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EVENTS:

18 to 22 February 2013 [Special Session of the Standing Committee on Copyright and Related Rights](#), Geneva Switzerland

19 to 20 February 2013 [Creators Conference 2013](#), Brussels, Belgium
14 March 2013 [IFRRO Business Models Forum on Seamless Access](#), Dublin, Ireland
14 March 2013 [IFRRO European Group](#), Dublin, Ireland
15 March 2013 [IFRRO Senior Managers' Forum on Good Governance](#), Dublin, Ireland
3 April 2013 [Towards Further Copyright Harmonisation in the EU: Guaranteeing Equal Rights Within a Borderless Digital Single Market](#), Brussels, Belgium
22 to 26 April 2013 [WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore \(24th session\)](#), Geneva, Switzerland
21 to 22 May 2013, IFRRO-IFLA-IPA-IAF-WIPO conference on Enhancement of a culture for books and reading, Rio de Janeiro, Brazil
4 to 5 June 2013 [World Creators Summit](#), Washington DC, United States
10 to 11 June 2013 [2013 PDLN Conference "The rise of paywalls and media monitoring"](#), Stockholm, Sweden
13 to 14 June 2013 [Conference Future Publishing and Accessibility](#), Copenhagen, Denmark

LINKS TO OTHER NEWS:

[Copibec Newsletter](#)

[IPA Newsletter](#)

[PDLN Newsletter No 15](#)

[EDItEUR Newsletter](#)

IFRRO

IFRRO meets Spanish government representatives to discuss the copyright situation in Spain



*Rainer Just, Kevin Fitzgerald, Olav Stokkmo, Pedro De Andrés, Magdalena Vinent and Teresa Lizaranzu
(Photo: CEDRO)*

On 15 January IFRRO held meetings with representatives of the Spanish government to discuss the situation of copyright and use of copyright material in Spain, and to support the efforts of CEDRO, the Spanish RRO, to remedy it.

There has been dramatic reduction in the remuneration for private copying. In addition, copies and making available of fragments of copyright works for internal personal use remain unlicensed, especially in education, with the consequence that authors and publishers are not remunerated for certain uses of their works. Additionally the compensation for public lending rights, which in Spain is a fraction of what it is in other countries, can hardly even be called symbolic.

The IFRRO delegation consisted of Rainer Just, IFRRO President; Kevin Fitzgerald, IFRRO European Group Chair; and Olav Stokkmo, IFRRO Chief Executive, accompanied by Pedro

de Andrés and Magdalena Vinent, President and General Director of CEDRO. In meetings with the Ministry of Education and Culture, IFRRO offered its collaboration to find solutions to the situation in Spain, which should not allow itself to move in the opposite direction of the rest of Europe. Spain could benefit from examining experiences and models of other countries and commit itself to guaranteeing a strengthening of copyright, especially with regards to remuneration for private copying under the exception in the legislation, ensuring that copies made for internal uses are legal through licences with CEDRO, and providing adequate and more than symbolic compensation for public lending right in accordance with EU legislation.

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RRO News

In a new and controversial legal environment, Copibec signs new licences

Copibec signed two licensing agreements as 2012 drew to a close. The first, on 11 December 2012, was the renewal of the agreement governing the reproduction of literary, dramatic and artistic works in Quebec elementary and high schools, which was signed by the Canadian ministers of education, recreation and sports, and of culture and communications. The agreement is in line with the Quebec government's policy of recognizing that creators deserve their fair share. As the ministers made clear, it's important to respect creative effort and recognize its value.

This licensing agreement incorporates the terms and conditions of the previous one without expanding the scope to include digital format copying. The amendments to the *Copyright Act* under Bill C-11, which came into force on 7 November 2012, now give educational institutions new options for digital copying. Under the Act, copying licences have been extended to cover the digitization of works and their electronic distribution to students but in all cases the licence's copying limits must be respected and copy logs must be completed. The Quebec Ministry of Education, recreation and sports (MELS) and Copibec will soon undertake negotiations to conclude a digital copying agreement and come to an understanding on how the new legislative provisions should be interpreted.

The second agreement signed at the end of last year governs the reproduction of literary works in university institutions. It reflects the recent legislative developments and precedents, although the parties were not able to agree on the interpretation and scope of the latest rulings by the Supreme Court of Canada, particularly with respect to fair dealing. The wording of the new agreement also takes into account a growing trend among professors who are taking greater advantage of university libraries' subscriptions in order to draw content from databases of digitized periodicals. The parties recognized the difficulty involved in signing copying agreements in the current context but agreed that these types of licensing arrangements were useful and enhanced the level of security.

