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[IFRRO HOME](#)

## Table of Contents

<p><b>IFRRO</b></p> <p>IFRRO Annual General Meeting 2016</p> <p>IFRRO adopts resolution on framing at its AGM in Amsterdam</p> <p>IFRRO Statement on the U.S. Copyright Register</p> <p>IFRRO International conference identifies strengths of IFRRO and challenges for the future</p> <p>IFRRO adopts resolution on broadening of exceptions in the Singapore Copyright Act</p> <p><b>RRO News</b></p> <p>Copyright Agency AGM: Digital licensing expands revenue with a \$115m return to members</p>	<p><b>EU News</b></p> <p>EUIPO and EPO present second edition of study on the economic contribution of IPR-intensive industries</p> <p><b>Access</b></p> <p>ABC announces call for nominations for its International Excellence Award for Accessible Publishing 2017</p> <p><b>Legislation</b></p> <p>Côte d'Ivoire: new law on copyright is enacted, including provisions on reprography</p> <p>Spanish Supreme Court strikes down the State-funded compensation scheme for private copying</p>
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### EVENTS:

**7 December 2016** [STM Innovations Seminar 2016](#), London, United Kingdom

**16 January 2017** [JIPLP Conference on the Present and Future of EU and UK Copyright](#), London, United Kingdom

**1 to 5 May 2017** [WIPO Standing Committee on Copyright and Related Rights \(34th session\)](#), Geneva, Switzerland

**13 to 17 November 2017** [WIPO Standing Committee on Copyright and Related Rights \(35th session\)](#), Geneva, Switzerland

### LINKS TO OTHER NEWS:



# IFRRO

## IFRRO Annual General Meeting 2016

IFRRO held its Annual General Meeting (AGM) 2016 on 2 November in Amsterdam. The meeting was opened by IFRRO President Mr. *Rainer Just*, and by the Dutch Minister of Security and Justice, Mr. *Ard van der Steur*.



*Photo by Taina Bagmeijer courtesy of Stichting Reprerecht*

In his speech Mr. van der Steur commented on the proposed Directive on the modernisation of copyright rules of the European Commission by addressing exceptions, welcoming the extended collective licensing elements and in general supporting the publisher's rights. The AGM made changes to the statutes\* which were approved unanimously; admitted new IFRRO members ([Repromold](#), [SEA Panama](#), [OORP](#) and [Bildrecht VBK](#)) held board elections; approved the accounts 2015- 2016 and the budget for 2016- 2017.

*Rainer Just* ([VG WORT](#)), *Yngve Slettholm* ([Kopinor](#)) and *Tracey Armstrong* ([CCC](#)) were elected as President, 1st Vice President and 2nd Vice President respectively. IFRRO also welcomed to its board new directors representing RROs and authors and publishers organisations. The complete composition of the IFRRO board, including bios of the directors can be found [here](#).

Three statements were presented and approved also during the meeting: a [statement on the recent changes of the Head of the U.S. Copyright Office](#), a [resolution on Framing](#) presented

by Visual Creators, and a [resolution on intended broadening of exceptions by the Government in Singapore](#).

A number of member organisations offered an update on recent activities: a new license agreement for Slovenian pre and elementary schools for SAZOR, new licensing agreements for ZARRSO, and recent developments such as a two years blanket licence agreement for reprography of all educational institutions at Fjölís.

*\*The changes and nominations are done under the suspensive condition of the approval of the modification by the Ministry of Justice and of the publication in the Belgian Official Gazette.*

[Back to Contents](#)

### **IFRRO adopts resolution on framing at its AGM in Amsterdam**

Visual creators in membership of IFRRO proposed a resolution on framing that urges European legislators to address the legal uncertainty caused by the recent rulings of the European Court of Justice on links and application of framing and embedding technology for displays and reuse of protected works already made available on the world-wide-web. The resolution was unanimously adopted by the IFRRO AGM on 2 November in Amsterdam.

The resolution is available [here](#).

[Back to Contents](#)

### **IFRRO Statement on the U.S. Copyright Register**

At its Annual General Meeting 2016 in Amsterdam, IFRRO members adopted a statement on the U.S. Copyright Register. IFRRO acknowledges the work of Maria Pallante, her resignation is a tremendous loss for the Copyright Office and for America's creators, innovators, and users of copyrighted works.

The statement also expresses IFRRO's support to the Acting Register, Karyn Temple Claggett, while the search for a permanent replacement is in process. In IFRRO's view, the next Register of copyrights should be dedicated to continuing to protect creative rights and deeply knowledgeable on copyright. IFRRO also stresses the importance of transparency in the appointment process.

The full statement is available [here](#).

[Back to Contents](#)

### **IFRRO International conference identifies strengths of IFRRO and challenges for the future**

The IFRRO World Congress International Conference brought together high-level level experts from within and outside the IFRRO community to exchange views around the theme "At a crossroads: Copyright and Collective Management". The Conference was chaired by Tracey Armstrong, Chair of the IFRRO Business Models Forum and CEO at CCC (USA) and featured Francis Gurry, Director General, World Intellectual Property Organization (WIPO) who gave the keynote speech.

