

International  
Federation of  
Reproduction  
Rights  
Organisations

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## EVENTS:

**16 to 17 March 2016** [Extended Collective Licensing Conference](#), Warsaw, Poland

**9 to 12 April 2016** [31st International Publishers Congress](#), London, United Kingdom

**20 to 22 April 2016** [WIPO Conference on the Global Digital Content Market](#) Geneva, Switzerland

**9 to 13 May 2016** [WIPO SCCR](#), Geneva, Switzerland

**30 May 2016** [IFRRO European Group meeting](#), Brussels, Belgium

**31 May 2016** [IFRRO Committees, WGs and FORA \(midterm/spring meetings\)](#) Brussels, Belgium

**1 June 2016** [IFRRO Board meeting \(June 2016\)](#) Brussels, Belgium

**5 to 7 June 2016** [PDLN Annual Conference 2016](#) Rome, Italy

## LINKS TO OTHER NEWS:



## IFRRO

### **IFRRO starts working on establishing RROs in North Africa and the Middle East**

On 2 and 3 March 2016, at the invitation of ONDA (Office National des Droits d'Auteur et des Droits Voisins), the Algerian Copyright Office and multipurpose CMO, IFRRO's CEO Olav Stokkmo, and Policy Advisor Pierre-Olivier Lesburguères, made a study visit to Algiers.



*Pierre-Olivier Lesburguères, Lounès Abdoun, Olav Stokkmo, Sami Bencheikh El-Hocine.  
Photo: Adel Rouabah*

During the visit, they met Algerian authors and publishers and their associations - (Union des écrivains algériens, UEA), the publishers' association (Syndicat National des Editeurs de Livres, SNEL) and individual publishers (Chihab and Dar El Hikma publishing houses), as well as officials, including the Minister of Culture, Honourable Azzedine Mihoubi, his Head of Cabinet and the Director for Books at the Ministry; the Centre National du Livre and the National Library. The visit also included a visit to the prestigious bookshop Librairie du Tiers Monde.

The ONDA, under the leadership of Director General M. Sami Bencheikh El-Hocine, has already started to collect compensatory remuneration of the reproduction of text and image works for private purposes on the basis of a levy on reprographic devices, in addition to a private copy levy relevant to other sectors. This is done on the basis of the Algerian Copyright Law of 2003, enabling the levying of import and manufacturing of reprographic devices. There is also a basis in the law for the licencing beyond the compensatory scheme for the reproduction for private use, and thus the possibility for authors and publishers to increase their control and to be remunerated for the use of their works through collective rights management.

It therefore seems natural for IFRRO to explore further contact and possible cooperation with ONDA and the Algerian authors and publishers associations, also with the view of considering whether this could lead to enhanced collective management of reprographic rights in the North African region and the Middle East.

Find the [website of ONDA here](#).

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**IFRRO and ABC assist in providing and the access to accessible formats for print disabled people,**

IFRRO is one of the founding partners of the, the Accessible Books Consortium (ABC), which, in its first 18 months, has provided practical support to underpin the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually Impaired, or otherwise print disabled (Marrakesh VIP Treaty). Launched in June 2014 as a result of the Stakeholders' Platform, the consortium has IFRRO also as a member of its board. It lists among its achievements:

- Over 1,580 educational books in accessible formats were produced in national languages to benefit 23,500 print disabled students in Bangladesh, India, Nepal, and Sri Lanka.
- Over 58,000 persons who are print disabled have borrowed accessible books through the 14 participating libraries in the ABC Book Service.
- Participating libraries in the ABC Book Service saved USD 7.2 million in production costs by being able to download 3,600 electronic books into their collections.
- The ABC International Excellence Award for Accessible Publishing was established as an annual award to recognize outstanding leadership and achievement in advancing the accessibility of commercial e-books or other digital publications for persons who are print disabled.
- The ABC Charter for Accessible Publishing was signed by 12 publishers and five publishing associations. The Charter contains eight fundamental principles that publishers are required to adhere to with the aim of making their e-books and other digital publications accessible to persons with print disabilities.

The ABC acts as a complement to the Marrakesh Treaty and supports its goals through a number of practical initiatives, designed to help increase the global availability of books in accessible formats

- **Capacity building:** ABC seeks public and private sector partners to work with on diverse projects to help build the technical skills in developing and least developed countries to produce and distribute books in accessible format;
- **Inclusive publishing:** Through their inclusive publishing project, ABC promotes technologies and industry standards which support "born accessible" publishing.
- **TIGAR service (<http://ifrro.org/content/tigar-project-accelerates-book-accessibility>):** ABC is building an international database and book exchange - the TIGAR service. The database already contains accessible titles in approximately 55 languages from the catalogues of libraries from around the world. The goal is to make TIGAR the premier repository of accessible titles in the world. For more information on TIGAR, please visit: <http://www.accessiblebooksconsortium.org/tigar/en/>

IFRRO and some of its RRO members are involved in the TIGAR activities through assisting authors and publishers to authorise the making of accessible format copies, which can then be made available via the TIGAR database (on a title by title basis or, on the basis of

complete repertoires). The RROs in New Zealand (CLNZ), South Africa (DALRO) and Switzerland (ProLitteris) are already contributing to the TIGAR database.

