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**19-20 January 2010:** [Academic Publishing in Europe](#): "Researchers, Librarians & Publishers", Berlin/Germany

**28 February – 1 March 2010:** [IPA Copyright Symposium](#), Abu Dhabi

**15 April 2010:** [5th European Creators' Conference "Authors' Rights in the Digital Worlds"](#), Brussels/Belgium

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## **RESPECT!**

2009 Review by Olav Stokkmo, IFRRO CEO

The protection of copyright and the work of collective management organisations have an important role in enabling the knowledge economy. This might seem self-evident but it has not always been fully understood outside the rightholder community. However during 2009 there has been a growing recognition among all stakeholders that copyright protection stimulates creativity and innovation and that collective management and the RROs also play an important role in assisting authors and publishers in providing users with easy legal access to copyright works.

Recent communications from the European Union bodies – both the Commission and Parliament – show a development in positions. Copyright is no longer merely seen as a technical obstruction to the knowledge economy but as an important asset to be built upon with the willing cooperation of the rightholders. IFRRO is a prominent contributor in a number of stakeholder platforms, including the WIPO and EC platforms on access to copyright works by persons with print disabilities (VIP), orphan works hearings and ARROW, which aims at facilitating the realization of the European digital libraries initiative. In regions outside Europe, too, copyright is gaining recognition. The African Regional Intellectual Property Organization (ARIPO) and the Organisation Africaine de la Propriété Intellectuelle (OAPI), which originally only addressed industrial property issues, are now focusing on copyright in ambitious plans. The joint programmes of WIPO and IFRRO with ARIPO and OAPI, have significantly raised the profile of copyright including reprography in Africa and the role that the creative sector has in underpinning development and wealth creation.

The desire of RROs to come up with licensing products which assist creators and publishers in meeting the needs and challenges of the internet-based knowledge economy is evidenced by IFRRO's surveys of digital mandates and digital licenses which were undertaken during 2009. Most RROs that responded to the survey reported mandates covering the printing of hard copies from various digital sources – scanned, born-digital and downloads from Internet or similar sources – of fragments of works for internal uses including in education and public and private administration. Other uses such as posting to password protected internal networks and use in Virtual Learning Environments (VLE) were also mandated, the latter especially for the licensing of education. Licenses to cover these mandates are being progressively developed as are business models in tune with the digital age. The fact is that copyright enforcement to support individual and direct licensing, complemented by collective licensing, is crucial to enable the business models that give users access to the works that they need with a wide range of granularity.

IFRRO's reputation as a successful information broker has also been further confirmed this year. Although not having a position itself on the Google Settlement, IFRRO has undertaken to help its members and also, when appropriate, beyond its membership, to make informed decisions on how to react. The IFRRO website has hosted a page giving updates on the progress of the Settlement and informing its members of the various deadlines for notifications. This service has been greatly appreciated and has raised the profile of IFRRO even in countries in which it does not have a member – such as China. Undoubtedly our current membership of 119 members – RROs, publishers' and authors'/visual creators' associations – in 59 countries makes IFRRO the broadest existing network of rightholder associations and collective management organisations in the text and image based sector. And that makes us a voice worth hearing.

IFRRO and its members welcome the challenges of the digital age and indeed could not survive without embracing them. We look forward to continuing to tackle them with our partners during 2010 and meanwhile wish you all a happy holiday and renewed energy for the year ahead.

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### **Amended Google Book Settlement: Next steps**

On November 19, 2009, the US Court granted preliminary approval of the Amended Google Book Settlement. The Court also approved a Supplemental Notice to authors, publishers and other book rightholders. The Supplemental Notice is not designed to replace the original Notice, but rather to supplement that Notice. It summarises the changes from the original Google Book Settlement Agreement and identifies the book rightholders' rights under the Amended Settlement. The Supplemental Notice is available in a number of languages including [English](#). Also, the Court will hold a Fairness Hearing on February 18, 2010, to consider whether the Amended Settlement is fair, adequate and reasonable. Further information is available on [www.googlebooksettlement.com](http://www.googlebooksettlement.com).