This short-term agreement runs from 1 January 2013 to 31 May 2014 and will allow professors to digitize works in the Copibec repertoire, store them on secure networks, and forward them to students who will be able to store them on a local device or media. Professors will also be able to use a computer or other device to present works to their

students or display a hyperlink that opens a digital format copy. Displaying works on networks that are accessible by anyone (Internet) remains prohibited.

All uses must comply with the licence's limits, i.e. 15% of the work. However, professors may copy an entire periodical article or an entire chapter that does not represent more than 20% of a book. All copies of works in the Copibec repertoire that are used for print or digital format coursepacks, emailed to students, accessible from a hyperlink or stored on a secure network (e.g. learning management systems) must be reported to Copibec. Reporting is an essential requirement of the licence since the relevant copy logs enable Copibec to distribute royalties to authors and publishers.

For more information about the university agreement, see the [Copibec website](#).

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Music Publishers Association appoints Copyright Licensing Agency to sell new Schools Printed Music Licence

The Copyright Licensing Agency (CLA) has been appointed sole agent to sell and administer a new Schools Printed Music Licence (SPML) on behalf of the Music Publishers Association (MPA) and its members.

The licence will authorise the making of copies or practical arrangements of printed sheet music for use in schools. This means that schools will no longer need to seek copyright clearance each time they make copies, provided that the school already owns an original print copy.

CLA will use its existing relationships to offer the licence to the UK's 35,000 state and independent schools. Schools covered by the licence will benefit from the clarity and simplicity of comprehensive copyright cover for very limited administrative effort. The Department for Education (DfE) will pay for the licence on behalf of state-maintained schools in England.

Royalties collected under the Licence will be distributed to music publishers via the MPA on the basis of returns from a representative sample of schools. Publishers will in turn pay the composers and authors of the musical works being copied.

The new Schools Printed Music Licence is offered in addition to the established CLA Schools Licence which already provides schools with permission to copy from books, magazines, digital publications and, more recently, some websites.

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CFC announces the launch of DISTRe-PRESSE, CFC French content platform, adapted from the NLA eClip platform

On 6 November the French RRO, CFC, launched, in conjunction with The Newspaper Licensing Agency Ltd (NLA), a French version adapted from NLA eClips service.

The CFC will apply the innovative eClips technology to French newspapers, magazines and other periodicals in order to provide standardised content to press cutting agencies for their press clipping services. The publishers' services will also allow publishers to get XML format of their publications as well as journalists to get online research access to their publications.

Distre-Press, which has been launched after an extended pilot phase and is now processing 19 national French titles, including Le Monde, Les Echos, Le Figaro, Le Tribune, Aujourd'hui en France, La Croix, L'Humanité, L'Equipe, L'Express, Le Point, Marianne, L'Agefi Hebdo, L'Agefi Actif, Option Finance, Funds and Le Moniteurs des Travaux publics, delivering content to three French media monitoring companies and addressing several thousand users.

Click here for full [CFC/NLA Press release](#)
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JAMCOPY celebrates record distribution

JAMCOPY, the Jamaican RRO, has announced a historic milestone – the distribution of approximately J\$23M (around 200K Euros) in 2012 between title specific, genre based and repertory payments. This represents the largest distribution ever from JAMCOPY and the largest among Caribbean Collective Management Organisations.

As part of the celebrations, JAMCOPY was featured in a radio broadcast on Power 106 FM, which featured interviews, among others, with Olav Stokkmo, IFRRO CEO. Mr. Stokkmo congratulated JAMCOPY on this achievement and noted how rapidly it had developed from a fledgling RRO into a leader of regional development in the Caribbean and indeed internationally within the IFRRO community. JAMCOPY is at the forefront of moves to improve the efficiency and transparency of collective management using new technologies and will be part of a series of pilots for developing new licensing software.

He spoke of the important role of RROs and JAMCOPY in particular in contributing to national and cultural development. He emphasized the wider importance of protecting rights globally through the IFRRO network, which also included the protection of Jamaican authors and publishers and securing a fair remuneration for the use of their work outside Jamaica. In essence the role of RROs was to facilitate access and to make Copyright work for everyone – creators and users alike.

Mr. Stokkmo concluded by saying that this was just the start and he looked forward to further important milestones in the future – in particular with regard to JAMCOPY's negotiations with the Jamaican Ministry of Education over school licenses.

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Management change at DALRO

Nothando Migogo, who has been at the helm of DALRO, the South African RRO, for the past eighteen months, has accepted a position as Company Secretary for the SAMRO Group of companies with effect from 1 January 2013. DALRO's status with SAMRO makes it possible that she also in the future may be interacting with DALRO and the IFRRO communities, although in a different capacity and mainly overseeing in terms of corporate governance and compliance.

