the meeting, Professor Chung, President of the host organisation KORRA, congratulated delegates on their bravery in travelling to "the most dangerous city in the world right now". Thankfully the meeting passed without incidents, despite heightened tensions in the region.



There were 24 participants from 12 IFRRO members at the meeting, the first meeting chaired by Sarah Tran, Copyright Agency Viscopy. As well as sharing national reports the members of the committee discussed the challenges in managing licensee expectations, the role of data in licensing, and lobbying government. The meeting also provided an opportunity for new members of the committee, KOSA, represented by Gyooho Lee (Executive Director International Relations) and Taewon Jeong (Deputy Section Chief, Legal) and Jcopy, represented by Yu Kanehara (Vice President) and Yasenori Fukuyama (Senior Manager, Operations) to provide an overview of their activities.

Caroline Morgan, IFRRO CEO also participated in the meeting providing an overview of IFRRO's strategic priorities and also making a presentation on the importance of good governance in every aspect of an RROs operations.

In the session on data collection JAC shared their experiences in developing a university licence, and highlighted the importance of having reliable usage data to get university administrators to discuss licensing. Many participants agreed that data was critical to getting the university sector to agree on licensing terms, and that public universities were often more difficult to negotiate with than privately operated ones. Copyright Agency stressed the challenges in balancing the need for reliable data with minimising both the burden on the licensee and ensuring operational efficiency.

In the same session Paula Browning reported on the analysis of the first complete digital data set from universities in New Zealand. She said that the availability of the data "changed the conversation" between CLNZ and the university sector. Vietrro also advised that they were working with the department of education in Vietnam to develop a survey of copying in schools, which they hope would demonstrate the reliance of the sector on copyright content and lead to a licence being developed.

The relationship between copying exceptions for education and licensing was also discussed. Madelaine Pow-Jones from CLA explained how the licence override provisions in the UK Copyright Act worked to ensure that licence options were preferred to unpaid exceptions. Japanese representatives advised that the Japanese exceptions for education excluded textbooks, and shared their plans to develop licensing in the university sector. Dillys Yu told the meeting that in order to protect the text book market HKRRLS's licences in Hong Kong allowed lower proportions of text books to be copied than of other content. When discussing lobbying and government relations Antje Sorenson from CCC explained that constant and proactive advocacy was important and that establishing a role as a thought leader was at the centre of those relationships. Sarah Tran then presented the campaign that Copyright Agency had developed as a response to the threat of the Productivity Commission recommendations in Australia. The meeting also included a seminar on the private copying levy which was organised together with CISAC and local CMOS, including Korra and KOSA. Rightholders have been campaigning for the introduction of a private copying levy in Korea for over 10 years, and it's hoped that the joint creative industry pressure will force government to act and introduce legislation to implement a private copying levy in the near future. At the conclusion of the meeting, it was announced that the 2018 APC Meeting will be hosted by Hong Kong RRO, HKRRLS.

## RRO News

### **Copibec wins the ability to commence a class action against Université Laval**

The Quebec Court of Appeal has authorized Copibec to start a class action against Université Laval on behalf of all authors and publishers from Quebec, the rest of Canada and other countries. This decision overturns the February 2016 ruling by the Honourable Justice Beaupré of the Quebec Superior Court. In June 2014, Université Laval decided not to renew its blanket licence with Copibec and rely only on its interpretation of fair dealing, allowing reproduction of up to 10% of a work, a chapter of a book or an article without permission from rights holders nor remuneration for those authors and publishers whose works are being copied in course packs sold to students or made available to them online. It's known that the Quebec City-based university copies more than 11 million pages from over 7,000 works each year. It is the only educational institution in Quebec that has not renewed the license with Copibec that would allow them to reproduce copyrighted material legally. Copibec's press release on the matter can be read [here](#).

### **CLASS, IFRRO's Singaporean member, reaches agreement with the Government on copyright licence renewal**

**CLASS** has recently reached an agreement with the Singapore Government, Ministry of Education, (MOE) to renew the copyright licence for all its secondary schools and junior colleges. The MOE has also agreed to pay licence fees based on student enrolments instead of usage under the old system calculated on the number of pages copied. The new four-year licence will be backdated to January 1, 2016, and will cover the secondary schools and junior colleges (which is equivalent to high school or A level standards) until December 2019.