In late June 2009, AIDRO, CEDRO and VG Wort initiated the coordination of some activities regarding the Google Settlement and the notice programme. A questionnaire was prepared by the Secretariat and sent to all RROs, Associate Members administering reprographic reproduction and Music RROs in early July to examine whether there is a basis for some coordination and/or exchange of information between the RROs involved in the notice programme. Against this background, the IFRRO Secretariat is facilitating meetings to examine the Settlement and to discuss whether to coordinate further activities. ([Back to section](#))

### **New Executive Director for SA Publisher Body**

The Publishers' Association of South Africa (PASA), a voluntary association of 178 members that represents most book publishing interests across the country, has appointed Brian Wafawarowa as its new Executive Director with effect from January 2010. He will replace Dudley Schroeder who retires at the end of December, 2009. Brian is currently Managing Director of New Africa Books (NAB). He served as the elected Chairman of PASA between 1999 and 2002 and in the same position of the collective of publishers from across 46 African countries, known as the African Publishers' Network (APNET), between 2005 and 2008. He is also presently on the executive board of the International Publisher's Association (IPA), which will hold its four-yearly Congress in South Africa, a first for Africa, in 2012. ([Back to section](#))

### **New Spanish web portal simplifies licensing**

CEDRO has launched conlicencia.com – a web portal that helps businesses, schools, public agencies and other organizations obtain the necessary license for the legal copying of fragments of books, magazines, journals, and musical scores published in Spain and 30 other countries in which there are RROs that have signed bilateral agreements with CEDRO. The new service aims to streamline the licensing procedure for the users and the revenue from these licenses is distributed to authors and publishers. Using conlicencia.com, users can quickly and easily find out which works are in the CEDRO repertoire, what licenses are available and at what tariffs. The website also gives access to CEDRO's author location service. ([Back to section](#))

### **EU launches 2020 strategy for smarter, greener social market**

EU President Barroso launched, on 24 November 2009, a consultation on "[EU 2020: a new strategy to make the EU a smarter, greener social market](#)". The European Commission will present a formal proposal for the EU 2020 strategy early next year, with a view to the EU's Heads of State and

governments adopting it at their spring 2010 meeting. In the meantime, the Commission has invited views on some suggested broad policy considerations for the future EU2020 strategy, which are contained in the [consultation document](#). Contributions can be sent by 15 January 2010. IFRRO is currently examining whether a submission would be appropriate. ([Back to section](#))

### **IFRRO responds to European Commission debate on Europeana**

As part of its [2010 Digital Library initiative](#) the European Commission has adopted the Communication "[Europeana – next steps](#)

", launching a debate on the further development of Europeana. [IFRRO has submitted a response](#), supporting the importance of giving European culture a lasting visibility on the internet and insisting that access to copyrighted materials should be made legally. It reiterates the view that that solutions should be built on existing legislation, which is sufficiently flexible to uphold the interests of rightholders and users. Attention is drawn to the [ARROW project](#) (partnered by IFRRO), which is designing the system for identifying rights, rightholders and rights status in a work and for dealing with orphan works.

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### **EU stakeholder platform on access by persons with print disabilities to copyright work**

The EU stakeholder platform for reading disabled persons has been launched in November 2009. All participants agreed that the aim of the dialogue should be to identify areas where tangible progress would be possible, at EU level, to ensure the wider availability of books in accessible format. Cross-border exchange of products especially conceived for people with a disability emerged as a topic where an EU level dialogue could produce added value. Looking along the value chain, the participants agreed that a range of technologies were increasingly available for the production of works in accessible format *ab initio*. The members of the dialogue are aiming at seeking agreement on a Memorandum of Understanding on these matters by June 2010.

This initiative adds to the already established WIPO Stakeholder Forum and IFRRO foresees that the EC action supports and shall not replace the WIPO Forum, which has been developing the [WIPO Trusted Intermediaries Guidelines](#). ([Back to section](#))

### **ARIPO with enhanced focus on copyright**

The African Regional Intellectual Property Organization (ARIPO), originally created to pool resources in relation to industrial property issues has widened its remit to include copyright. At its 12th Council of Minister session in Gaborone 26th-27th November 2009, ARIPO adopted an ambitious program to increase its activities in relation to copyright issues: It will among other things (i) collaborate with WIPO to conduct studies on the contribution of intellectual property protection to the economy and to assess the economic, social and cultural impact of the use of intellectual property system in the Member States; (ii) develop a policy document to assist member States in the implementation of the WIPO Development Agenda; (iii) provide guidelines for national legislative reforms on IP and serve as a platform for the implementation of IP strategies in the Member States' development plans; (iv) establish an ARIPO Regional Academy; and (v) compile best practices in the field of IP.

