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EVENTS:

19 March 2012 [Journée de réflexion pour l'UNESCO "Accès libre au savoir: A quel prix?"](#), Brussels, Belgium

26-27 March 2012, [Forum La importancia de las Sociedades de Gestión Colectiva en la era digital](#), Mexico City, Mexico

3-5 April 2012 [Africa IP Forum: Intellectual property, regional integration, and economic growth in Africa](#), Cape Town, South Africa

16-20 April 2012 [WIPO TK meeting](#), Geneva, Switzerland

17 April 2012, [Charles Clark Memorial Lecture: Copyright at the crossroads - Who will control content distribution in a digital world?](#), London, UK

25 April 2012 [Senior Managers Forum \(SMF\) 2012: Licensing in Education](#), Copenhagen, Denmark

26 April 2012 [IFRRO Business Models Forum](#), Copenhagen, Denmark

26 April 2012 [IFRRO European Group meeting](#), Copenhagen, Denmark

7-11 May 2012 [WIPO Committee on Development and Intellectual Property \(CDIP\)](#), Geneva, Switzerland

10 May 2012 [E-books and E-content 2012](#), London, UK

29 May 2012 [PEER End of Project Conference](#), Brussels, Belgium

29-30 May 2012 [FIPP Worldwide Media Market place](#), London, UK

12-14 June 2012 [29th IPA Congress](#), Cape Town, South Africa

20-26 June 2012 [WIPO Diplomatic Conference on the Protection of Audiovisual Performances](#), Beijing, China

22-25 October 2012 [IFRRO World Congress 2012](#), Buenos Aires, Argentina

LINKS TO OTHER NEWS:

[Access Copyright February Newsletter](#)

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IFRRO

IFRRO urges government protection for IP rights in Taiwan

IFRRO CEO emphasizes role of governments in supporting IPR and duties of libraries to consult rightholders before digitisation

Governments must protect IP rights while a key for RROs is to assist authors and publishers to facilitate easy legal access was the message from IFRRO CEO, Olav Stokkmo during a conference and subsequent talks with ministers and the Intellectual Property Office (IPO) in Taiwan. In a constructive meeting with Francis Kuo-Hsin Liang, Vice-Minister, Ministry of Economic Affairs and Kao, Deputy DG Chin-Yuan in Taipei of the IPO, Stokkmo emphasized the responsibility of government in protecting intellectual property rights in general and the publishing of textbooks in particular. He believed that the Taiwanese RRO, the Chinese Oral and Literary Copyright Collective Management Association (CCCMA), should expect government support if broadly mandated and sustained by local and international authors and publishers. Earlier Stokkmo had expressed to CCCMA the principles behind digitisation of works by libraries. “Libraries need to keep within national legislation and international norms and should consult rightholders before they digitize and make available copyright works, even if no author is known”, he said. For further information on IFRRO CEO’s visit to Taiwan see articles in Taiwan News – [Government and text books](#) and [Library Digitization](#).

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RRO News

Australian RRO launches new digital publishing service

CAL online service gives beginner’s guide to Digital Publishing

Copyright Agency (CAL) has recently launched a new service for their members called [Digital Publishing Australia](#) - an online resource and community for sharing experiences and learning about digital publishing. The cornerstone of the new initiatives is a beginner’s guide to digital publishing – which has been tailored specifically for an Australian audience. The guide covers topics such as digital publishing workflows, ebook formats, metadata, digitization, conversion, distribution, royalties and payments.

Visitors to the website can also learn from the experiences of others by reading some of the digital case studies – which are based on the experiences of industry experts – and keep up to date by browsing curated news articles or following the Twitter feed ([@DigitalPubOz](#)).

Both the guide and website have been developed as an industry resource in collaboration with publishers and associations across the Australian publishing industry. For more about Digital Publishing Australia click [here](#).

