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### EVENTS:

**2 to 3 June 2015** [IFRRO Midterm/Spring meetings - Vienna 2015](#), Vienna, Austria

**8 June 2015** [9th European e-Accessibility Forum](#), Paris France

**8 to 9 June 2015** [PDLN Annual Conference "Media Monitoring in the Global Village"](#), Zurich, Switzerland

**23 to 25 June 2015** [Seminar on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions: The Regional and International Dimensions](#), Geneva, Switzerland

**29 June to 3 July 2015** [WIPO Standing Committee on Copyright and Related Rights \(SCCR\) - 30th session](#), Geneva Switzerland

**5 to 14 October 2015** [Assemblies of Member States of WIPO \(55th series\)](#), Geneva, Switzerland

**14 to 18 October 2015** [Frankfurt Book Fair](#), Frankfurt, Germany

**11 November 2015** IFRRO World Congress & Annual General Meeting 2015, Mexico City, Mexico

**1 to 2 December 2015** [The Future of Author's Rights](#), Berlin, Germany

**7-11 December 2015** [WIPO Standing Committee on Copyright and Related Rights \(SCCR\) - 31st session](#), Geneva, Switzerland

LINKS TO OTHER NEWS:



## IFRRO

### **IFRRO participation in OAPI meeting for CMOs in Douala, Cameroon**

IFRRO, represented by its General Counsel Anita Huss-Ekerhult, participated in a meeting on collective management, organised by the African Intellectual Property Organisation for French-speaking African countries, OAPI, in Douala (Cameroon), from 25-26 May 2015. The participants – coming from 16 countries in Western Africa – discussed several issues faced by Collective Management Organisations (CMOs) on an international level, such as the discussions on exceptions and limitations at the WIPO SCCR, and the Marrakesh Treaty. IFRRO presented its activities and views in this regard, in line with previous IFRRO side-events and statements made in conjunction with the WIPO SCCR. More information on OAPI's activities is available here: <http://www.oapi.int/>

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## RRO News

### **CLA and Publishing Technology partner to support university workflow tool PackTracker**

UK's Copyright Licensing Agency (CLA) has partnered with Publishing Technology to ensure that the PackTracker service will continue to be used by major universities across the UK for the foreseeable future. PackTracker is currently used by information managers at over 40 universities in the UK as a platform to manage copyright material used in student coursepacks, freeing up considerable time and resource for administrators in the process.

[See CLA press release](#)

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### **CADRA, the Argentinian RRO signs an agreement with e-libro**

CADRA, our Argentinean member, has recently signed an agreement with [e-libro](#), a platform of digital books that offers a large selection of academic and scientific texts from over 200 publishing houses in the Spanish speaking world.

Thanks to this agreement, CADRA will represent the catalogue of e-libro, and protect the rights of authors and publishers in Argentina.

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### **Valtteri Niiranen appointed new CEO of KOPIOSTO**

Valtteri Niiranen has been appointed as the CEO of the copyright organisation Kopiosto, starting on 1 May, 2015. To take up his new post, he will be leaving his position as the CEO of the Federation of the Finnish Media Industry, which he has held since the beginning of 2011.

He succeeds the current CEO of Kopiosto, Pekka Rislakki, who will continue in the service of Kopiosto until the 31st of May, 2015.

See [press release](#).

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## Copyright Enforcement

### UK Publishers Win High Court Support in Fight Against Infringement

The UK High Court has granted The Publishers Association a blocking order against the main UK ISPs. The order applies to 7 websites which have been found to contain substantial amounts of infringing content. The ISPs will be required to block customer access to these sites, within 10 days.

The sites, all based overseas, have been infringing copyright on a massive scale. Investigations undertaken by The PA found that over 80% of the material available on the sites (and in some cases over 90%) infringes copyright.

See full [press release](#)

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### Revenue streams for copyright infringing web-sites are potential source of malware

According to a report by Incopro, commissioned by the Motion Picture Association (MPA), on the 250 most popular copyright infringing websites in Germany, Spain, France, Italy and the United Kingdom, many are funded by advertising that is unwanted and potentially harmful to users. Just under one-third of the total number of "adverts" viewed in the study were in the trick button/malware category, where a click on the "advert" could potentially infect the user's computer with malware and bots, potentially perpetrating fraud and possibly compromising user data.

See [full report](#)

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### IPTS report: Taking down websites significantly reduces piracy - in the short-term

Taking down copyright-infringing websites is a short-term way to reduce consumption of pirated media content and increase licensed consumption according to a working paper from the Institute for Prospective Technological Studies (IPTS) for the Joint Research Centre of the European Commission (JRC).

The paper analyzes the consequences of the shutdown of the most popular German video streaming website - kino.to - in June 2011. Using individual-level clickstream data, the report finds that the shutdown led to significant but short-lived declines in piracy levels.

See [full report](#).