"The MOE had long insisted to pay licence fees based on copying usage only. This is not only inconvenient and time consuming for the schools and junior colleges as the schools are required to maintain copying records for the whole year annually, it is also unfair to rights-holders because of under reporting since schools and junior colleges (JCs) also rely on "fair use", which allows Government schools to copy for free up to 5 pages or 5% for works containing more than 500 pages. While the "fair use" limits are still applicable, with the fees based on student enrolments, all schools and JCs will now pay the standard rates regardless of under reporting of copied works," said Paul Wee, CLASS CEO. The schools will now keep records for 60 days per year, and the 200 secondary schools will rotate among the four zones they are located to keep records.

Additionally, Singapore's second biggest university, the Nanyang Technological University (NTU) and the National Institute of Education (NIE) have also agreed to renew their copyright licences with CLASS for four more years.

### **CEDRO launches online workshop on intellectual property for teachers in Madrid**

On 21 March, [CEDRO](#) and [NBC Universal](#), launched an online workshop on intellectual property for elementary and high school teachers in Madrid. The workshop aims to raise awareness about the general principles of intellectual property and their implementation in the class room. The workshop will be offered to teachers in Madrid for the scholar period 2017-2018.



The main objectives of the workshop is to train teachers so they can work respecting the existing legislation; encourage best practices on intellectual property in the schoolrooms; and to generate among students the knowledge, behaviour and skills needed to learn responsibly by respecting creation. Jorge Corrales, new General Director of CEDRO, highlighted the importance of the joint work of the educational sector and the publishing industry to provide solutions for the management of contents and information in the schoolroom. In this way, the solutions will be respectful of intellectual property. More information (*in Spanish*) is available [here](#).

### **LATREPRO, the Latvian RRO, signs breakthrough licensing agreement with Government**

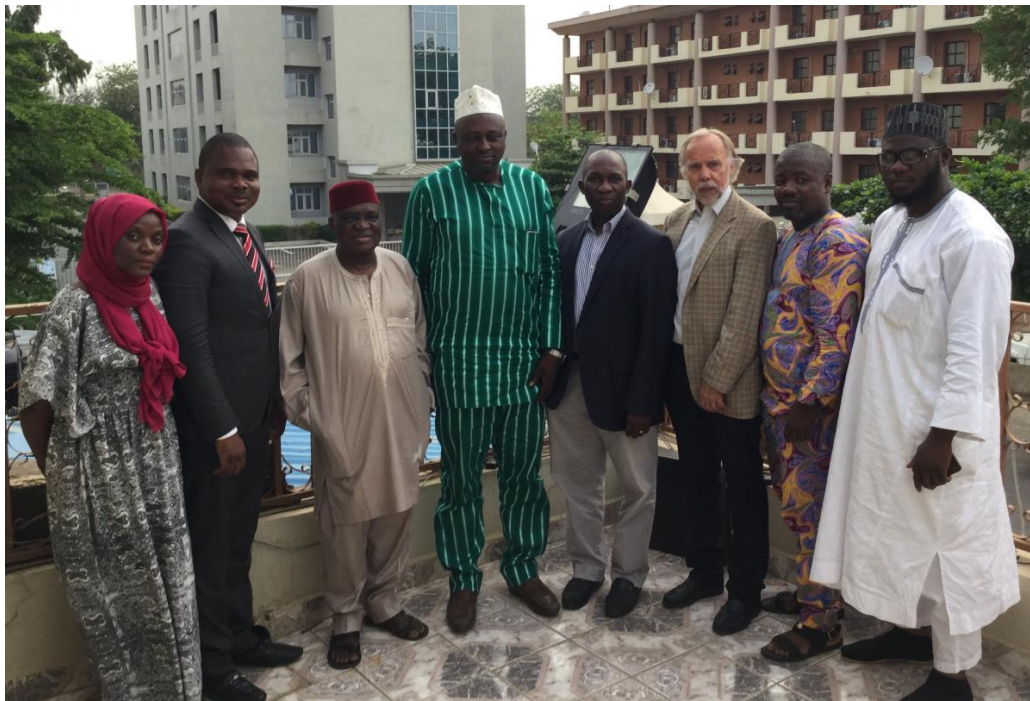
On the 22nd of February 2017 Association [LATREPRO](#), the Latvian RRO in membership of IFRRO, and the Ministry of Culture of the Republic of Latvia on behalf of the Republic of Latvia have signed an agreement for the payment of yearly remuneration for reprographic reproduction of works for personal use in public administration for the year 2016 and subsequent years 2017 and 2018. The amount was determined on the basis of a small-scale statistical survey on volumes of reprographic reproduction of copyright protected works in public sector that had been published by the Ministry of Culture in January 2016 and it will be reviewed once a new survey has been conducted. It is agreed a new survey will be conducted after two years.