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Copyright contribution to the economy

Widening educational exceptions would act as disincentive to development of educational material according to UK report

CLA commissioned report spells out dangers of extending educational exceptions

An economic impact analysis undertaken by PwC has raised fears that proposed changes to educational exceptions will jeopardise the provision of educational material in return for negligible cost savings for content users. The survey was commissioned by The Copyright Licensing Agency (CLA) as part of its response to the Consultation on Copyright which was issued by the Intellectual Property Office (IPO) on behalf of HM Government. The purpose of the report was to provide an economic analysis of the issues relevant to the proposed changes to education exceptions in existing copyright legislation.

The report confirmed the economic contribution of educational publishing (around £400m and employing around 9,400 people in 2010) and reiterated the economic rationale for copyright: to deter free riding (consuming goods without paying), which threatens the sustainability of copyright dependent industries such as educational publishing, and to provide a framework which maintains incentives to produce creative content. It concluded that the market for digital educational publishing in the UK is still fragile. It needs to be supported through copyright policy, not undermined by promoting free-use. The extension of the current education exception to cover digital forms of copying could act as a severe disincentive to the development of digital-based learning resources.

[Full PwC report](#)

[Full submission of CLA](#)

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Copyright + Creativity = Jobs and Economic Growth

WIPO study highlights positive connection between copyright and economic growth

A 2012 WIPO study on the economic contribution of the copyright industries has confirmed the importance of copyright-based industries in overall economic performance. The survey built on data from 30 national studies (in all continents and among both developed and developing countries) and showed that copyright industries have a significant economic contribution.

On average they contribute 5.4% to GDP and 5.9% to national employment. Press and literature represents 40.46% of the copyright industries' contribution to the GDP.

The survey also showed a strong and positive relationship between contribution of copyright industries to GDP and the existence of a well established legal and political system where both physical and intellectual property rights are respected.

The [WIPO survey is available here](#).

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Orphan Works

Report on the proposal for a Directive on orphan works adopted by the European Parliament's JURI Committee

Clear majority of JURI committee adopt orphan works draft – next step EP plenary vote in May

The report on the proposal for a directive of the European Parliament and of the Council on certain permitted uses of orphan works, prepared by the rapporteur MEP Lidia Joanna Geringer de Oedenberg, has been adopted on 1 March 2012 by the European Parliament's JURI Committee with a clear majority.

All presented compromise amendment proposals were adopted, with the exception of the proposed compromise wording for Article 7 (concerning authorised commercial uses of orphan works), due to a lack of consensus by the EPP group.

The European Parliament's Plenary is expected to vote on the amendments during the week starting 21 May 2012.

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Orphan works: Letter from the European print sector to the European Parliament

European print sector restate position on Orphan Works Directive

IFRRO, together with EMMA, ENPA, EPC, EWC, FEP and STM, sent a letter to the European Parliament's JURI Committee, reiterating the position of the European print sector on the Orphan Works Directive ahead of the voting in the JURI Committee on 1 March 2012. A copy of the letter is available [here](#).

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Out of Commerce Works

German Literary Conference urges the German government to introduce legislation for out of print and orphan works

German Literary Conference warns that lack of legislation will create difficulties with library digitisation

On 19 March at the Leipzig Book Fair, the German Literary Conference (GLC) called on the German government to introduce proposals for legislation concerning out of print and orphan works as quickly as possible, and without waiting for the outcome of proceedings at the European level for a directive on orphan works.

The GLC reminded the German government of the GLC proposals, made a considerable time ago, as a result of collaboration between the representatives of authors, publishers, collecting societies and libraries. It warned that without legislation increasing difficulties would be encountered with library digitisation. The German government should not hesitate to follow the example of France, which introduced legislation on out of print works on February 22 2012.

