



[IFRRO HOME](#)

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## Table of Contents

<p><b>IFRRO</b></p> <p>IFRRO posts new documents on the role of RROs in facilitating cross-border access for print impaired community within the ETIN initiative.....</p>	<p><b>Legislation.....</b></p> <p>Turkey reduces VAT on e-books .....</p>
<p><b>RRO News .....</b></p> <p>FILCOLS Begins Distribution.....</p> <p>Settlement between KORRA and Korean Universities .....</p>	<p><b>Development .....</b></p> <p>Enhancing a culture for books and reading – Copyright as a means to foster access.....</p>
<p><b>EU Affairs .....</b></p> <p>European Commission launches public consultation on copyright.....</p> <p>EU Advocate General Sharpston: Services Directive does not apply to CMOs .....</p> <p>EU Advocate General: An internet provider can be required to block access by its customers to a website which infringes copyright .....</p> <p>EU study on Copyright awareness: More needs to be done to demonstrate value of IP to society.....</p>	<p><b>Member News .....</b></p> <p>New board of governors of China Written Works Copyright Society.....</p> <p>Authors Guild v. Google: Judge Chin finds Google’s mass digitisation project to be a fair use .....</p> <p>To be or not to be? Copyright is the question.....</p>
<p><b>ARROW.....</b></p> <p>ARROW Plus final conference .....</p>	<p><b>Value of Copyright.....</b></p> <p>UNESCO creative economy report shows value of Copyright.....</p> <p><b>WIPO .....</b></p> <p>Four Candidatures Received for Post of WIPO Director General.....</p>
	<p><b>Standards .....</b></p> <p>Two national libraries become members of ISNI ...</p>

<b>Court Cases .....</b>	
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Brussels court refers questions on Belgian Reprography system to ECJ.....	
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EVENTS:

**16 to 20 December 2013** [WIPO Standing Committee on Copyright and Related Rights \(27th session\)](#), Geneva, Switzerland

**28-29 January 2014** [APE 2014 conference](#), Berlin, Germany

**4-6 August 2014** [International Federation of Translators \(FIT\) Open Congress - Man vs. Machine](#), Berlin, Germany

LINKS TO OTHER NEWS:

[IPA Newsletter November 2013](#)

[EDI#EUR Newsletter November 2013](#)

## IFRRO

### **IFRRO posts new documents on the role of RROs in facilitating cross-border access for print impaired community within the ETIN initiative**

Two new documents have been posted to the IFRRO website on possible roles of RROs on facilitating access to printed works for persons who are blind, visually impaired or otherwise print disabled. The documents, which were also presented to the Board of the European Trusted Intermediaries Network (ETIN) on 12 November 2013, presents RROs as part of a package to encourage them to respond positively to requests from authors and publishers to assist them in making accessible format copies available to persons with print disabilities through Trusted Intermediaries (TIs) and participate actively in the ETIN project when asked.

ETIN was born out of the European Commission's 2009 Stakeholder Dialogue on access to works by people with print disabilities. The initiative involved representatives from different stakeholder categories (persons with print disabilities, publishers, authors, and IFRRO as representative of the Reproduction Rights Organisations (RROs) in order to find pragmatic solutions to facilitate the cross-border transfer of works in accessible formats for the print impaired persons in the EU. It culminated in an [EU Memorandum of Understanding](#) signed in 2010.

The new RRO-related document are one giving an [overview of the ETIN project](#) and one setting out the [role of RROs within ETIN](#).

[Back to Contents](#)

## RRO News

### **FILCOLS Begins Distribution**

The Philippine RRO FILCOLS, the Filipinas Copyright Licensing Society, Inc., has announced that it has just started its first distribution of remuneration to both publishers and authors in the Philippines.

FILCOLS distributed to publishers during the general assembly of the Book Development Association of the Philippines on 29 November 2013. BDAP is the country's largest book industry association. BDAP president Lirio P. Sandoval said "We are happy to see the government's Department of Education shows respect for the human rights of authors and publishers."

The distribution for authors took place during the FILCOLS annual general meeting on 6 December at the University of the Philippines Diliman. FILCOLS chair Dr. Isagani R. Cruz said "The token fee from the Department of Education is not big. But it is better than nothing."

Ann Marie Villanueva, heir and widow of author Rene O. Villanueva, expressed gratitude for the secondary remuneration on behalf of the authors. Many authors from central Philippines were unable to attend due to the recent typhoon.