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### Harvard files copyright infringement lawsuit over online training material

According to a report by [Boston Business Journal](#), Harvard University filed a copyright infringement lawsuit against a group of unnamed individuals who are selling study materials on websites which, allegedly, are designed to help students taking Harvard Business School's online curriculum to pass a final exam. In its lawsuit, Harvard claims that the defendants accessed and copied the exams, and that the preparation materials they are selling online contain questions that are identical to (or substantially similar to) Harvard's copyrighted material. Also, the lawsuit alleges that the defendants have attempted to hide

behind privately registered domain names, false identities to register domain names and offshore hosting and payment facilities.

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### **Spanish Decree on PLR discussed vis-à-vis Spanish Supreme Court**

On 15 April 2015, the Spanish RRO CEDRO, together with the CMOs SGAE, DAMA and VEGAP, expressed concerns vis-à-vis the Spanish Supreme Court regarding the Royal Decree 624/2014, concerning the Public Lending Right (PLR). Inter alia, the CMOs claim that the Decree does not ensure fair remuneration, but only provides a symbolic amount. More information is available on [CEDRO's website](#) (in Spanish).

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### **U.S. Copyright Office Publishes Online Fair Use Index**

The U.S. Copyright Office recently published online its [Fair Use Index](#), allowing visitors to search a database of fair use judicial decisions from federal jurisdictions, district courts, courts of appeal and the U.S. Supreme Court. The Index may be accessed on the Copyright Office's website at <http://copyright.gov/fair-use/index.html> or via the U.S. Intellectual Property Enforcement Coordinator's website at <http://www.whitehouse.gov/omb/intellectualproperty>.

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## **EU News**

### **European Commission launches Digital Single Market Strategy**

Andrus Ansip, Vice-President of the European Commission for the Digital Single Market, and Günther Oettinger, Commissioner for Digital Economy and Society, have launched the Commission's *Digital Single Market Strategy*. This Strategy, in the form of a Communication together with a supporting Staff working paper, sets out a series of goals and objectives with 16 actions foreseen to make them happen. The responsibility for putting this action plan into effect will be shared between the fourteen Commissioner members of the "Digital Single Market team" – the list of which can be found [here](#).

During the launch event in Brussels, Commissioner Oettinger reiterated the need to ensure *"a genuine future for creators, those who create books, songs, journalists"* and likewise *"for book publishers and magazine publishers"*, and to *"make it possible for creative careers to be pursued"*. Vice-President Ansip commented on territoriality, saying that he himself supports *"the copyright territoriality principle but [is] against territoriality exclusivity"*.

In relation to copyright, the important role played by the creative industries and the copyright-intensive sectors to the economy is outlined in the Strategy, as well as the necessity to maintain high standards of protection for rightholders for them to continue creating, with an acknowledgment that *"copyright underpins creativity and the cultural industry in Europe"*. The Commission sees a need for a more harmonised copyright regime and aims at proposing *"solutions which maximise the offers available to users and open up new opportunities for content creators, while preserving the financing of EU media and innovative content"*. To this end, legislative proposals will be made *"before the end of 2015 to reduce the differences between national copyright regimes and allow for wider online access to works by users across the EU, including through further harmonisation measures. The proposals will include:*

*(i) portability of legally acquired content, (ii) ensuring cross-border access to legally purchased online services while respecting the value of rights in the audiovisual sector, (iii) greater legal certainty for the cross-border use of content for specific purposes (e.g. research, education, text and data mining, etc.) through harmonised exceptions, (iv) clarifying the rules on the activities of intermediaries in relation to copyright-protected content and, in 2016, (v) modernising enforcement of intellectual property rights, focusing on commercial-scale infringements (the 'follow the money' approach) as well as its cross-border applicability.”*

In a comment, Olav Stokkmo, the Chief Executive of IFRRO, welcomed the European Commission's commitment expressed in the Strategy “*to maintain high standards of protection for authors, publishers, and other rightholders.*” He added that “*IFRRO will continue to work with the European Commission and other law-makers in a constructive way, looking for, promoting and developing practical solutions so as to make access to works easier and faster for users while ensuring fair remuneration for those who create and invest in making intellectual property available.*”

The Communication, Staff working paper, press release and other related documents can all be found [here](#).

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## Legislation

### **Russian High Court now given power to order ISPs and website hosters to permanently block websites**

The Russian High Court has been given the power to order ISPs and website hosting companies to [permanently block websites](#) that repeatedly infringe copyright. Alongside the launch of services such as iTunes & Google Play and local music services such as Yandex, Torrent sites have been sent a final notification from the Russian Government telling them that “the systematic violation of intellectual property rights will result in sites providing access to stolen content being blocked forever” and giving a deadline of 1 May.

According to IFPI data, Russia, with an estimated 144 million people, contributed – in total – just US \$72.8m to the recorded music industry last year, across digital, physical and public performance, while the UK with less than half that population generated \$1.33 billion.

See more from [Music Business Worldwide](#).

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### **U.S. House Judiciary Committee Hearing: The Register’s Perspective on Copyright Review**

On 29 April 2015, the House Judiciary Committee held a Hearing on [The Register’s Perspective on Copyright Review](#). It heard the Hon. Maria A. Pallante, Register of Copyrights and Director of the U.S. Copyright Office.