This breakthrough licensing agreement will allow Latvian pupils, students and other users to have a legal and easy access to copyright-protected works while remunerating authors and publishers for the use of their works.

LATREPRO has expressed gratitude to its international partner IFRRO, its mentor organization [REPROBEL](#), and sister organization [KOPIPOL](#), for their continued support, while expressing appreciation for the political will and efforts of the Ministry of Culture of Latvia. All these efforts have materialized in the signing of this agreement and the remuneration to authors and publishers for the reprographic remuneration of their works like in other parts of the world. This is a notable achievement: it is the first time since Latvia passed its new copyright legislation (2001) and joined the European Union (2004) that authors and publishers will be able to receive monies from the collective management of their rights. Find [here](#) an article on the signing of the agreement on the Ministry of Culture of Latvia's website (*in Latvian*).

### **REPRONIG reports further progress**

REPRONIG, IFRRO's Nigerian member reports progress in the resumption of activities.



©REPRONIG - Olav Stokkmo, the Chairman REPRONIG Board, Executive Director of REPRONIG with the President and officials of the Association of Nigerian Authors.

The report comes after a working visit by Olav Stokkmo, former IFRRO CEO. The visit included a number of meetings with the Executive Director of the RRO, John Asein, in which the progress being made on the activities planned for the year was confirmed, the Nigerian Copyright Commission (NCC), the Nigerian Publishers Association (NPA), the Association of Nigerian Authors (ANA), and the Committee of Vice Chancellors (CVC). Each of the organisations they met with renewed their commitment to collaborate with REPRONIG in the discharge of its mandate as an RRO.

During the visit, REPRONIG organised [appearances](#) on various TV stations to mark the World Book and Copyright Day. In those TV appearances John Asein and Olav Stokkmo spoke about the book and publishing industry, the activities of RROs and the significance of this year's World Book and Copyright Day.

Stokkmo's visit, which was part of the joint development project by IFRRO, Norcode and WIPO focused on building licensing activities, strengthening relationships with stakeholders, and exploring opportunities to work with the blind and visually impaired community.

Finally, Professor Olu Obafemi, Chairman of the Board of the RRO, renewed the commitment of REPRONIG to IFRRO, NORCODE and other development partners that REPRONIG will continue to be guided by its core principles of P-A-G-E: Premium Service, Accountability, Good governance and Efficiency.

A major stakeholder workshop involving representatives of the government, university and education sector took place in Abuja on 8 and 9 August. The workshop will be significant in progressing the licensing program of Repronig.

### **Reprobel wins national lawsuit against HP Belgium**

On Friday 12 May, the Court of Appeal of Brussels ruled in favour of Reprobel in a lawsuit against Hewlett Packard (HP) Belgium, a ruling that has been welcomed by authors and publishers.

The ruling of the Court means that the remuneration of publishers in the framework of reprography is legitimate and that it did not affect the authors' own compensation. The same goes for the criteria of speed as the sole tariff basis of the equipment levy scheme. The court also considers that the Belgian scheme was sufficiently modulated according to the type of usage (private or professional), and is further of the opinion that the Belgian scheme can be interpreted in conformity with EU law as far as reproductions of sheet music and reproductions from an illegal source are concerned.

According to the ruling, HP Belgium will have to pay a provisional amount of 1 EUR to Reprobel, and it designates an expert who will have to determine (on the basis of an ISO norm) the objective speed of all reproduction devices HP has put on the Belgian market since December 2002.

For more information, please find [here](#) a press release issued by Reprobel.

### **CADRA signs a new digital licence with the Argentinean Psychoanalytic Association**

[CADRA](#), IFRRO's Argentinean member, recently signed a digital licence with the Argentinean Psychoanalytic Association (APA), which houses the largest psychoanalysis library of the Spanish speaking countries. The library is made up of over 30,000 books and magazines, from which 70% is not available anywhere else due to their out of commerce status. The library also owns rare publications related to the country's political repression, German publications from the Nazi era, etc. Moreover, they also have in their repertoire, original books and their translations in Spanish of the most important psychoanalysts of the world.