In response to developments in FILCOLS, IFRRO CEO Olav Stokkmo said "This is great news. The first distribution by an RRO is an important step forward in demonstrating that the

monies collected on behalf of rightholders make a real difference to their lives. It confirms that collective management in the text and image sector is functioning well in the Philippines

FILCOLS executive director Alvin Buenaventura has expressed thanks to the support and guidance of IFRRO, CISAC, WIPO, NORCODE, Kopinor, MASA, Kopiken, CLASS, Copyright Agency Viscopy, CLA, CCC, Copydan, and CLNZ

[Back to Contents](#)

### **Settlement between KORRA and Korean Universities**

On 28 November 2013, Korea Reproduction and Transmission Rights Association (KORRA) reached an agreement with the consultative group of the universities in Korea on how the universities can use the copyright works without permission from the right-holders, but then pay the required remuneration to the owners.

Though the relevant law was introduced in 2007 and the remuneration standard was set in 2011, the system has not been implemented as universities in Korea had refused to pay the required remuneration. In September 2013, however, the Ministry of Culture, Sports, and Tourism of Korea won the [related action against the universities](#). This led to the agreement between KORRA and the universities; which will enable the remuneration system will be started in next year. The universities have two options according to which the remuneration fees would be calculated: the blanket indemnification and individual indemnification.

Meanwhile, KORRA will carry out the research on present copying practice to determine the list of the copyright works, the authors, and the usage rates of the works in each university.

[Back to Contents](#)

## **EU Affairs**

### **European Commission launches public consultation on copyright**

On 5 December 2013, the EU Commission launched its public [consultation](#) on the review of the EU copyright rules. The deadline for responding is 5 February 2014.

According to the official [press release](#), the consultation is part of the Commission's efforts to review and modernise EU copyright rules. It follows the conclusion of the [Licences for Europe](#) initiative and the [Communication](#) on Content in the Digital Single Market.

The EU consultation touches upon copyright-related issues of fundamental importance, such as: limitations and exceptions to copyright (access to content in libraries and archives; preservation and archiving; off-premises access to library collections; e-lending, mass digitisation; teaching, research; disabilities; text and data mining; user-generated content); private copying and reprography; fair remuneration; and how to improve the effectiveness and efficiency of copyright enforcement.

More information is available [here](#).

[Back to Contents](#)

## **EU Advocate General Sharpston: Services Directive does not apply to CMOs**

In Case C-351/12 Ochranný svaz autorský pro práva k dílům hudebním, o.s. (OSA) v Léčebné lázně Mariánské Lázně a. s., CJEU Advocate General (AG) Eleanor Sharpston delivered her [Opinion](#) on 14 November 2013.

In AG Sharpston's opinion, Collective Management Organisations (CMOs) provide services, but do not fall under the EU Directive 2006/123 on services in the internal market ("Services Directive") as their services need to be regarded as services of "general economic interest" (Article 17(1) of the Services Directive). In any case, CMOs and their services should fall within the field of copyright and neighbouring rights, listed in Article 17(11) of the Services Directive.

Also, in her view, an EU Member State can reserve the exercise of collective rights management to a single CMO. Although this creates a territorial monopoly, which deprives recipients of services of the freedom to choose a CMO in another Member State, this is neither a violation of the freedom to provide services nor does it violate Article 102 TFEU (abuse of a dominant position).

[Back to Contents](#)

## **EU Advocate General: An internet provider can be required to block access by its customers to a website which infringes copyright**

In his Opinion with respect to Case C-314/12 (UPC Telekabel Wien), issued on 26 November 2013, EU Advocate General Pedro Cruz Villalón takes the view that the internet provider of the user of a website which infringes copyright is also to be regarded as an intermediary whose services are used by a third party (i.e., the operator of the website) to infringe copyright and therefore also as a person against whom an injunction can be granted.

Also, a specific blocking measure imposed on a provider relating to a specific website is not, in principle, disproportionate only because it entails not inconsiderable costs but can easily be circumvented without any special technical knowledge. It is for the national courts, taking into account all relevant circumstances, to weigh the fundamental rights of the parties against each other and thus strike a fair balance between those rights.

[The CJEU's press release is here.](#) [The complete Opinion is available here.](#)

[Back to Contents](#)

## **EU study on Copyright awareness: More needs to be done to demonstrate value of IP to society**

A study commissioned by the Office for Harmonization in the Internal Market (OHIM), through the European Observatory on Infringements of Intellectual Property has found that while a large majority of citizens support copyright in principle they feel that infringement is justified in particular circumstances.

