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EVENTS:

**3-4 March 2014** [The 5th Annual Internet of Things European Summit: Shaping tomorrow's European Internet landscape](#), Brussels, Belgium

**28 April to 2 May 2014** [WIPO Standing Committee on Copyright and Related Rights \(27th session\)](#), Geneva, Switzerland

**2-3 June 2014** [PDLN Conference](#), Madrid Spain

**4 June 2014** [IFRRO European Group meeting](#), Athens, Greece

**6 June 2014** [EU Greek Presidency conference on Intellectual Property and Digital Agenda in Europe](#), Athens, Greece

**21-25 July 2014** [WIPO Standing Committee on Copyright and Related Rights \(28th session\)](#), Geneva, Switzerland

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

**8-12 December 2014** [WIPO Standing Committee on Copyright and Related Rights \(29th session\)](#), Geneva, Switzerland

LINKS TO OTHER NEWS:

[IPA Newsletter January 2014](#)

[PLS Publisher Accessibility Newsletter](#)

[PDLN News January 2014](#)

[EDI#EUR Newsletter January 2014](#)

## IFRRO

### IFRRO welcomes two new members

The IFRRO Board, at its meeting in London on 4 February, approved the application of two new members. The Uganda Reproduction Rights Organisation (URRO) has been accepted as a provisional RRO member and the American Photographic Artists (U.S.A.) as a Creator and Publisher Association Member.

URRO is the RRO in Uganda, established by the trade bodies of relevant national authors, including visual creators, and publishers' trade bodies. The basis for the RRO activities is the system of voluntary collective licensing. IFRRO has provided assistance and training to facilitate the establishment of the RRO and the start up of the licensing activities. Negotiations are currently take place with universities on licensing agreements.

APA is a US visual creators association for photographic artists. They collaborate closely with other visual artists' associations in membership of IFRRO, such as ASMP (American Society of Media Photographers). It is also a member of IFRRO member ACA (Authors Coalition of America).

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## EU Affairs

### Adoption of the CRM Directive by the European Parliament

The European Parliament adopted on 4 February 2014 the Collective Rights Management Directive by a large majority, completing the legislative process that had started in July 2012.

In a debate preceding the vote, the rapporteur, MEP Marielle Gallo, noted that a consensus had emerged in the Legal Affairs Committee leading to the unanimous adoption of her report with a broad support from all parties. Marielle Gallo emphasised that “creative industries offer to Europe the best chance to give rise to national champions”.

Michel Barnier, European Commissioner for Internal Market and Services, has welcomed the adoption of the CRM Directive and has indicated that its adoption is another step in adapting copyright to the Single Market and to the digital market. He also informed that the European Commission will prepare a White Paper on copyright, to be released in June 2014, that will set the basis for the work of the next European Commission and European Parliament.

For more information on the procedure and to find all related documents, [click here](#).

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### IFRRO makes submission on EC Consultation on EU Copyright Rules

On 5 December 2013 the European Commission (EU) launched a [public consultation](#) on the EU Copyright Rules. The original deadline of 5 February 2014 for answering the 80 questions that make up the consultation was the last week of January extended to 5 March. IFRRO decided, nevertheless, to submit its [comments](#) by the original deadline.

In respect of the copyright legal framework, IFRRO submits that the EU should continue to pursue a pragmatic approach. Rather than emphasising on a single EU Copyright Title, the focus should be on the adoption of an overall intellectual property (IP) strategy. Several studies have documented the importance of the IP sector to the EU economy and employment: For example, IPR intensive industries contribute to 39% of the EU's GDP and 26% of the EU's employment; 90% of its export comes from IP intensive industries. Within the IP sector, the copyright sector contributes with a positive trade balance. On a short, medium and longer term, an overarching EU IP strategy is required and urgent to maintain this situation.

Also, as a consequence of the increased importance of the Court of Justice of the EU (CJEU) in copyright matters, IFRRO proposes that a specialised panel of judges responsible for copyright legal matters should be created at the CJEU.