Why RROs? Because RROs are collective management organisations acting on behalf of authors and publishers in respect of certain secondary uses, or reuses of their already published works. From its side, IFRRO prepared a dedicated web page (<http://ifro.org/content/access-persons-print-disabilities>) that aims at assisting authors and publishers through its RRO members.

If you want to know more about ABC, please visit its website ([www.AccessibleBooksConsortium.org](http://www.AccessibleBooksConsortium.org)).  
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## RRO News

### **Australia's Copyright Agency champions storytellers' rights**

In an article in The Australian newspaper, Copyright Agency CEO, Adam Suckling, stresses the need for policymakers to get the balance right, between promoting economic growth, setting the right incentives and making sure Australian storytellers can make a living.

He says leading international authors support the American Authors Guild's case against Google's mass digitisation of books. He also points to the real risks, highlighted in a recent PwC report ([see article on IFRRO site](#)), of introducing a broad American-style 'fair use' copyright exception in Australia. Such a move will damage domestic creativity and to lead to \$1.3b losses in national GDP. Noting the PwC report's finding that these dangers particularly affect local writers he concludes "It is vital our storytellers are given the environment and freedom they need to create new stories".

Click [here](#) for the full article in *The Australian*.  
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## EU News

### Key findings of a European survey on access to works online

# NINE OUT OF TEN

## RESPONDENTS SAID THEY WERE ABLE TO FIND THE CONTENT THEY ARE LOOKING FOR ONLINE

Key Findings of the European Commission's 2015 Eurobarometer Report on Cross-Border Access to Online Content



Visual: [Creativity Works!](#)

As already [reported](#) by IFRRO, the results of a survey conducted by the European Commission across the 28 EU Member States and published in August 2015 have given a clear indication that current solutions for online access to works do meet users' needs. In particular, regarding the text and image sector, the results of the survey show that e-books are the least accessed or downloaded type of content (73% of respondents have never done it, including 62% of younger respondents), that 72% of respondents said that they have always or often managed to find online the e-books that they were looking for, and that only 1% of respondents have tried to access/download e-books from a website meant for users in another EU Member State. The reasons for not trying to access such content is that users are not interested in the type of content (54%) and have sufficient choice in their country (51%).

Creativity Works!, a coalition of organisations, federations and associations from the European cultural and creative sectors that includes IFRRO's members the European Writers' Council (EWC) and the Federation of European Publishers (FEP) has recently published a summary of the key findings of this EU survey in the form of visuals, that can be downloaded [here](#).

Find also [here](#) the official report and summary of the EU survey and [here](#) the Creativity Works! website.

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### EU-U.S. Privacy Shield: legal texts published

The European Commission published on 29 February 2016 the legal texts forming the basis for the EU-U.S. Privacy Shield – the new agreement reached between the European Union and the United States on transatlantic data flows, following the invalidation of the Safe

Harbour Decision by the Court of Justice of the EU in October 2015. The documents made available include the legal texts that will put in place the EU-U.S. Privacy Shield, a Communication summarising the actions taken over the last years by the European Commission and a draft "adequacy decision" of the Commission.

The next steps for the agreement to enter into force will, according to the official press release, be as follows:

"A committee composed of representatives of the Member States will be consulted and the EU Data Protection Authorities (Article 29 Working Party) will give their opinion, before a final decision by the College. In the meantime, the U.S. side will make the necessary preparations to put in place the new framework, monitoring mechanisms and the new Ombudsperson mechanism."

Find the press release [here](#) along with all other relevant documents.

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## Creative Industries

### UK Artist's Resale Right 10th Anniversary

Saturday 13 February 2016 marked the 10th anniversary of the Artist's Resale Right (ARR).

The right was introduced in the UK on 13 February 2006 after years of campaigning and lobbying by artists and the arts community. Since then, DACS has distributed £46.9 million in ARR royalties to more than 3,900 artists and artists' estates - making ARR one of the most significant sources of funding for artists and estates today.