Gurry thanked IFRRO, and especially outgoing IFRRO CEO, Olav Stokkmo, for its engagement in WIPO including capacity building, ABC, TAG and the Levies Surveys and gave an overview of the opportunities and challenges facing copyright as a model for creation, curation, distribution and consumption of creative works. Digital technologies had

brought new opportunities but also challenges due to the easy reproducibility and “non-containability” of works. Gradually the business response had evolved from the defensive to the positive use of new technology to leverage the opportunities for the copyright model. He noted the increased recognition of the value of copyright and the creative sectors to the global economy now estimated at 2.2 trillion dollars. However new technologies also brought disruption to traditional business models.

A key question was where and when legislative intervention should take place. The WIPO position would be that first the technology should be regarded, followed by the business response and only then should legislative intervention be considered. At WIPO the debate about access vs. protection had translated into the discussion on exceptions and limitations for education and libraries. It was important that this issue could be brought to a closure. Dr Gurry concluded by appealing to the IFRRO community to provide the best possible contribution to the retention of copyright as the most efficient model for creation, curation, distribution and consumption of creative works by enabling easy, legal access.

Perspectives were also presented from the US by Kevin R. AMER, Senior Counsel for Policy and International Affairs, U.S. Copyright Office and from Europe by Maria Martin-Prat, Head of the Copyright Unit in the European Commission Communications Networks, Content & Technology Directorate General (DG CONNECT).

Mr Amer commented on the recent work to ensure that US law is flexible enough to cope with new technology and still provide the necessary legal certainty. The US Copyright Office had recommended that Congress approved the piloting of a solution based on an ECL framework for large scale digitisation projects. On the question of exceptions and limitations for libraries, US Copyright office reckoned that the current legislative framework did not sufficiently address the type of uses of the digital age. He also looked at recent judgements and opinions on whether the use of a work is “transformative”. He noted that the greater the flexibility of a system the greater the uncertainty.

In a video registered address web, Ms Martin-Prat confirmed that Collective Management was a central element in the Commission’s copyright policy and she believed that the Collective Management Directive would be an essential tool in ensuring that CMOs would be working to 21st century standards. She highlighted the complex copyright package of a number of Directives and regulations now on the table. These addressed exceptions and limitations, where, in respect of their applicability, it was essential to take into account existing easily available licensing systems, for instance in relation to usages of works in education and the making available of out of commerce works, where the Commission was also working to facilitate licensing with cross-border effect. Lastly she addressed the response to the recent CJEU ruling, where it is important to ensure that the existing systems enabling both authors and publishers to participate in remunerations from exceptions can continue to function. Martin-Prat concluded by stating her confidence that transparent and professional CMOs would continue to serve the interests of the rightholders.

From the IFRRO point of view there was a discussion on IFRRO’s leadership role as a foundation for the future, with a panel of former Presidents and IFRRO Chairs. Addressing the question of disruption, Tracey Armstrong, Chair IFRRO Business Models Forum and CEO at CCC (USA), underlined the importance of a consumer-oriented innovative approach that did not try to impose permanent solutions but flexible models that were not afraid of failing and adapting. She identified the strengths that IFRRO brought to navigating and

leading in this new disruptive world:

- Willingness to experiment
- Ability to continually shift, innovate and readjust resources.
- Strong relationship and network

IFRRO is about compromise, dialogue and finding solutions among stakeholders. It builds networks and provides value to its members that are compelling reasons for members to join. IFRRO is recognised as providing the leadership necessary to create a pro-copyright and pro-collective management agenda which will bring about disruption of its own. The current IFRRO CEO Olav Stokkmo has embodied the strengths of IFRRO and has provided the drive and vision to establish the high reputation that it rightly deserves.

Tarja Koskinen-Olsson, Former IFRRO Honorary President and IFRRO Chair said that the most significant progress has been made in providing lawful access. Without that, everything else – good legal framework, efficient enforcement etc., is useless. IFRRO has earned its reputation as the organisation that can make a difference in three areas; legislation, enforcement and rights management to provide local access.

Magdalena Vinent, Former IFRRO President and CEO at CEDRO (Spain) emphasised the importance of enforcement. Piracy is a major problem in Spain. IFRRO's enforcement initiatives are important.

Tracey concluded that IFRRO has managed to create an inclusive tent that has enable stakeholders to come together to solve problems of collective management. From the floor perspectives were offered from Africa, the Caribbean, the Asia/Pacific region and Europe.

The Conference wound up with an interview with outgoing IFRRO CEO, Olav Stokkmo who gave his views on the strengths of IFRRO and the possible paths forward. Olav noted that since he had become involved in IFRRO, the copyright atmosphere has gone from positive, through hostile to the present climate of balance. Now the role of RROs and that of collective management functions in the text and image sector are recognised. This is a primary achievement.

The main challenges are maintaining the relevance of IFRRO to business models and also enhancing and learning from the contributions from the IFRRO members. It is increasingly important to keep the authors and publishers together and maintain and build networks and relationships. A major achievement is aligning the Board, the administration and the members in achieving their collective aims.

