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EVENTS:

10 October 2012 [A new market: accessible ebooks in mainstream channels](#) Frankfurt, Germany

17-19 October 2012 [WIPO SCCR Inter-sessional Meeting on Limitations and Exceptions for Visually Impaired Persons/Persons with Print Disabilities](#), Geneva, Switzerland

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

24 October 2012 [IFRRO Business Models Forum/International seminar: Understanding User Needs and Delivering Solutions](#), Buenos Aires, Argentina

25 October 2012 IFRRO AGM, Buenos Aires, Argentina

8-10 November 2012 [Congreso Internacional de IIDA](#), Lima

12-16 November 2012 [WIPO Committee on Development and Intellectual Property \(CDIP\): Tenth Session](#), Geneva, Switzerland

19-23 November 2012 [WIPO Standing Committee on Copyright and Related Rights: Twenty-Fifth Session](#), Geneva, Switzerland

LINKS TO OTHER NEWS:

[Access Newsletter September 2012](#)

[PLS Publishers' Accessibility Newsletter](#)

[IPA Newsletter 93](#)

[EDItEUR Newsletter September 2012](#)

IFRRO

IFRRO World Congress in Buenos Aires – IFRRO gears up to face the future

Over 200 delegates and other invitees will gather in Buenos Aires, Argentina, from 22-25 October for the IFRRO World Congress 2012 and a week of discussions on how IFRRO can shape up for future challenges and meet the needs of its members and other stakeholders. The meeting will include an [IFRRO Business Models Forum \(IBMF\)/International seminar](#) on Wednesday 24 October and culminate in a meeting of the IFRRO Annual General Meeting on Thursday 25 October.

The theme of the IBMF will be “*Understanding User Needs and Delivering Solutions*”. There will be speaker contributions from among others Dra. Delia Lipzic from Buenos Aires University (UBA, Argentina), Ms. Michel Woods of the UN organization WIPO (World Intellectual Property Organization) and the independent Consultant from Ex Libris Ms. Jenny Walker, in addition to high level IFRRO representatives.

“*RROs and Good Governance*” is also a topic at the AGM. As Collective Rights Management moves further up the political agenda with initiatives such as WIPO TAG (Transparency, Accountability, Good Governance) and the EU Collective Rights Directive, IFRRO members will be encouraged to view good governance as a competitive advantage for RROs. A final session will consider the IFRRO Board Activity Plan 2012-2014 and discuss how to ensure that IFRRO is able to anticipate and assess future challenges, especially with regard to the digital age, so as better to be able to meet the needs of its members and of users of copyright material.

The AGM will also hold elections for all the positions in the IFRRO Board: President, both Vice Presidents, three Board members representing RRO Members, two Board members representing Creator and Publisher Association Members and four substitute directors (two each for RRO Members and Creator and Publisher Association Members).

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IFRRO signs joint statement on a WIPO instrument for persons with print disabilities

19 NGOs, representing creators and rightholders from the creative industries in developing and developed countries around the world, have signed a joint statement on the WIPO instrument on copyright limitations and exceptions for persons with print disabilities. The statement sends a respectful call to WIPO Member States to subject their support for a possible international instrument on access for persons with print disabilities to essential conditions required in order to improve access to books for persons with print disabilities in harmony with and without prejudice to the existing international copyright framework.

Such instrument must have the following characteristics:

1. Consistent with international copyright law
2. Narrow in scope
3. Reaffirming the three-step test
4. Flexible
5. Conditional upon commercial unavailability
6. Ensuring appropriate care of digital files

The complete joint statement, co-signed by IFRRO and IFRRO members EWC, FEP, IFJ, IPA and STM, can be found here: ([attachment](#))

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Copyright

Australian Research Finds Copyright Industries Delivering Jobs and Innovation

A major economic report released in Australia last month found that the nations copyright-based industries such as music, publishing and film continue to make a significant contribution to the national economy.

The report, undertaken by PwC for the Australian Copyright Council, was released by the Parliamentary Secretary for Industry and Innovation, The Hon Mark Dreyfus QC, MP in Parliament House, Canberra.

The PwC report found that in 2011 Australia's copyright industries:

- generated AUD\$93.2 billion in economic activity (6.6 percent of GDP);
- accounted for just over AUD\$7 billion in exports (2.9 percent of all exports);and
- employed more than 906,000 people (8 percent of the nation's workforce).

The Chair of the Australian Copyright Council said the report demonstrates how important the copyright industries are to the Australian economy.

"In an economic environment where Australia is slowly emerging from the GFC, where the mining and resource sectors dominate our economy and when the Australian dollar is at record highs copyright industries continue to drive innovation and make a significant contribution to our economy.

It is clear the copyright industries are in a state of transition as they respond to emerging distribution platforms and new consumer demands. As a result, the copyright industries are coming up with new ways of delivering content to consumers that are innovative and affordable".