The key points of the GLC proposal on out of print works are as follows:

- Authors and publishers can transfer the digital rights in out of print works published before 1/1/1966 to a collecting society
- The collecting society should license digital use by libraries in return for the payment of equitable remuneration
- Legislation should include a legal presumption to enable administration of the rights of so-called “outsiders”, who have not transferred their rights to a collecting society
- Rightsholders to have the possibility to withhold permission for use by the libraries

Further information under www.literaturkonferenz.de

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French Parliament passed law on out of commerce works on 22nd February 2012

Compulsory collective licensing model applied to French out of commerce works

On February 22nd, 2012, the French Parliament passed the law on compulsory collective licensing in relation to out-of-commerce works for their reproduction and making available. According to the new legislation, the key elements are as follows:

Rightsholders will be able to exploit the work themselves at three stages, and authors will always keep their moral rights:

1. before the scheme comes into force, the publisher and the author will have six months to possibly opt-out by committing to exploit the work within a two-year period; If not, the rights for the reproduction and making available (including downloading) of out-of-commerce works will be transferred to the collective management organisation (CMO) to be designated by the Ministry of Culture.

2. after the work falls into compulsory collective licensing, the publisher of the paper edition will have two months to use its priority right to get an exclusive licence for ten years for the digital or paper exploitation from the CMO to be undertaken within a three-year period. However, the author can oppose this if he/she can prove that the contract with the publisher was terminated.

In case the publisher does not want to exploit the work, the CMO may grant non-exclusive licences for a five-year period to third operators (i.e. other publishers or distribution platforms) for these books.

3. At any time, the publisher and the author can decide, by contract, to exploit the work again on a paper or electronic format, within an eighteen-month period after notification of its change of status to the CMO. This exploitation can take place in parallel with licences provided to other actors until the expiry of the term and then become exclusive.

If the rightsholders of a work have not been identified and located after 10 years after the first licence has been granted to third parties, libraries which have it in their collections will be able to use it for free, except if the collecting society disagrees or if one of the rightsholders reappears.

Gallica will provide all the bibliographic references of these books digitised out of the BNF collections, allow searching inside them and redirect users to e-distributors for the acquisition of e-books.

Regarding the determination of the list of books to be included in the project, it is being considered to use ARROW to check the out-of-commerce status of the works.

Regarding the business model, the *Cercle de la Librairie* (structure governed by publishers and booksellers, and publishing the *Electre* database and the *Livres Hebdo* magazine) will

play a role along with the Government Investment Committee to manage, finance and exploit the mass digitisation.

The *PROPOSITION DE LOI* (in French) is available [here](#).

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ACTA

IFRRO Open Letter on the Anti-Counterfeiting Trade Agreement (ACTA)

IP-based activities must be built where they are scarce or inexistent, and reinforced where they exist – IFRRO asks governments to support ACTA

In an open letter, IFRRO aims at bringing clarity to some of the important questions and concerns raised in the recent debate on the Anti-Counterfeiting Trade Agreement (ACTA) by referring to specifically expressed objectives and expected results of ACTA.

A copy of the letter is available [here](#).

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European Commission will ask European Court of Justice to assess ACTA

ECJ to assess whether ACTA is incompatible with EU rights and freedoms

On 22 February 2012, Commissioner Karel De Gucht has announced that the European Commission will ask the European Court of Justice to assess whether ACTA (Anti-Counterfeiting Trade Agreement) is incompatible - in any way - with the EU's fundamental rights and freedoms, such as freedom of expression and information or data protection and the right to property in case of intellectual property.

The Commission hopes that this will "help support calm, reasoned, open and democratic discussion on ACTA - whether at the national or at the European level". The Commission will also be in contact with the other European institutions to explain this step and why it would make sense that they make the same move.

The full statement of Commissioner De Gucht is available [here](#).

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EU affairs

Observatory transfer agreed by European Parliament

EU Observatory on Counterfeit and Piracy charged to "understand, explain and act" to protect creativity and innovation

On 14 February 2012, the European Parliament approved the proposal to transfer the European Observatory on Counterfeiting and Piracy to the Office for Harmonization in the Internal Market (OHIM) and to change its name to the European Observatory on Infringements of Intellectual Property Rights.