In her [written statement](#), Ms. Pallante listed the policy issues that are ready for legislative process: music licensing, small claims, felony streaming, Section 108 on library exceptions, orphan works, resale royalty, improvements for persons with print disabilities, and Section 1201 on regulatory presumption for existing exemptions. In addition, Ms. Pallante listed other

policy issues that warrant near-term study and analysis: other issues of Section 1201, such as its anti-circumvention provisions, Section 512 on notice and takedown, safe harbour, mass digitisation, and moral rights. Inter alia, the U.S. Copyright Office will recommend a voluntary “pilot program” in the form of extended collective licensing (ECL), enabling “full-text access to certain works for research and education purposes under a specific framework set forth by the Copyright Office, with further conditions to be developed through additional stakeholder dialogue and discussion”

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## Court cases

### **Court of Appeal of Sofia outlines criteria to be considered when determining amount of damages incurred**

In a Bulgarian case, published on 11 March 2015, the Court of Appeal of Sofia was asked to determine the amount of damages payable when there was insufficient evidence regarding the total amount of damages incurred on the basis of a copyright infringement (in this case: through the publication of two photographs in two issues of a daily newspaper). In accordance with the equity principle, the court ruled that the type, nature and gravity of the infringement, the lost profit, any moral damages and the revenue based on the infringement should all be considered in order to determine the amount due.

A brief summary of this decision is available [here](#).

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### **Distribution right may be infringed by advertising sale of protected works, according to CJEU**

The German Bundesgerichtshof (Federal Court of Justice) [asked](#) the Court of Justice of the European Union (CJEU) to clarify questions regarding the distribution right in the case *Dimensione Direct Sales srl and Michele Labianca v Knoll International SpA*, C-516/13.

On 13 May 2015, the CJEU issued its [decision](#), ruling that the right of distribution under Article 4(1) of Directive 2001/29/EC encompasses the right to prevent "an offer for sale or a targeted advertisement of the original or a copy of that work, even if it is not established that that advertisement gave rise to the purchase of the protected work by an EU buyer, in so far as that advertisement invites consumers of the Member State in which that work is protected by copyright to purchase it".

In its findings, the CJEU observed that the notion of ‘distribution’ constitutes an independent concept of EU law, and that the notion of ‘distribution to the public (...) by sale’ in Article 4(1) of Directive 2001/29/EC has the same meaning as the expression ‘making available to the public (...) through sale’ in Article 6(1) WCT. Consequently, there may be an infringement of the distribution right "where a trader, who does not hold the copyright, sells protected works or copies thereof and addresses an advertisement, through its website, by direct mail or in the press, to consumers located in the territory of the Member State in which those works are protected in order to invite them to purchase it". Hence, in the CJEU's view, it is irrelevant, for a finding of an infringement of the distribution right, that such advertising is not followed by the transfer of ownership of the protected work or a copy thereof to the purchaser.

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## Creator and Publisher Associations

### AAS conference celebrates “International Day of Copyright and the Book” and “World IP Day”

On 23 and 24 April 2015, AAS, the Azerbaijan Authors Society, an IFRRO Creator and Publisher Association member, hosted a conference in Baku (Azerbaijan).



AAS Conference. Photo: Babayev Salman

The conference was dedicated to the “International Day of Copyright and the Book” and “World Intellectual Property Day”, in conjunction with the first European Games in Baku. Guest speakers included representatives from CMOs in Austria, Czech Republic, Italy, Moldova, Russia, Turkey, Kazakhstan and Kirgizstan, in addition to Sylvain Piat (CISAC) and Anita Huss-Ekerhult (IFRRO). AAS is the Azerbaijani multi-purpose CMO, and has started by licensing musical works. It has more than 9,000 members and associates, writing in all areas (from novelists to doctors, textbook writers to ghost writers, broadcasters to academics, illustrators to translators). More information: <http://www.authors.az/>

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## Standards

### ISNI is the Talk of Music City

The Music Business Association recently took its convention to Nashville (otherwise known as Music City).



*Photo: Lester Austin, Universal Image*

Delegates packed the room for a standing-room only "Metadata Summit" where ISNI was featured. Paul Jessop (pictured), representing the ISNI International Agency (ISNI-IA) presented on the progress being made with the identifier for people and organisations which has assigned over nine million codes in a couple of years. Although there are existing private identifiers for songwriters and performers (though not for others like producers and recording engineers) there was recognition of the need for a public "bridging identifier" that brings all these roles together in an industry where people seldom have just one job. Elsewhere in the conference, new artists were advised to ensure that their recordings got an ISRC, their songs got an ISWC and they had an ISNI.

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### **UNSW becomes ISNI member**

The University of New South Wales (UNSW) has become a member of the ISNI International Agency, the body that runs the International Standard Name Identifier. As a member, UNSW has preferential rates for allocations of ISNIs.

UNSW is one of Australia's leading research and teaching universities. Established in 1949, it is ranked among the top 50 universities in the world and has more than 50,000 students from over 120 countries.

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