The licence will allow APA to reproduce digitally up to 30% or one chapter of the publications of the library, and to make it available for their users.

### **Copyright Agency and Viscopy to merge**

Copyright Agency and Viscopy [announced](#) that after a five-year 'Services Agreement' between the two rights management organisations, a merger will be completed by the end of 2017.

The merger will be subject to the approval of the Australian Supreme Court, the Australian corporate regulator ASIC and the membership of both organisations of over 43,000 members, ranging from visual artists and illustrators to journalists, cartoonists, surveyors, educational authors and publishers,.

Once the merger is completed, Copyright Agency will create a new class of membership, 'visual artist', for Viscopy's approximately 13,000 visual arts members. Those members will be able to elect a new Visual Arts Director to the Copyright Agency Board.

Tim Denny and Kim Williams, Chairs of Viscopy and Copyright Agency respectively, see the merge as an opportunity to better represent and compensate visual artists in Australia and New Zealand.

## Copyright Agency welcomes the passing of the Copyright Amendment Bill 2017 by the Australian Parliament

As previously reported [here](#), the Australian Government introduced into Parliament the Copyright Amendment Bill (Disability and Other Measures). The Bill was recently passed. Stakeholders are pleased with the reform, including [Copyright Agency](#), Australian member of IFRRO, that welcomed the passing of the Bill stating that it will make even simpler for students to access a huge range of content, while libraries will be able to exhibit more material to the Australian public and people with disabilities will be able to access copyright material more easily.

Adam Suckling, CEO of Copyright Agency, commended and thanked the Government for the reform process that resulted in the passing of the Bill and for ensuring that Australia's copyright system continues to be a world leader in innovation and access. He highlighted the importance of the Bill and said that "These are important reforms that ensure Australia's copyright system continues to evolve with developments in technology, content creation and consumer behaviour. They also ensure rights holders continue to receive a fair payment for their work so they can continue to produce great Australian content." For more information on changes enabled by the Copyright Amendment (Disability Access and Other Measures) Bill 2017, please visit Copyright Agency [website](#).

## CLNZ releases 2016 report

IFRRO's member in New Zealand, [CLNZ](#), has recently released its 2016 report. The report highlights their 2016 achievements - which include the implementation of WISE (Web based IFRRO standard Software Environment), the IFRRO standard software for RROs, for managing the electronic usage data provided by universities and for distributions. The implementation of WISE has led to innovation and efficiency in CLNZ's operations. CLNZ also highlight their focus on transparency and governance, including enhanced financial reporting

The report can be consulted [here](#), offers an overview of their achievements and plans for the future and their objectives, which can be summarised as "Growing New Zealand's creative economy by enabling access to a world of content".

## Creators and Publishers news

### Over 400 authors and publishers write open letter regarding copyright infringement at Université Laval

In an open letter to the three candidates for the position of Rector of Université Laval, more than 400 authors and publishers have drawn the ongoing litigation between the university and Copibec, the RRO in Quebec to their attention.

Following the unilateral decision of the university not to renew the licence offered by Copibec, it is estimated that authors and publishers have suffered a loss of income amounting to more than 1,200,000 \$ to day.

The letter asks the candidates to recognise that the way to guarantee innovation is to support the creative environment and enter into licensing agreements, as the other educational institutions in Quebec have done.

Copibec won recently the right to start a class action against Université Laval on behalf of all authors and publishers from Quebec, the rest of Canada and other countries (see [here](#)).

The letter (*in French*) is available [here](#).

## EU News

### Adoption of two EU instruments implementing the WIPO Marrakesh Treaty into EU law

On the 6th of July the European Parliament, sitting in plenary session, has adopted a regulation and a directive implementing the WIPO Marrakesh Treaty into European law. This puts an end to the legislative process and it should lead to a swift ratification of the Marrakesh Treaty by the European Union. The final text of the regulation and directive can be found [here](#) and [here](#).

### Court of Justice says that the European Union has exclusive competence to ratify the WIPO Marrakesh Treaty



On 14 February, in Opinion 3/15, the Court of Justice of the European Union (CJEU) has found that the European Union has exclusive competence to conclude the WIPO Marrakesh Treaty.