More from [DACS site](#)

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## Court Cases

### ISP liability requirements to block websites linking to illegal contents in Germany

The German Federal Court of Justice (BGH) has ruled on two cases (BGH, 26.11.2015 - I ZR 174/14, 3/14) concerning internet access providers' obligation to block access to websites providing links to predominantly illegal content. Despite the fact that the claims to block the website in the two cases were rejected, the Court laid ground rules in this matter. According to its available press release, blocking measures can only be considered if the rightholder has made reasonable efforts to take action against those parties contributing to the infringement by providing services and the blocking needs to be reasonable. As "reasonable efforts", the Court deems investigations necessary e.g. by hiring a company which conducts investigations in connection with unlawful offerings on the internet or by involving state investigation authorities. A blocking of the website is apparently only deemed reasonable if a global assessment of the site reveals that the lawful content is insignificant compared with the amount of unlawful content.

In order to be compliant with Art. 8 Abs. 3 of the EU Copyright Directive 2001/29/EC, the German law needs to foresee a legal instrument (here a non-statutory approach based on

case law was chosen) against contributory infringement by intermediaries whose services are used by a third party to infringe a copyright or related right.

Until the full decision is released, more information can be found in the [press release](#) (only German available) or [here](#).

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## Legislation

### **France: Government and Senate support proposal to extend private copying levies to some cloud services**

In France, private copy levies have existed since 1985 as a mean of compensating rightholders, including authors and publishers, for their loss of revenue due to the copying of their works. Levies are paid by importers and manufacturers of devices and media used for private copying to a central organisation called Copie France, which then distributes 75% of the monies to rightholders and use the remaining 25% to fund over 5,000 cultural initiatives and projects every year.

In the context of the discussion on a new law on the freedom of creation, the Committee on Cultural Affairs of the Senate, the Upper House of the French Parliament, has adopted an amendment proposing to extend the scope of private copying levies to partly cover cloud services: only audiovisual and radio content recorded and filed on the cloud through the use of Network Personal Video Recorders (NPVR) would be subject to it. In practice, this would mean that when someone is making use of a NPVR to record, for instance, a TV show or a movie, the file being then automatically stored in the cloud, such content will be subject to private copying levies, the amount of the fair compensation to be paid depending on the size of the content stored and the number of people using it.

According to the French press, a number of audiovisual media services and Internet service providers are supporting this amendment as a way of legally safeguarding the online communication to the public of protected content that they offer. The debate on the draft law and amendments to it will start on 9 February 2016.

Find more information [here](#) on private copying in France, and [read](#) here the amendment and [here](#) an article in Le Monde on the proposed amendment (both in French).

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## Text and Data Mining

### **CCC's "RightFind XML for Mining" leads way in Text and Data Mining licensing**

An independent report from Outsell Inc.- Text and Data Mining: Technologies Under Construction - notes that CCC's RightFind XML for Mining "is leading the way to further innovations, with early participation in the market and filling a critical position between content and technology."

Babis Marmanis, CTO & Vice President, Engineering and Product Development, CCC explains that CCC's offering accelerates research and plays a catalytic role in innovation

because it eliminates many of the practical challenges involved in the research workflow.” He adds that. “It allows researchers to focus on the opportunities that lie ahead.”

Marmanis introduced RightFind XML for Mining to the IFRRO Business Models Forum and International Conference in Mexico City in November 2015, as [reported at the time](#). IFRRO is pleased to see that CCC’s important initiative in this growing area of licensing has been recognised.

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## Education Awareness

### UK Government urges schools to promote vital IP Education

The UK Government has launched an important new initiative in raising awareness of Intellectual Property rights. The ‘Think Kit’ lesson plans, designed by the Intellectual Property Office (IPO), will give teachers of business studies, media studies, PHSE and music access to brand new online resources and toolkits designed to improve the next generation’s understanding of IP.

The lesson plans and online courses are the result of extensive qualitative research by the IPO involving hundreds of teachers across the UK which found that teachers and students wanted to improve their IP knowledge.

More from UK Government Press Release <https://www.gov.uk/government/news/minister-urges-uk-schools-to-promote-vital-ip-education>

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**Commented [OS1]:** This should rather go under Education, Awareness or Compliance

## Copyright Management

### The EU Collective Rights Management Directive and the RRO

In an article originally published by the International Journal of IP Management \* on 22 July, IFRRO CEO, Olav Stokkmo explains the role and functioning of RROs, and examines their operation in relation to the Directive on Collective Rights Management Directive. He asserts that the CRM Directive allows RROs to continue their operation with no, or only minor changes to their current practices.

In addition, the clarification in the CRM Directive that the term ‘rightholder’ comprises both authors and publishers is useful; it is also consistent with current RRO practice. Furthermore, the CRM Directive allows explicitly current RRO membership arrangements, legal set ups, models of operation and distribution practices to be carried forward; and well-functioning RROs generally comply with the transparency, accountability and good governance criteria of the CRM Directive.