The transfer has to be formally adopted also by the Council of the European Union before being finalised. It will come into force twenty days after it is published in the Official Journal. The Observatory is expected to ensure, among other things, the collection analysis and dissemination of relevant, objective and reliable data regarding the value of IP rights and the

infringements of those rights. As stated by Internal Market Commissioner Michel Barnier, the priority should be to "understand, explain and act" to protect creativity and innovation.

Source: <http://oami.europa.eu/ows/rw/news/item2254.en.do>

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Revision of the EU Enforcement Directive

Enforcement Directive to be revised to combat illegal content via intermediary IPs

The European Commission will revise the Directive on the enforcement of intellectual property rights in 2012, and create a "European notice and action framework" for the purpose of combating illegal content via intermediary internet providers (cf. COM(2011) 942, Commission Communication "A coherent framework for building trust in the Digital Single Market for e-commerce and online services", page 14; available [here](#)).

[More information.](#)

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UNESCO

Implementation of the 2005 UNESCO Convention on the protection and promotion of the diversity of cultural expressions - IFRRO activities

IFRRO submits list of activities in support of UNESCO Convention

IFRRO has responded to the EU call for contributions to EU report on the implementation of the 2005 UNESCO Convention on the protection and promotion of the diversity of cultural expressions, with a list of its activities in this area.

The [full IFRRO submission is available here](#).

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Court cases

Interim decision in NLA/Meltwater case upholds copyright principles

Interim judgement confirms that Meltwater is to be treated as Media Monitoring Organisation

An [interim decision of the UK Copyright Tribunal](#) has upheld the principle and structure of the Newspaper Licensing Agency's (NLA) online licensing scheme, and confirmed that Meltwater is subject to the same requirements as Media Monitoring Organisations. This is an interim decision - the parties now have two months in which to try to agree a few outstanding issues, after which the Tribunal will issue its final decision setting out the exact wording of the two online licences.

NLA Managing Director, David Pugh, said "The judgment provides a measured, equitable regime that will ensure stability for both publishers and end-users alike: our customers will benefit from a transparent licensing structure and newspapers can be sure of a fair reward for their content. We think that all concerned will welcome the certainty that the Tribunal has provided, and we look forward to working with the newspapers, MMOs and our customers to implement the licence as quickly and as smoothly as possible."

Click here for [NLA Press release](#)

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Standards

ISO publishes international identifier code that uniquely identifies public parties.

ISNI standard will help all organisations working with information about public figures

The International Organization for Standardization (ISO) has now officially published the International Standard Name Identifier (ISNI) – a 16-digit code that uniquely identifies public identities of parties – as the ISO 27729:2012 Standard. Created by a global collective of organizations that serve parties across multiple fields of creative activities ranging from scientific research to music performances and beyond, ISNI creates a consistent link between public figures and works related to them. The identifier is shared across databases worldwide, making accurate links simple and straightforward.

“The fundamental goal of ISNI is to provide a persistent identifier that can be shared and used by any organization that holds information on people and characters, reducing duplication of effort and improving accuracy,” said Olav Stokkmo, CEO of the International Federation of Reproduction Rights Organisations (IFRRO) – a founding partner in the ISNI agency. “This is especially important for rights organizations in their efforts to reward creators, but we’re looking for the best possible result for any and all organizations that work with information about public figures.”

Click here for [full press release](#)

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IFRRO Member News

CCCMA (Taiwan) restructured

Taiwanese RRO to seek mandates from local authors and publishers

The RRO in Taiwan, Chinese Oral and Literary Copyright Collective Management Association (CCCMA) has restructured and is developing a new business model. The declared intention is to actively consult with seek mandates from local authors and publishers, as well as with international publishers represented in the Economy. New Secretary General is George Liu with Mr. Stephen Yang as his deputy.

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