The study of over 26,500 Europeans showed that 96% of Europeans believe that Intellectual Property (IP) is important because it supports innovation and creativity by rewarding inventors, creators and artists for their work and 69% value IP because they believe it contributes to the creation of jobs and economic well-being. However an average of 34% thinks that buying counterfeit goods can be justified to save money and 22% think downloading is acceptable when there is no legal alternative. The difference between the two opinions can be explained, according to the study, by the fact that many of those questioned believe that IP does not benefit them personally or that the IP system does not meet their expectations, in areas like price, availability, diversity or quality. It concludes that efforts

should be made to demonstrate the value that intellectual property brings to European citizens in their day-to-day lives - especially for the younger generations.

IFRRO shares the report's concern about this disconnect between theory and practice and highlights the fact that a series of reports have already established the positive value of IP on the economy. A [2012 report by the World Intellectual Property Organisation](#), built on data from 30 countries, showed that the creative industries contribute on average 5.4% to GDP and 5.9% to national employment. These findings were echoed in the same year in an [Australian](#) report indicating that Australian copyright industries contributed 6.6% of GDP, 8% of employment and accounted for 2.9% of exports. Also last year, a [PwC report in the UK](#), showed that income from secondary uses was vital to authors and publishers to enable them to continue producing text books. A loss of 20% for authors could mean a diminution of 29% in their output or the equivalent of about 2,870 works.

The full OHIM report is available [here](#) and the Executive Summary [here](#).

[Back to Contents](#)

## ARROW

### ARROW Plus final conference

As the ARROW Plus project comes to an end in 2013, a final conference took place on Thursday, 4th of December in Brussels. The event was the occasion to offer an update of the project achievements and give a glance to the future of the only available tool in the market for automated rights clearance searches: the ARROW system. The welcome and introduction notes were delivered by Olav Stokkmo, CEO of the International Federation of Reproductions Rights Organisations (IFRRO)

While Anne Bergman and Enrico Turrin, director and deputy director respectively of the Federation of European Publishers (FEP), explained to the audience the work dynamic behind the ARROW Plus project; Carola Streul, Secretary General of the European Visual Artists (EVA), centered her contribution to the conference around the feasibility study on diligent search of image rights that was carried out during the project. She also explained that even though rights clearance of images could not be included in the ARROW system workflow, the study has provided relevant information and recommendations on aspects to be considered in the near future in the image sector.

Click [here for more from ARROW site](#)

[Back to Contents](#)

## Court Cases

### Brussels court refers questions on Belgian Reprography system to ECJ

"In a ruling of 23 October 2013, the 9th Chamber (French language ledger) of the Brussels' Court of Appeal has referred four preliminary questions about the Belgian reprography system to the European Court of Justice, in a lawsuit opposing the Belgian RRO Reprobel and HP. Some of the questions referred to the CJEU have an interest that goes well beyond

Belgium, such as the conformity with EU law of the 50/50 author/publisher distribution split set by law (“taking into account that the publisher is under no obligation to pay back, even indirectly, a part of the remuneration so received to the author”). Other questions seek guidance on the notion of fair compensation ex article 5.2.a and b of the 2001/29 Directive (i.e. is this notion to be interpreted in a different way depending on whether the reproduction on paper is made by a natural person for personal use, or by any person in general?); on the Belgian dual reprography remuneration scheme (including an equipment levy based exclusively on the copying speed of the device “having no other link with the possible harm suffered by rightholders”); and on reproductions of sheet music and illegal reproductions. (link to full text in French)

On the 24 October 2013 a new Royal Decree on private copying (dated 18 October) was published in the Belgian Official Journal. It broadens both the scope of the levy to tablets (subjected to the same levy as smartphones) and the circle of beneficiaries of the remuneration scheme, which will include text & image rightholders from the 1 of December onwards. (link to full text in Dutch and French). Moreover, the Belgian RRO Auvibel – administering private copying in Belgium – was successful in its claim against Amazon preventing the latter from further bringing devices subject to the private copying levy to the Belgian market without paying the appropriate levy, under a penalty of EUR 10,000 per day (Court of First Instance Brussels, 25 November 2013). Earlier, Repobel was successful in a lawsuit against the French online vendor Pixmania, brought before a French court (seizure of accountancy documents).”