The PwC report – The Economic Contribution of Australia's Copyright Industries - is available for download at: www.copyright.org.au

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Delhi University Copyright dispute ignites IP debate in Indian Press

Robust defences of copyright and the principle of fair remuneration for rightholders are now emerging in the Indian press in the wake of the copyright dispute between Delhi University (DU) and three academic publishers ([see earlier article](#)), which had escalated with a student protest at the Delhi Book Fair and a Facebook page calling for a boycott of OUP, CUP and Taylor Francis titles.

Writing in [The Hindu](#), Aakar Patel, takes the students to task and comments that "to malign these publishers for defending themselves against theft is unfair and unjust," while Prashant Reddy of the [Business Standard](#) says that Indian students have to understand that academic books are the result of hard labour by publishers and authors. "Destroying the incentive to

publish by bringing in wide exceptions to copyright law is only going to ensure few incentives for the publishing industry to invest resources in the Indian market,” he states, adding “that could only be bad news for the already beleaguered world of Indian academia.” Meanwhile on the blog Spicy IP, one contributor concludes that there is a [solution at hand in the shape of the licenses already offered by the Indian Reprographic Rights Organisation \(IRRO\)](#). Rather than going through litigation, he believes “DU would be better off with taking a licence from IRRO. It seems to be a fair price to pay for using books owned by these publishing houses and would ensure better royalty flows to the authors.”

IFRRO CEO, Olav Stokkmo, supports this long-term perspective on the benefits of copyright licensing in the academic sector. Pointing to the recent Price Waterhouse studies in the [UK](#) and [Australia](#), detailing the contribution of copyright activities to the national economy and the fragile nature of educational publishing, Stokkmo asserts “broad copyright exceptions for educational uses, which do not recognise the need to reward authors and publishers, will result in fewer academic works published by fewer academic publishers. Neither universities nor their students will benefit in the long run from the evaporation of their sources of learning.”

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Legislation

Towards a new related rights for newspaper publishers in Germany?

On August 29 2012, German federal government passed a revision of the national Copyright Act granting ancillary copyright protection for news publishers.

If adopted this proposal would enact a related right that would ask commercial aggregators to pay publishers for their use of headlines and extracts of news article.

Here is a link to the [original proposal in German](#).

And one to a [non-official translation in English](#).

This proposal is under discussion in the Parliament.

Google and other stakeholder have criticized this proposal as, according to them, it would harm the internet business and the freedom of expression right.

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President of Costa Rica vetoes legislation on photocopying

The president of Costa Rica, Laura Chinchilla, has recently vetoed legislation on photocopying that was causing tension with the publishing industry, nationally and internationally. Such legislation contemplated the decriminalization of photocopies when reproduction is for educational purposes.

During the process of the approval and entering in force of this legislation, it was discussed how the decriminalization of photocopying would go against international treaties on copyright that Costa Rica has signed and that it would also create a very negative image for

the country and its commerce.

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Court cases

Droit de suite (resale right): Current developments in France and the U.S.

The French Constitutional Court issued a ruling on 28 September 2012, confirming that the statutory provisions governing the droit de suite's transmission post mortem are constitutional.

Pursuant to Section L.123-7 of the Intellectual Property Code, upon the author's death, the droit de suite passes to the author's heirs (and spouse) to the exclusion of legatees. This provision was attacked as creating an undue discrimination between heirs and legatees.

The Court held that the difference in treatment was justified, stating that: "by reserving the transmission of the droit de suite upon the author's death to heirs [...], to the exclusion of legatees and other successors-in-interest, the legislator has instituted a difference in treatment between persons who are differently situated; such difference in treatment is directly related to the objective pursued by the law."

The ruling by the French Constitutional Court is [here](#).

Interestingly, the U.S. Copyright Office is currently undertaking an inquiry at the request of Congress to review how current copyright law affects and supports visual artists; and how a federal resale royalty right for visual artists would affect current and future practices of groups or individuals involved in the creation, licensing, sale, exhibition, dissemination, and preservation of works of visual art.

The US Copyright Notice of Inquiry is [here](#).

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AAP and Google settle lawsuit over book scanning

On 4 October 2012, the Association of American Publishers (AAP) and Google Inc. have reached a U.S. settlement in a copyright dispute involving the Google Library Project. The agreement settles the copyright infringement lawsuit filed against Google in October 2005 by five AAP member publishers. The publisher plaintiffs are: The McGraw-Hill Companies; Pearson Education and Penguin Group (USA), both part of Pearson; John Wiley & Sons; and Simon & Schuster, part of CBS Corporation.

Under the settlement, announced in a joint [press release](#), Google will allow users to browse up to 20% of books and then purchase digital versions through Google Play. Under the agreement, books scanned by Google in the Library Project can now be included by publishers. Furthermore, the settlement "acknowledges the rights and interests of copyright-holders. US publishers can choose to make available or choose to remove their books and journals digitized by Google for its Library Project. Those deciding not to remove their works will have the option to receive a digital copy for their use. Apart from the settlement, US publishers can continue to make individual agreements with Google for use of their other digitally-scanned works." Further terms of the agreement are confidential.

The settlement does not require court approval since "the settlement is between the parties to the litigation".