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### **Joint media industry/European Commission pilot to pave way for easier and greater legitimate use of online content**

A two-year project jointly funded by the European Union and media industry partners to enable and encourage greater legitimate use of all types of digital content is launched this week.

The Rights Data Integration (RDI) project, in which IFRRO is a contracting partner, will implement work done by the Linked Content Coalition (LCC) that published an innovative technical framework earlier this year to help content owners and users to manage and trade rights for all types of usage of all types of content and copyrighted works in all types of media.

RDI will bring the content industry a big step closer to meeting the challenge of how to assert ownership of content and communicate copyright terms and conditions in the digital environment in a way that both machines and people can understand.

See full press release on [RDI site](#).

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### **New EU regulation on customs enforcement of IPR in force since 1 January 2014**

As of 1 January 2014, a new EU regulation concerning customs enforcement of intellectual property rights ([608/2013](#)) (the "New Regulation") applies, repealing the Counterfeit Goods Regulation (1383/2003/EC).

In brief, the New Regulation provides customs authorities with extended powers to detain counterfeit or pirated goods at EU borders. Some of the key changes include an extension of the range of intellectual property rights which are afforded protection, the introduction of new rules concerning small consignments and making the simplified procedure for the detention and destruction of goods compulsory for all EU Member States.

[More information click here](#).

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## RRO News

### **Belgian study: educational/scientific works are most reproduced. Printouts of protected works are mainly in home environment**

In the biggest official study ever undertaken of copying and print-out behaviour in Belgium, a May 2013 survey by Profacts shows that the copying of protected works is up by 12% since the last official survey from 2002 and that educational and scientific works are the main target.

According to the survey results, more than 27 billion reproductions (copies and printouts) are made in Belgium each year of which just over 60% are printouts. 80% are made in the professional sectors (schools, administrations and private sector) and 20% in the home environment. 4.5 billion reproductions (16.85%) are of protected works, of which nearly 60% are printouts. The volume of reproductions on paper (photocopies and printouts) of protected works are up by 168% from 2002 (photocopies only – printouts were not examined at that time). Most of the copying of protected works takes place in the education sector while most printouts of protected works are made in the home environment. Most reproductions of protected works are from an educational or scientific works (almost 64% of all copies and 55% of printouts).

The full report can be downloaded via the [REPROBEL website](#) or via the [IFRRO site](#). The executive summary is available [here](#).

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### **German CMOs and manufacturers agree on equipment levy tariffs**

After three years of negotiations, German collective management organisations (represented by the umbrella association ZPÜ), VG WORT and VG Bild-Kunst (for the text- and image-based sphere) and equipment manufacturers (represented by the umbrella associations BCH and BITKOM) agreed on new levy tariffs for computers. The tariffs for digital reproductions will apply retroactively from 2011 and (at least) until the end of 2016. BCH and BITKOM association members will receive a discount of 20%.

More specifically, the agreed tariffs for the period 1 January 2011 to 31 December 2016 are as follows:

- Consumer PCs: 10,55 Euro (plus VAT)
- Business PCs: 3,20 € (plus VAT)
- PCs with a screen size under 12.5 inches: 8,50 € (plus VAT)
- Workstations, from 1 January 2014 onwards: 3,20 EUR (plus VAT)

Not covered by the scheme are tablet computers, external hard drives, external burners and mobile phones. The agreement implements the so-called “Padawan v. SGAE” judgment of the European Court of Justice (Case C-467/08), with different tariffs for private and commercial uses.

More information (in German) is available [here](#).

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## **CADRA organizes antipiracy raid in Argentina**

On 20 December, after a long and comprehensive investigation led by National Criminal Judge Dr. Daniel Rafecas, CADRA, the Argentinean RRO launched a coordinated raid on 14 premises including printers, binders, ware houses, bookstores containing thousands of “pirated” books. The haul included more than 100,000 copies of academic and scientific texts, children, adults literature and other types of books.