A full copy of [the article can be purchased from the Inderscience website](#).

*\*Originally published on the International Journal of IP Management, Vol. 7, Nos. 3/4, 2014.*

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### **UK rightholder organisations distribution independently evaluated**

The division between rightholders of licensing revenues collected by UK rightholder organisations Copyright Licensing Agency (CLA) and NLA media access (NLA) has been independently determined for the first time ever in a valuation process.

Organisations representing UK publishers, authors and visual artists appointed FTI Consulting to determine how revenues for copying text and images in books, journals and magazines should be transparently and fairly distributed to rightholders.

The valuation was commissioned by ALCS, ACS, BAPLA, DACS and PLS in order to achieve an objective split of revenues amongst their respective stakeholders that was fit for purpose. A key objective of the valuation was to ensure that the outcome satisfies the requirements for transparency and fairness in the Collective Rights Management Directive due to be implemented into UK law in April 2016.

All five participating organisations having committed to the outcome, FTI Consulting undertook a year long process to gather, analyse and assess detailed evidence relating to usage and perceived value and rights ownership in material copied by CLA and NLA licencees in the education, business and public sectors.

Collective licensing delivers an important secondary revenue stream, worth £68.2m in 2014/15, to authors, publishers and visual artists. The UK is a global leader in the creative industries, worth £8.8 million per hour to the British economy.

Whilst the valuation does not affect the licences offered by CLA and NLA, it does mean that licencees can be confident that the fees they pay for the right to copy from books, journals and magazines are distributed to the appropriate rightholders.

See [PLS Press release](#).

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## **Enabling Access**

### **UK "Access to Research" given green light to continue**

The [Access to Research](#) initiative, which gives users in UK public libraries free access to over 10 million academic articles, has been given the green light by publishers and librarians to continue.

The service was originally launched as a pilot by the UK Universities and Science Minister in 2014, in order to support expanded access to publicly funded research in the UK. Two years on and over 80% of UK local authorities, representing more than 2,600 libraries, have signed up to the initiative from across England, Scotland, Wales and Northern Ireland.

Since the launch, over 84,000 users have accessed the service and an independent report, commissioned by the Publishers Licensing Society (PLS) and the Society of Chief Librarians (SCL), and co-funded by PLS and Arts Council England, has confirmed the value of the Access to Research service to users. The report found that satisfaction with Access to Research is high, with 90% of those surveyed indicating the information they found through

the service was useful. User feedback included: "I was surprised how much material was made available" and "it makes the public library look like a more happening place."

Almost every academic discipline is covered by the journals made available through Access to Research, via the Summon® discovery service. Findings have shown that users are taking full advantage of this to explore a wide variety of topics. Over 230,000 searches (since Jan 2014) have investigated topics from dementia to biomedical engineering; modern religious philosophy to contemporary art; social work to polar records; and Roman Wales to Ebola; amongst many more.

Access to Research has been made possible by a consortium of academic publishers, who collectively publish some of the world's most respected scientific journals. News of the publishing community's decision to extend the service has been warmly welcomed by librarians and users.

See full [press release from PLS](#)

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## Member News

### Authors Rights loses a true champion with the passing of Paul Aiken

IFRRO is sad to announce the death of Paul Aiken, Executive Director of the Authors' Guild in the USA. Paul led the Guild for 20 years through some of the most challenging and difficult times in copyright history. In his own words, his vision was that "Copyright is built around authorship. Copyright is authors' and artists' ticket to play in the free market system, and it must be protected."

Authors Guild President, Roxana Robinson described Aitken as brilliant, fierce and generous, adding "brilliant and fierce can change the world, but it's generosity that makes it a better place. For twenty years Paul worked to make the world a better place for writers, readers and everyone else affected by the written word."

IFRRO CEO, Olav Stokkmo, also paid tribute to Paul regretting that personally he had lost a great friend and that copyright and authors rights had lost a true champion.

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## Development Activities

### Senegal: SODAV, the new multipurpose CMO, receives presidential approval

On 4 February 2016, the President of the Republic of Senegal has signed a decree approving the new multipurpose CMO and RRO "SODAV" (la Sénégalaise du droit d'auteur et des droits voisins), thus enabling it to start operating.

The Copyright Act of Senegal, since its last amendment in 2008, provides for the creation of a private Collective Management Organisation. To this end, SODAV was set up in 2013 by Senegalese rightholders and has since then elected a Board, appointed a Director and fulfilled all the necessary requirements in order to be approved by the President as a final

step before being operational. The Board of SODAV has immediately welcomed the approval as a "highly significant and historic act".

Read an [article](#) about the approval of SODAV (in French).

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