Also, this settlement does not affect Google's current litigation with the Authors Guild, as emphasised in a [statement by Paul Aiken](#), Executive Director of the Authors Guild.

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EU affairs

Adoption of the Orphan Works Directive

On Thursday 4th October, the Council adopted the orphan works directive, after a compromise reached with the European Parliament.

Following the trilogue agreement (Commission, Council, Parliament) last June, the Parliament had approved the directive by a very large majority at its September plenary session.

The Council's approval marks the final step in the legislative procedure. The Directive will formally enter into force after its publication in the Official Journal of the European Union that should take place in the coming weeks.

Member States will have two years to transpose it into national law.

[Click here for the pdf version.](#)

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New EU strategy to develop cloud computing services in Europe impact covers copyright aspects

On 28 September, the European Commission presented its communication on "Unleashing the Potential of Cloud Computing in Europe"

Amongst other things, the strategy paper addresses the questions linked to digital content, licensing across borders by rightholders and private copying levies.

All these questions should be dealt with under the initiative on Collective right management for the licensing of music and during the mediation process with M. Vitorino for private copying levies.

The strategy can be found at

http://ec.europa.eu/information_society/activities/cloudcomputing/docs/c...

An accompanying work document details the Commission's view on private copying levies and the challenges with cloud computing and can be found at

http://ec.europa.eu/information_society/activities/cloudcomputing/docs/c...

As such, the Commission is not announcing any new initiative linked to copyright but underlines that cloud computing services should be taken into account when discussing licensing and copyright levies in the ongoing processes.

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European Commission launches strategy to boost growth and jobs in cultural and creative sectors

The European Commission launched this week a strategy that aims at boosting growth and jobs for the cultural and creative sectors in the EU. These sectors already contribute to up to 4.5% of GDP and up to 8.5 million jobs in the European Union. However, they are also facing major challenges due to the digital era and globalisation. Linguistic matters also represent one of the challenges for the EU.

In the words of Androulla Vassiliou, European Commissioner for Education, Culture, Multilingualism and Youth, "Europe's cultural and creative sectors are not only essential for cultural diversity; they also contribute a great deal to social and economic development in our Member States and regions. At the local and regional level, strategic investments in these sectors have often delivered spectacular results, as exemplified by many European Capitals of Culture. They also produce important spill-over effects, as well as enhancing a dynamic image of an attractive and creative Europe which is open to cultures and talents from across the globe".

According to the [WIPO Studies on the Economic Contribution of the Copyright Industries](#), the contribution of some EU countries is as follows: Bulgaria 4.54%; Finland 4.83%; Hungary 7.42%; the Netherlands 5.90%; Slovenia 5.10%. These numbers reveal that the culture and creative sector is one of the most important contributors to economic growth and employment.

"Promoting cultural and creative sectors for growth and jobs in the EU", is the name of the document that outlines the strategy and it envisages a series of policy initiatives and the promotion of a modern regulatory environment.

To read the press release on the launch of this strategy, please click [here](#).

To read "Promoting cultural and creative sectors for growth and jobs in the EU", please click [here](#).

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IFRRO Member News

Free electronic access to publications for the REF 2014: PLS announces progress working together with publishers

The Publishers Licensing Society (PLS) has announced that publishers in the UK and abroad have shown their support for the Research Excellence Framework 2014 (REF), the new system for assessing the quality of research in UK universities and colleges, by agreeing to provide free electronic access to their journals and conference proceedings for the expert panels undertaking the assessment.

PLS has secured the permission and means of technical access from each of the hundreds of publishers concerned, so acting as the enabling link between publishers and the Higher Education Funding Council for England (HEFCE) who manage the REF on behalf of the UK's four higher education funding bodies.

Click here for full [Press Release](#)
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SAVA, the Argentinean visual arts CMO, to administer visual works in the public domain

As of 27 August 2012, SAVA, the Argentinean visual arts CMO, will start administering the rights, collecting and distribute remuneration for reproductions made from visual works which are in the public domain. The new arrangement follows the signing of an agreement with the Fondo Nacional de las Artes (National Arts Fund), an independent organism linked to the Ministry of Culture of Argentina aimed at supporting financially cultural activities.

Further information (in Spanish) is available [here](#).
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Text and data-mining clause agreed by ALPSP, P-D-R and STM

An agreement has reached between P-D-R, an association of twenty-one pharmaceutical companies, the Association of Learned and Professional Society Publishers (ALPSP), and the International Association of Scientific, Technical and Medical Publishers, that will enable Pharmaceutical companies to better pursue research using text and datamining. The Pharma-Documentation-Ring (P-DR) sample license has been updated to grant text and data-mining rights to use the content to which each of the P-D-R members subscribes. The P-D-R sample license serves as a benchmark used by P-D-R's members to negotiate individual subscription agreements with publishers and other content suppliers. It is regularly updated to enable market demand to meet at the intersection of pharmaceutical research, bio-informatics as well as electronic and scientific publishing.

Click here for full [Press Release](#)
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