This is the first raid of this magnitude in Argentina and resulted in the detention of 4 men considered as “pirates”.

[More from CADRA site](#) (in Spanish) and on the IFRRO’s ‘best practices’ website ([here](#))  
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## **Court Cases**

### **Fair remuneration: Austrian Supreme Court confirms payment obligation for multifunctional storage devices**

As announced on 18 January 2014, in a decision dated 17 December 2013, the Austrian Supreme Court, in the case Hewlett Packard GmbH v Austro-Mechana, confirmed that a fair compensation needs to be paid for private copying of copyrighted works to multifunctional storage devices – such as hard drives, tablets or PCs.

The Supreme Court found that a fair compensation is due, under the (sole) condition that there is evidence for more than a minimal damage to the rightholder. Also, a lump-sum compensation for storage devices is to be considered constitutional. The Supreme Court remanded the case to the Court of First Instance; however, merely in order to rule on the figures presented by the rightholders to prove the damage.

Austrian rightholders and their representatives welcome the decision as an important signal to the new Government to find a quick solution with respect to the inclusion of new devices in the remuneration scheme, ensuring legal certainty.

The Austrian Supreme Court decided following the related preliminary ruling by the EU Court of Justice (CJEU), published in July 2013.

More information: [here](#) and [here](#)  
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### **CJEU decides that use of meta search engine for data scraping infringes database right**

The Court of Justice of the European Union (CJEU) has given its first decision on whether scraping of data from websites infringes the database rights in target websites (Case C-202/12, Innoweb v. Wegener, 19 December 2013).

More specifically, the CJEU decided that a meta search engine operator (using search engines provided by other websites to retrieve results) infringed the EU database right where it:

- Provided a search form which replicated the functionality of the search form on the target website;
- Enabled a search of the entire database in the target website; and
- Presented the results of the user's search in an equivalent way to the target website.

The decision, which is a warning to those who operate unlicensed website scraping services, is important both because of the impact on the EU database right and because of the potential wider impact on how copyright operates online.

To read the judgment, [click here](#)  
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### **Authors Guild appeals Google Books decision**

[Publishers Weekly](#) recently announced that, in a [filing](#) with the U.S. District Court for the Southern District of New York, the Authors Guild gave notice that it is appealing Judge Denny Chin's ruling in the case Authors Guild v. Google Inc. before the U.S. Court of Appeals for the Second Circuit.

The Second Circuit will also rule on a parallel case, the Authors Guild v. HathiTrust, a case against a collective of Google's library scanning partners (see: [here](#)).

As reported earlier (see: [here](#)), in his [November decision](#), Judge Chin had dismissed the case against Google.

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## **Legislation**

### **New EU regulation on customs enforcement of IPR in force since 1 January 2014**

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[More information click here.](#)  
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### **Italian Communication Authority (AGCOM) publishes online copyright enforcement regulation**

On 12 December 2013, the Italian Communication Authority (AGCOM) published a [Regulation](#) on online copyright enforcement, which will enter into force on 31 March 2014. It



follows AGCOM's [consideration](#) that something must be done at the level of public institutions to fight digital piracy.

Similarly to what was recently recommended by the [Lescure Report](#) in France, the Regulation emphasises the promotion of legal content offers, education and information of consumers, and the adoption of codes of conduct.

The Regulation, which does not apply to copyright infringements carried out via P2P networks, contains a detailed "notice and takedown" procedure. The main targets of the Regulation are not end-users, but ISPs (in particular, mere conduit and hosting providers), which shall have 3 days from the receipt of AGCOM's order to comply with it. In case of non-compliance, AGCOM may order administrative fines (from EUR 10,000 to ca. EUR 258,000).

AGCOM decisions may be appealed before Italian administrative courts.

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### **New decree in France facilitating the reimbursement of private copy levies for professional uses**

The French government has issued a new decree that will facilitate the reimbursement of private copy levies for professional uses.

From April 2014 onwards, all retailers will have the obligation to display the part of the purchase price that goes for private copying remuneration as well as other information on private copying levies.