Nothando's management skills and considerable achievements during her short tenure at DALRO, convinced SAMRO's CEO, Mr. Nicholas Motsatse, that she was not only appropriately qualified and perfectly suited to fill the senior position within the SAMRO Group as Company Secretary, but was also eminently capable of doing so.

The recruitment process for a new Managing Director and CEO for DALRO is well underway and an announcement in this regard will be made shortly.

IFRRO wishes Nothando the best of luck and good fortune in her challenging new role.

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Barbara Józwiak becomes the new Chair of the Board of the Society of Authors and Publishers “Polska Książka”

Following Andrzej Nowakowski’s resignation, the board of the Society of Authors and Publishers “Polska Książka” has elected Barbara Józwiak as its new chair from 1st January 2013. Barbara Józwiak has previously acted as a board member of the society, and been a long-standing President of the Board at the Polish Scientific Publishers PWN and the whole PWN Group as well as being the current Vice President of the Council of the Polish Chamber of Books. She also has management experience at such publishers as Egmont Polska, Harlequin and Hachette Livre.

The former chair, Dr. Andrzej Nowakowski, manager of the scientific publisher Universitas, president of the Polish Chamber of Books from 2000 to 2003, the first head of the Book Institute in Cracow, representative of the Minister of Culture for the Polish presentation at the Frankfurt Book Fair in 2000, one of the originators and founders of “Polska Książka”, will continue his work for the society as its director-general.

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Access Copyright appoint a new Executive Director

Access Copyright, the Canadian RRO, has appointed Roanie Levy as its new Executive Director to replace Maureen Cavan, who has retired after eight years with Access Copyright. She took up her appointment on 1 January 2013.

Ms. Levy has held senior positions with Access Copyright for eleven years. A member of the Executive Team, most recently Ms. Levy's role was General Counsel and Director of Policy and External Affairs. She has degrees from the London School of Economics, Dalhousie University, and Université de Montréal. IFRRO congratulates Ms Levy on her appointment and looks forward to working with her.

The IFRRO community will also be sad to lose the services of Maureen Cavan. Maureen has been an active member of IFRRO. She was an IFRRO Substitute Director from 2007 to 2012 and also the chair of the ONIX for RROs Governing Body. IFRRO paid tribute to Maureen’s tireless efforts in the development of digital licensing opportunities supported by common technology tools and systems across the IFRRO community. “Maureen has led the push towards greater efficiency and transparency through technology. Her clear and concise explanations of the benefits of interoperability using ONIX, have contributed to its acceptance by the IFRRO community. She will be sorely missed in the Board.” IFRRO outgoing President, Magdalena Vinent, said that. “Working with Maureen has always been a pleasure”, she said, “and often inspiring as well”.

[Click here for full Press Release](#)

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Court cases

Advocate General (CJEU) Sharpston's Opinion on copyright levies and fair compensation, Joined Cases C-457-460/11, VG Wort v KYOCERA et al.

On 24 January 2013, Advocate General (AG) Eleanor Sharpston delivered her [Opinion](#) in Joined Cases C-457-460/11 VG Wort v KYOCERA Document Solutions Deutschland GmbH and Others, a reference from the German Bundesgerichtshof (Federal Court of Justice), seeking clarification as to the interpretation of Article 5(2) of Directive 2001/29/EC, in particular letters (a) and (b).

The Advocate General's opinion is not binding on the Court of Justice of the European Union (CJEU). The CJEU is expected to publish its decision in a few months.

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Copyright champions

Journalist, Robert Levine, wins 2013 Ibercrea award

The Ibercrea Institute has awarded the journalist Robert Levine the 2013 award for his contribution to the defence of copyright. Robert Levine author of Free Ride: How the Digital Parasites are Destroying the Culture Business, will be receiving this award in Madrid on 28 February.

In Free Ride, Robert Levine's argues that intellectual property has been dragged to a playground where large digital companies have promoted the ideology of free availability on internet in the last 10 years. He believes that the current situation is not only robbing creators of their livelihoods but also the internet of its potential by discouraging innovation and excellence. But this drift to mediocrity is not inevitable and a properly functioning market that respects copyright will improve the quality of online media, which in turn will fuel the growth of the very companies that are currently undermining creator's rights. There is a chance to strengthen the creative industries and to help the internet realize its potential but time is running out.