[Back to Contents](#)

## Legislation

### **Turkey reduces VAT on e-books**

A Turkish government decree released on 1 December, decreased VAT on "digital sales of e-books and similar publications" from the standard rate of 18 % reduced rate to 8 %, making it the same as for paper book sales.. For "digital sales of newspapers and journals" reduced VAT rate of 1 % will be applied.

[Back to Contents](#)

## Development

### Enhancing a culture for books and reading – Copyright as a means to foster access



Photo: Jorge Mateo, Biblioteca Nacional del Perú

The fifth in the series of conferences on *Enhancing a culture for books and reading* took place on 14 and 15 November 2013 in Lima (Peru), with nearly 200 participants from all over Latin America. This conference programme, initiated by IFRRO and IFLA (International Federation of Library Associations and institutions), is a collaboration between IFRRO, IFLA, IPA (International Publishers Association), IAF (International Authors Forum (IAF) and WIPO (World Intellectual Property Organization), with speaker contributions also from the World Blind Union (WBU). The conference in Lima followed up the last years' successful conferences in Nairobi (Kenya), Tokyo (Japan), Frankfurt (Germany), and Bogota (Colombia).

The Enhancing a culture for books and reading conferences focus on all major elements of the value chain of the book sector - from the creative process and the importance of authorship and local publishing, through the copyright framework and various means of providing user access to intellectual property, including for persons who are blind, visually impaired, or otherwise print disabled, to the important role of libraries and RROs in facilitating such access, including making cultural heritage available, and how authors and publishers and their organisations, RROs, libraries and their organisations and governments can collaborate in improving it. The conference programme aims at documenting and inspiring discussions on the need to stimulate the maintenance of a reading culture and of upholding national creative activities and publishing, also as way to promoting national culture and cultural diversity.

Local and regional collaborators in this year's conference, which also featured contributions from the celebrated Peruvian author *Alfredo Dammert*, who is also the Vice President of the Peruvian RRO, were the Peruvian Ministry of Culture and Indecopy (the Peruvian Intellectual



Property Office); the National Library; PERÚ REPRO, the national RRO; the Peruvian Book Chamber (Cámara Peruana del Libro), and CERLALC (Centro Regional para el fomento del Libro en América Latina y el Caribe). IFRRO speakers included IFRRO's President *Rainer Just*, CADRA's *Ana María Cabanellas* and *Magdalena Iraizos*, *Victoriano Colodrón* of CCC, *Magdalena Vinent* of CEDRO, *Valeria Sánchez* of CeMPro, and IFRRO CEO *Olav Stokkmo*.  
[Back to Contents](#)

## Member News

### **New board of governors of China Written Works Copyright Society**

The China Written Works Copyright Society's (CWWCS) second members' national congress was held on 16 November 2013 in Beijing. Attended by many top officials and representatives of rightholders, literary and cultural organisations, the congress approved the Work Report and Financial Report by the first session of the Council, and elected a new session of the Council. Mr. Jiangong Chen was re-elected president.

At the opening ceremony, Mr. Xiaohong Yan, Deputy Director General of State Administration of Press, Publication, Radio, Film and television of The People's Republic of China, pointed out that CWWCS has done a lot of work on protecting written works' copyright and disseminating the collective management system since it was established five years ago. Especially CWWCS has contributed many proposals for the redrafting the China Copyright Law and to improve other related laws and regulations of copyright.

CWWCS was established on 24th October 2008, with the purpose of protecting the legitimate rights and interests of right holders. It is also the non-profit society on copyright management, protection and services. As the sole copyright collective management organization on written works, and the only statutory body, it collects and distributes the remuneration of written works reused under "statutory license" by newspapers, periodicals and textbooks. From 2009, CWWCS helped Chinese rightholders safeguard their legitimate rights and interests in relation to Google, Baidu, Apple.

[Back to Contents](#)

### **Authors Guild v. Google: Judge Chin finds Google's mass digitisation project to be a fair use**

U.S. Circuit Judge Denny Chin has ruled on the Authors Guild v. Google litigation on 14 November 2013, concluding that Google's mass book digitisation project is fair use.

For more information, please visit the Authors Guild [website](#).