In 2006 IFRRO signed a cooperation agreement with ARIPO covering all major aspects of copyright issues and since 2007 ARIPO, IFRRO and WIPO have jointly run a copyright education program for Intellectual Property Officers and RRO personnel in ARIPO Member States. In his [intervention](#) to the Ministers from the 16 ARIPO Member States, IFRRO's Chief Executive welcomed ARIPO's enhanced focus on copyright issues and assured of IFRRO's continued cooperation in implementing the work

plan. In addition to the copyright education program the cooperation may also be extended to collaborate in awareness raising activities in the ARIPO Member States. ([Back to section](#))

### **ARIPO to organize diplomatic conference on Traditional Knowledge**

The Council of Ministers of ARIPO – The African Regional Intellectual Property Organization – agreed at its meeting on 26th-27th November 2009 to convene a diplomatic conference in Namibia in 2010 to adopt a protocol on the Protection of Traditional Knowledge (TK) and Expressions of Folklore (TCE). Once adopted, the Protocol will be submitted to WIPO as a working document for the WIPO Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Expressions of Folklore (IGC). ARIPO will also establish linkages to museums, etc. in the Member States for the purpose of data collection which will start in Gambia, Malawi, Mozambique and Zambia.

The IFRRO AGM 2008 adopted a [statement on TK and TCE](#) which sets out IFRRO's position on the criteria for an international instrument on these issues. A key prerequisite is that such an instrument must create functional incentives for, rather than stifle, the use of traditional knowledge and insure that fundamental rights to education, science, research, cultural development and freedom of expression are observed while safeguarding the rights of indigenous peoples to maintain, control, protect and develop their cultural heritage ([Back to section](#))

### **Australia recognizes artists' resale royalty right**

The [Australian Parliament](#) passed on 26 November legislation for an artists' resale royalty right. The new right is expected to come into effect in mid-2010 once a collecting society has been appointed to manage the collection of the royalties.

In a statement Viscopy comments that the resale scheme, as introduced, has many positive features including an uncapped royalty of 5% on resales involving an art market professional at a price of AUD\$1,000 or more; application of the right for a term of 70 years post mortem; joint and several liability of buyers, sellers and agents for the payment of royalties; the appointment of a single collecting society to manage the right; a requirement on the part of sellers to give the collecting society notice of resales and power on the part of the collecting society to require the provision of information about resales from buyers and sellers; and international reciprocity.

Now that the details of the scheme have been finalised, the Australian Government is conducting an open tender process to select a service provider to manage the scheme. An invitation to tender was announced with a deadline of 4 February 2010. Viscopy intends to bid for the right to manage this scheme. ([Back to section](#))

### **EC ratifies WIPO Copyright Treaties**

The European Union and its Member States ratified the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, the so-called "Internet" Treaties on 14 December 2009. These Treaties were concluded to make the world's copyright laws 'fit for the internet'. By ratifying these Treaties, the European Union and its Member States stated their hope to breathe new vigour into the current treaty-making work of WIPO and encourage renewed commitment to moving forward on a high level of protection for creators and creative industries. [A full press release is available here.](#)

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### **WIPO/SCCR discusses exceptions and limitations for education and people with print disabilities**

The 19<sup>th</sup> meeting of the Standing Committee on Copyright Related Rights (SCCR) included presentations of the five reports on studies commissioned by WIPO on exceptions in relation to education. The [reports](#) provide useful information on the status of limitations to the exclusive rights for the benefit of education as well as on the licensing of the use of copyright works for educational institutions by RROs. It is unclear whether and, if so, how WIPO will follow up the studies.

The SCCR also discussed exceptions and limitations for the benefit of people with print disabilities. There was general support for the work of the WIPO stakeholder platform which works to develop practical solutions to provide access to copyright works by people with print disabilities. The platform is made up of representatives from the World Blind Union, DAISY, IFLA, IFRRO, RROs, EWC, IPA and STM. It has so far approved guidelines for Trusted Intermediaries and agreed on an enabling technologies component to facilitate the transfer of alternate format works across border. The intention is to start piloting the [guidelines](#) in April next year.

The World Blind Union has argued in favour of a WIPO Treaty for the visually impaired. Whether there will be a Treaty or not, there is no doubt that the US delegation brought the WIPO Members one step closer to some form of international instrument when it *inter alia* stated that “the United States believes that the time has come for WIPO Members to work toward some form of international consensus on basic, necessary limitations and exceptions in copyright law for persons with print disabilities. This international consensus could take multiple forms, including a model law endorsed by the SCCR, a detailed Joint Recommendation to be adopted by the WIPO General Assemblies, and/or a multilateral treaty.” [The full statement is available here.](#)

IFRRO believes that the best and quickest solution to addressing the just demands of persons with print disabilities to have access to copyright works is to accelerate the work of the stakeholder platforms, both the WIPO and the [EC ones](#), and made a [statement at WIPO](#) to support this view.

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