This will make the reimbursement scheme for professional uses truly effective and will help consumers better understanding the private copying remuneration system.

The decree (only in French) is available [here](#).

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## **Member News**

### **FEP's new communication tool**

The Federation of European Publishers (FEP) has announced the launch of Book's Face, a quarterly publication sent to all its contacts in the institutions and around. The objective of this publication is to showcase the many roles taken by publishers in the making of a book. It will also give FEP the opportunity to present its views on important topics and share some news from the trade. Book's Face is available from FEP by emailing [lhoulgatte@fep-fee.eu](mailto:lhoulgatte@fep-fee.eu).

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### **PLS launches 2 year pilot on walk-in access to high quality academic research through UK public libraries**

Students, independent researchers and small businesses can now access many of the world's best academic papers across science, technology, medicine and other disciplines through their local libraries. This is the result of collaboration between librarians and publishers, who have made their journal content available for free to UK libraries under a new initiative, [Access to Research](#).



Access to Research will provide licensed online access to over 1.5 million journal articles and conference proceedings through library terminals. With 8,400 journals included in the initiative at the moment, this will make content in the fields of Health and Biological Sciences (20%), Social Sciences (18%) and Engineering (14%) available to the public for the first time. Users will also be able to read a wide variety of articles in the fields of Art & Architecture, Business, Environmental Science, History, Journalism, Languages, Politics, Film, Philosophy and Religion, Mathematics and Physics.

Access to Research has been launched under the leadership of the Publishers Licensing Society in response to one of the main recommendations of the Finch Group, a committee convened by the UK government, to explore how access to publicly funded research could be expanded.

For more see [PLS press release](#).

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### **IPA Congress in Bangkok postponed to 2015 due to continued political unrest**

Due to the continued political turmoil in Thailand, the 30th IPA Congress, scheduled to take place in Bangkok on 25-27 March 2014, has been postponed to 24-26 March 2015.

More information from [IPA site](#)

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## **WIPO**

### **IFRRO Statements at WIPO SCCR 26, 20 December 2013**

IFRRO issued statements at the WIPO SCCR in December 2013 – on exceptions for education and for libraries.

#### **Education Exceptions**

In its statement on educational exceptions, IFRRO emphasized the fact that educational institutions, students, teachers and researchers need to have access to good educational resources, including local ones. Copyright licensing and similar mechanisms based on agreements with copyright holders and RROs have the ability to meet that need.

IFRRO believes that the current framework provides sufficient legal space for the establishment of relevant educational exceptions in national legislation; and consequently there is no need for further international rule-making. In particular the notion of “illustration for teaching” does not encompass the making of course packs or large scale or multiple copying for classroom use or other teaching material.

Many RROs began their activities by providing solutions in response to requests from educational institutions for the facilitating of large scale reproduction of material for teaching and research purposes.

IFRRO has a broad and long term experience from co-operating with WIPO, as well as with WIPO Member States and local stakeholders. It is ready and willing to collaborate in developing solid infrastructures to enable the strengthening of national educational

publishing and appropriate access to copyright works in education.

## **Libraries Exceptions**

The SCCR also discussed exceptions for libraries. The IFRRO statement to the meeting noted that current international conventions adequately provide for the establishment of relevant library exceptions in national legislation, and that sharing of experiences combined with a capacity building programme is the best way forward to enhance the performance of library and archive services.

The full IFRRO statement on education is [available here](#).

The full IFRRO statement on libraries [available here](#).

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## **Standards**

### **Number of Assigned ISNIs Now Over 7 Million**

The ISNI database started in November 2011 with ISNIs assigned to 1 million identities. Two years later, this number has grown to 7.49 million.

The database serves as a freely re-usable, international cross domain identifier linking databases from professional societies, trade databases, rights management societies, national research databases, encyclopaedias, cultural institutions and more than 40 major national and research libraries. In total there are 65 sources represented in the database.

[More from ISNI site](#)

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