[Back to Contents](#)

### **IFRRO adopts resolution on broadening of exceptions in the Singapore Copyright Act**

At its Annual General Meeting in Amsterdam on 2 November, IFRRO members adopted a resolution against the proposed broadening of exceptions in the Singapore Copyright Act. The resolution that was adopted unanimously, states that IFRRO members strongly oppose the proposed broadening of the exception in the Singapore Copyright Act which would allow the reproduction and making available of up to 10% of a published work by educational institutions without prior consent or payment of remuneration in a country where licencing solutions are in place. Such broadening would affect directly and adversely the income of authors and publishers in Singapore.

In its resolution, IFRRO calls for a dialogue with the relevant stakeholders to find further solutions for educational institutions. The resolution is available [here](#).

[Back to Contents](#)

## RRO News

### **Copyright Agency AGM: Digital licensing expands revenue with a \$115m return to members**

Australia's Copyright Agency Annual General Meeting on 23 November reported a distribution of \$115m to its members in the 2015-16 financial year, with a positive expansion in digital licensing, particularly among corporates, media intelligence companies and colleges.

For full report click [here](#).

[Back to Contents](#)

## EU News

### **EUIPO and EPO present second edition of study on the economic contribution of IPR-intensive industries**

The European Union Intellectual Property Office (EUIPO, formerly known as OHIM) and the European Patents Office (EPO) have published the second edition of a study on the economic contribution of the IPR-intensive industries in Europe.

In line with the findings of the [first edition](#) that had been released in 2013, the study shows that more than 42% of the total economic activity in the EU is generated by IPR-intensive industries and approximately 38% of all employment in the EU. Also, IPR-intensive industries provide wages that are 46% higher than in other industries.

Another interesting finding, outlined in the Executive summary of the study, is that IPR-intensive industries have proved most resilient to the economic crisis: 'comparing the results of this study with those of the 2013 study reveals that the relative contribution of these industries to the EU economy slightly increased between the two periods 2008-2010 (2013 study) and 2011-2013 (2016 study)'.

IPR-intensive industries also contribute positively to the EU trade balance: 'the EU as a whole had an overall trade deficit in 2013 of approximately € 42 billion, or 0.3% of GDP. In contrast, it had a trade surplus of € 96 billion with the rest of the world in IPR-intensive industries. This is a marked improvement on the situation three years earlier, as reported in the 2013 study. In 2010, the EU had a trade deficit in IPR-intensive industries of € 126 billion'. Copyright-intensive industries alone contribute to a € 17,165 million surplus in the trade balance.

Find the study [here](#).

[Back to Contents](#)

## Access

### **ABC announces call for nominations for its International Excellence Award for Accessible Publishing 2017**

The Accessible Books Consortium (ABC) is now inviting nominations for its International Excellence Award for Accessible Publishing. The deadline is 15 December, 2016.

The ABC International Excellence Award for Accessible Publishing recognizes outstanding leadership and achievements in advancing the accessibility of commercial e-books or other digital publications for persons who are print disabled. Winners will be presented with awards at the annual event held at the London Book Fair on Tuesday, March 14, 2017. For further information, please see the attached [ABC news item](#).

Nominations should be made directly online at the following [link](#).

[Back to Contents](#)

## Legislation

### **Côte d'Ivoire: new law on copyright is enacted, including provisions on reprography**

On 20 October 2016, the new law on copyright and related rights (Loi n°2016-555 du 26 juillet 2016 relative au droit d'auteur et aux droits voisins) has been published in the Official Journal of Côte d'Ivoire. The law enables BURIDA, IFRRO's RRO member in Côte d'Ivoire, to administer reprographic rights on behalf of authors and publishers.

Article 105 of the law grants a remuneration right to authors and publishers for the reprographic reproduction of works, to be administered exclusively by the Collective Management Organisation. Both the reproduction of works (operator fee) and the import and manufacturing of reprographic devices and systems (equipment levy) will be subject to the remuneration right (Article 106).

A few months after a [successful seminar](#) organised by BURIDA, the Ivorian Publishers Association Assedi, the Ministry of Culture and Francophonie and IFRRO, the legal framework allowing for the collective management of reprography is now in place in Côte d'Ivoire.

The full text of the law can be found [here](#), in French.

[Back to Contents](#)

### **Spanish Supreme Court strikes down the State-funded compensation scheme for private copying**

Following the decision of the Court of Justice of the EU in the Egeda case in June 2016 (reported [here](#)), the Supreme Court of Spain has declared void and inapplicable the Royal decree that had resulted in private copying levies being replaced by a compensation paid from the State budget (Real Decreto 1657/2012).

Magdalena Vinent, CEO of [CEDRO](#), the Spanish RRO in membership of IFRRO, has [welcomed](#) the decision of the Supreme Court, confirming CEDRO's opposition to this

scheme 'which has prevented writers, translators and publishers from being fairly compensated for the private copying of their works'.

As reported in the Spanish press, the Government will now have to work on a new scheme to ensure that fair compensation continues to be paid to rightholders. Find [here](#) an article in El País, in Spanish.

[Back to Contents](#)