Since the adoption of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled in June 2013 it was unclear whether the EU had the exclusive competence to ratify it, and a number of EU Member States were arguing against it. The European Commission asked the CJEU to give its Opinion on the question.

In its Opinion, the Court took the following view:

- The Marrakesh Treaty does not come within the ambit of the EU common commercial policy, for which the EU has exclusive competence;
- However, the EU has also exclusive competence “when the conclusion of an international agreement may affect ‘common rules’ or alter their scope”. The Court considered whether that was the case with the Marrakesh Treaty and found that, indeed, the Treaty may affect the scope of the InfoSoc Directive (Directive 2001/29) since “the exception or limitation provided for by the Marrakesh Treaty will have to be implemented within the area harmonised by the directive”. In addition, the Treaty lays down an obligation for Member States to introduce an exception or limitation for the benefit of certain persons with disabilities (and not an option as in the InfoSoc Directive)
- The Court therefore decided that “the treaty may be concluded by the EU acting on its own, without the participation of the Member States”.

Andrus Ansip, Vice-President of the European Commission who has taken over since January the Digital Economy & Society portfolio that includes the review of EU copyright rules, has welcomed the decision in an [official statement](#):

“Today’s ruling clarifies how the Treaty can be ratified in the European Union. This can now be done very quickly. While this is a very important step, other measures need to be taken as fast as possible. I rely on the European Parliament and Member States to adopt our proposals rapidly; in other words, to “translate” the Treaty into EU copyright rules. I am confident this can be one of the many achievements reached during the Maltese Presidency of the EU.”

The Court’s Opinion on the ratification of the treaty is independent from the two legislative proposals released by the European Commission in September 2016 to implement the Marrakesh Treaty into EU law (a Regulation (COM(2016)0595) and a Directive (COM(2016)0596)), which are currently being discussed at the European Parliament.

Find the Court’s official press release [here](#).

## Access

### ABC launches its rebranded "ABC Global Book Service"

The Accessible Books Consortium (ABC) recently launched a rebranded "ABC Global Book Service", previously known as the TIGAR Service. The service enables libraries for the blind in different countries to exchange books in accessible formats.

Such exchange was only possible with the authorisation of the copyright owner prior the implementation of the Marrakesh VIP Treaty in a given country. In those countries where the Marrakesh VIP Treaty has been implemented, the exchange of books can now be done without the above mentioned authorisation, making the process a lot more efficient.

The ABC Global Book Service seeks to guide libraries for the blind through the simplified process of exchanging accessible books as countries adhere to the Marrakesh VIP Treaty, offering one system to handle all the different conditions for international exchange.

Currently there are twenty-five organizations participating in the ABC Global Book Service. Until now, over 128,700 people with print disabilities have borrowed accessible digital books through participating libraries of the ABC Global Book Service.

For more information, please visit the newly redesigned [ABC website](#).

## Legal developments

### Decision of the Canadian Federal Court of Appeal’s judicial review of the Copyright Board’s K-12 tariff

On 30 January, the Canadian Federal Court of Appeal released its decision regarding the judicial review of the Copyright Board’s K-12 tariff.

In a [communication](#) issued by Access Copyright, the RRO expressed their disappointment about the Court of Appeal’s decision on the judicial review of the elementary and secondary schools tariff certified by the

Copyright Board for the period 2010-2015. The Court of Appeal declined to disturb the Board's findings with respect to fair dealing, which resulted in the Board excluding 87% of copying from books in its tariff valuation.

### **Joint letter to the Prime Minister of Spain regarding private copy**

[CEDRO](#), [IFRRO](#), [AEPO-ARTIS](#), [Eurocopya](#), [EuroFIA](#), [FSE](#), [GESAC](#) and [SAA](#) have jointly sent a letter to the Prime Minister of Spain, Mr Mariano Rajoy Brey. In the letter, the organisations ask him to reconsider the measures that the country has put in place in the last years regarding private copy and the compensation for authors and publishers. The letter addresses a recent [decision](#) of the European Court of Justice (ECJ) which ruled that the Spanish private copy compensation system that currently is being covered by Government funds, does not comply with the Directive 2001/29/CE. The letter (*in Spanish*) can be read here ([PDF](#)).