[Back to Contents](#)

### **To be or not to be? Copyright is the question**

In celebration of William Shakespeare's 450th birthday year in 2014, the Authors' Licensing and Collecting Society (ALCS) has teamed up with the UK National Schools Partnership to launch The Young Writer's Guide to Shakespeare.

Devised by teachers for Upper KS2 & KS3, programme aims to breathe fresh air into the teaching of what many students imagine is a difficult-to-grasp subject; and increase

enjoyment of the Bard's work. Fully-mapped to the UK National Curriculum, it also introduces students to the concepts of copyright and plagiarism, via lively creative writing and group activities.

The Young Writer's Guide to Shakespeare consists of flexible teachers' resources, a PowerPoint presentation, and classroom activities including an exploration of comedy, and a courtroom scenario concerning an alleged case of copyright theft from Shakespeare himself.

[Back to Contents](#)

## Value of Copyright

### UNESCO creative economy report shows value of Copyright

UNESCO and the United Nations Development Programme (UNDP) released in November 2013 [a report](#) showing that creative industries are stimulating economies and development. It addresses key challenges for developing economies and provides reliable information on how a strong protection of IP rights will benefit everyone.

It clearly assesses that "widespread disregard for IP rights of creators acts as a disincentive for the production and distribution of cultural goods and services". The critical link between intellectual property and development is highlighted as it was in the [WIPO 2007 Development Agenda](#). The contribution of IP to the economy is acknowledged as well as its high potential for growth: Trinidad and Tobago are the example of an economy where the copyright share of GDP is growing year after year, from 3.90% in 2000 to 4.80% in 2011, thanks to the capacity of the sector to innovate and export.

The various outcomes of a creative economy have been measured, including new aspects of the contribution of IP to development such as the environmental outcomes: protecting knowledge and cultural heritage will help better managing natural landscapes. Another interesting aspect is the capacity of the cultural sector to empower women: it has been demonstrated in a [study made in South Africa in 2008](#) that the creative sector "showed a more equitable work environment for women". The same study also helped redressing the prejudice that creative industries are dependent on government grants: most of the organisations studied did not apply for government funding and had a healthy financial situation.

Finally, ten recommendations to forging new pathways for development are proposed, of which the three following are of particular interest:

- To recognise that in addition to its economic benefits, the creative economy also generates non-monetary value that contributes significantly to achieving people-centred, inclusive and sustainable development.
- To make culture a driver and enabler of economic, social and environmental development processes.
- To put mainstream culture into local economic and social development programmes, even when faced with competing priorities.

The full report is available [here](#) and the press release and the previous reports [here](#).  
[Back to Contents](#)

## WIPO

### **Four Candidatures Received for Post of WIPO Director General**

Four candidatures for the post of Director General of the World Intellectual Property Organization (WIPO) were received by WIPO by 5 p.m. (Geneva time) on December 6, 2013, the deadline fixed for the submission of names.

The candidates are (in alphabetical order of names of candidates): Mr. Francis Gurry (Australia), Mr. Geoffrey Onyeama (Nigeria), Mr. Jüri Seilenthal (Estonia), and Mr. Alfredo Suescum (Panama).

The WIPO Coordination Committee, which is composed of 83 member states, will meet on March 6 and 7, 2014 to nominate a candidate for appointment to this position by the WIPO General Assembly, which is scheduled on May 8 and 9, 2014.

The process of selecting a Director General is governed by the Convention Establishing the World Intellectual Property Organization and "[The Procedures for the Nomination and Appointment of Directors General of WIPO](#)," adopted by the General Assembly of WIPO in September 1998.

[Back to Contents](#)

## Standards

### **Two national libraries become members of ISNI**

The National Library of Finland and the National Library of New Zealand have become members of the ISNI-International Agency (ISNI-IA). The ISNI-IA maintains the ISNI ISO Standard (ISO 27729) and reference database. Members have access to the full ISNI database that includes 17.6 million records, of which 6.9 million representing assigned ISNIs are made available publically via [www.isni.org](http://www.isni.org). The database is a rich cross domain resource, including data from 25 sources from rights management societies, professional societies, encyclopaedias, research and trade organisations in addition to 38 major libraries that contribute to VIAF (Virtual International Authority File). As well as using the database to maintain and enrich their own data, members are able to generate new links, correct and enrich records of others, and to diffuse data to other ISNI sources via ISNI's notification system. Via the ISNI database it is possible to ensure accurate differentiation of national identities both locally and internationally.

[Click here for full press release](#)

[Back to Contents](#)