IFRRO wishes to congratulate Robert Levine for this recognition and for his efforts towards a copyright friendly culture. IFRRO CEO Olav Stokkmo said in a comment that he would strongly encourage those who are interested in culture or copyright to read his book

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EU affairs

IFRRO participates in Commission 'Licenses for Europe' initiative

IFRRO and several of its members are actively participating in the "Licenses for Europe" stakeholder dialogue, jointly launched by European Commissioners Michel Barnier (DG Internal Market and Services), Neelie Kroes (DG CONNECT) and Androulla Vassiliou (DG Education, Culture, Multilingualism and Youth), which aims to deliver rapid progress in four areas through practical industry-led solutions.

These areas are cross-border access and the portability of services; user-generated content and licensing for small-scale users of protected material; facilitating the deposit and online accessibility of films in the EU; and promoting efficient text and data mining for scientific research purposes.

The European Commission chairs all of the groups, which all have the same objective, namely to explore solutions within the current legal framework. In general a sector approach is used - split in audiovisual, music and text and image based works. The work is to be finalised by November 2013 with mid-term reports due in June 2013.

More details of the initiative are on the [EU site](#)
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Comments on António Vitorino's recommendations resulting from the mediation on private copying and reprographic levies by Olav Stokkmo, CEO of the International Federation of Reproduction Rights Organisations (IFRRO)

I appreciate Mr Vitorino's intention to facilitate and advance future discussions on copyright levies, and welcome his acknowledgement that levy systems are here to stay for the immediate future, and also that reprographic levies need to be treated differently to private copying. It is also helpful that he explicitly recognises that the alternative forms of compensation touted by some stakeholders are not sufficiently worked out and some may not even conform to existing law. These are important steps to bring the debate forward.

In respect of his recommendations, I agree that levies should be collected in cross-border transactions in the country of destination and welcome the acknowledgement that, under a levy based systems, in principle all equipment and devices with a copying capability could be subject to the levy. The recognition that reprography levies differ from private copying levies in that they are not restricted to equipment sold to private users is also to be welcomed. Levies in relation to text and image based works encompasses private, professional, educational and other forms of uses. Correctly, in my view, Mr Vitorino leaves to the Member States the decision on which products should be included in the levy. The principles of subsidiarity, which militate against too much harmonization at European level and of increased visibility for the levy charges are also recognised by Mr. Vitorino.

I have reservations and questions about several parts and aspects of the report. IFRRO has always opposed a shift of responsibility towards retailers for the payment of the levy. I do not accept Mr. Vitorino's arguments for such a shift and indeed wonder if he is wholly convinced himself as he admits the complexity of the process that it would require, with declarations from manufacturers, importers and retailers alike. Even if the argument should hold for private copying, his proposal to extend it also to reprography, which he has recognised is different, seems to be based mainly on a desire for a neatly uniform system. I also question the assertion that the reimbursement systems for cross-border transactions are cumbersome. In the area of reprography, at least, they function well with few complaints. I also do not see why the "operator levy" was brought into the report. It was not addressed in the mediation and regret that it was not brought up with us when the decision was made to include recommendations on it. I am confident that IFRRO can offer information and expertise that would contribute to a better understanding of how this part of the levy system works, which could easily have led to different conclusions from the ones expressed in Mr. Vitorino's report.

Also, in some cases I find it difficult to understand exactly what is proposed. For instance in relation to the definition of the concept of “harm” it should be made clear that the “lost profit” is the lack of remuneration suffered by the rightholder, which is the real measure of harm. Besides, I find Mr. Vitorino’s approach to harm to be too simplified.

In conclusion, while I find that there are certainly positive elements in Mr Vitorino’s recommendations, I believe that there are outstanding questions that need clarification. Therefore IFRRO will be studying the text in more depth and seeking further explanations before we commit ourselves finally.

The EC press release is available [here](#), while António Vitorino’s report can be found [here](#).
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IFRRO Member News

NWU opposes U.S. Copyright Office considers possibility of "orphan works" legislation

The U.S. Copyright Office is conducting a new inquiry into the possibility of "orphan works" legislation in the U.S. In 2008, "orphan works" bills were considered by the U.S. Congress, but were not approved. In the current inquiry, the National Writers Union (NWU) has submitted comments opposing proposals to legalize the copying and use of "orphan works" without the permission of the writers or other creators of those works (<http://www.nwubook.org/NWU-orphan-works-4FEB2013.pdf>). The NWU argues that "orphan works" legislation in the U.S. would result in the categorization as "orphans" of works that are, in fact, being exploited commercially. It would conflict with "normal exploitation" of these works, and would therefore contravene the Berne Convention.

After the first round of comments are posted, the U.S. Copyright Office will be accepting "reply" comments through 6 March 2013, IFRRO members may submit comments to the Copyright Office: <http://www.copyright.gov/orphan/>

The Copyright Office plans to hold hearings on "orphan works" legislation later in 2013.
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