### **Australia introduces Copyright Amendment Bill that includes disability and other measures**

The Australian Government has announced the introduction of the Copyright Amendment (Disability and Other Measures) Bill into Parliament. This Bill includes important amendments to streamline the educational statutory licences and library exceptions, as well as amendments to implement the Marrakesh Treaty in Australia. In this regard, Copyright Agency, our Australian RRO member, said to be pleased with the introduced provisions, and released a statement, which can be read here ([PDF](#)).

The introduction of the Bill follows release of an exposure draft in December 2015. The Australian Copyright Council's comments on the exposure draft are available [here](#), while the Department of Communications and the Arts will make submissions available [here](#).

The Government estimates that there is broad support for the proposed amendments amongst copyright stakeholders as the Bill provides an important opportunity to restore goodwill following on from the divisiveness of the Productivity Commission's pronouncements on IP Arrangements. The Australian Copyright Council announced that they will look at the Bill closely to ensure that there are no technical issues in the drafting. It is important to highlight that the controversial safe harbour amendments have been excluded from the Bill.

Finally, the government expressed their willingness to work with other stakeholders to address service provider liability for copyright infringing material on their networks and to finding practical solutions to address other outstanding copyright issues.

### **Austrian Supreme Court confirms levy on media storage devices**

After one decade of disputes, Austria's Supreme Court has ruled against Amazon.com and confirmed the current system of levies on media storage devices on 15th March 2017. The decision obliges Amazon to pay to Austrian Copyright Collecting Societies for each media storage device imported and placed on the Austrian market.

Back in 2004, the claimant Austro Mechana presented a bill of 1.9 million euro to Amazon for the sale of blank media storage devices. Following the Court decision, Amazon now needs to report the number and type of media storage devices that were sold in Austria since 2002 and then pay the corresponding levy. A final sum will be determined after their sales report.

It is important to highlight that Austro Mechana distributes half of the collected levies to individual artists including musicians, authors and film producers, while the other half is used for Austrian cultural projects. More information on this case is available [here](#), while the Supreme Court decisions (in German) can be found [here](#).

### **Germany refers questions to the CJEU for a preliminary ruling on the German news publishers' right scheme**

With decision of 8 May 2017, the regional Court of Berlin referred questions for a preliminary ruling to the Court of Justice of the European Union (CJEU) concerning the press publishers' neighbouring right in Germany. The court is asking whether the rules on the press publishers' neighbouring right implemented into German copyright law had to be notified to the European Commission first.

Back then the German Government did not notify the Commission of the enactment of the new law, therefore the scheme could be put into question should the CJEU find that there was a need to notify.

### **Nigeria approves ratification of four copyright treaties**

The Nigerian Government has recently approved the ratification of four copyright treaties: WIPO Copyright Treaty (WCT); WIPO Performances and Phonograms Treaty (WPPT); Marrakesh Treaty to Facilitate Access to Published works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty); and the Beijing Treaty on Audiovisual Performances (Beijing Treaty).

**REPRONIG**, our Nigerian RRO member, has released a [statement](#) to commend the Executive Council, the highest policy making organ of the Federal Republic of Nigeria, for the approval of ratification of the above mentioned copyright treaties.

John Asein, Executive Director of REPRONIG, also addressed a separate letter to the Attorney General of the Federation and Minister of Justice, the Minister of Foreign Affairs and the Director General of the Nigerian Copyright

Commission to thank them on behalf of the millions of literary authors and publishers who will benefit from the implementation of the treaties. He thanked the President and Acting President for their commitment to empowering the creative sector as a major contributor to employment generation and national economic growth.

Finally Asein expressed hope that the instruments of ratification for the treaties will be deposited in the shortest possible time and appealed to the Attorney General of the Federation and Minister of Justice to hasten the passage of the Draft Copyright Bill through which Nigerians will benefit from the provisions of the treaties. He also urged to the Ministries concerned to implement the Copyright (Levy on Materials) Order which was made in 2012 but is yet to be operationalized.

### **IFRRO responds to the consultation on collective rights management in Singapore**

The Ministry of Law and the Intellectual Property Office of Singapore (IPOS) are conducting a public consultation on the Copyright Collective Rights Management Ecosystem in Singapore, as part of a broader review of the copyright legal framework in the country.

In its response to the consultation, IFRRO emphasises the importance of transparency and good governance for RROs. It also acknowledges the recognition in the consultation document of the relationship between more regulation and increased operating costs, and it refers to the instruments adopted by IFRRO and setting out the standards of service that rightholders and users can expect to receive when dealing with RROs.

The IFRRO submission can be found [here](#).

### **Spain: new regulation on private copy passed by the Congress**

On 17 June, the Congress of Deputies of Spain passed the new legislation on private copy in compliance with the EU InfoSoc Directive. The legislation regulates the new system of financing the private copy compensation corresponding to the book, cinema and music sectors.

The text was approved by 270 of the 348 legislators attending the plenary. It will enter into force as from 1st of August and it is based on a model that was in place in Spain until 2012. Under such system, manufacturers and importers of printers, pcs and similar devices, will pay for the compensation for authors and publishers due to the private reproduction of their works.

Jorge Corrales, CEDRO's General Director, welcomed the news and highlighted the importance of offering Spanish Authors and publishers, a similar situation to other European counterparts. Corrales also said that the system should be implemented adequately so the rights holders can start receiving their corresponding compensation.

As from the 1st of August, the Spanish Government will have one year to approve a royal decree with an updated list of devices affected by the new legislation and the due tariffs.

### **Federal Court of Canada decision on the case Access Copyright vs York University**

On July 12, a [judgment](#) was issued in [Access Copyright](#) vs York University. The Court ruled against Toronto's York University for copyright infringement.

The university opted out of Access Copyright's licence in 2011, arguing that reproduction of copyright material made in the institution, fell under fair dealing and that they had implemented internal guidelines to ensure that fragments of protected material being copied were small enough to be considered "fair dealing", which led Copyright Access to sue the university.

The ruling will have an important impact in clarifying the application of fair dealing in the context of the educational system since the Court concluded that the guidelines do not meet the test for fair dealing



established by the Supreme Court of Canada. The Court also found that tariffs set by the Copyright Board are mandatory and confirmed that there is no opting out.

In a [communication](#) released by Copyright Access, Roanie Levy, CEO & President of Access Copyright, said that “The Court struck the right balance between the public good that is education and the need to reward creators to ensure that this public good continues to be well supported by quality Canadian content. Up until today, the state of the law regarding fair dealing left creators and the institutions that copy copyright protected works in a state of uncertainty.”

### **Swedish Patent and Market Court decision on Bildupphovsrätt vs Wikimedia Sweden**

On 6 July, the Swedish Patent and Market Court ruled in favour of [Bildupphovsrätt](#) in the lawsuit against Wikimedia Sweden. The Court established that Wikimedia Sweden’s online publication of an image database

of artworks is forbidden if a permission has not first being granted. The ruling also offers clarification regarding the legal aspects of online linking. Additionally, the Court also stated that it is forbidden to link to images of published artworks without the artist’s consent, even when the works are freely available without restriction of access on other websites to which the artist has given consent.

For more information on the ruling and the case, please refer to the [press section](#) of Bildupphovsrätt website.

## **IP World**

### **Reorganisation of Copyright Management in China**

According to recent reports from China Written Works Copyright Society ([CWWCS](#)), IFRRO’s RRO member, the current five CMOs in China will no longer be under the direct administration of the State Administration of Press, Publication, Radio, Film and Television of China (SAPPRFT) as previously required by the Chinese government. However, the CMOs will still be under the supervision of the National Copyright Administration of China (NCAC), in accordance with the Regulations on Copyright Collective Management. It is believed that these changes to be effective as from May, will mean more independence for CMOs and a more market-oriented approach.

### **Sci-Hub to pay \$15m for copyright infringement**

The United States District Court for the Southern District of New York ruled on 21 June that \$15m should be paid to Elsevier by websites that illicitly offer millions of research papers and books that are protected by copyright. The main websites involved in the case are Sci-Hub and the Library of Genesis (LibGen) project. These and other related sites have illegally accessed secure computer networks of universities by hijacking proxy credentials and stealing more than 50 million copyrighted works, inflicting a serious damage to the scholarly community.

To learn more about this case, please visit the International Publishers Association (IPA) [website](#).

## **EVENTS**

**6- 9 November** [IFRRO World Congress 2017](#). Tokyo, Japan

**7 November** [IFRRO International Conference](#). Tokyo, Japan

**8 November** IFRRO Annual General Meeting 2017. Tokyo, Japan

**13- 17 November** [WIPO Standing Committee on Copyright and Related Rights \(35th session\)](#). Geneva, Switzerland