



[IFRRO HOME](#)

Volume 18 – Number 1 – January 2015

Table of Contents

<p>IFRRO</p> <p>Je suis Charlie – IFRRO condemns attack on creators and publishers at Charlie Hebdo</p> <p>IFRRO statement to SCCR - Agreements rather than legislation offer best solution for libraries and archives</p> <p>RRO News</p> <p>CCC Open Access Round table calls for simple standard processes for OA ecosystem</p> <p>New Offerings for Canadian Colleges & Universities from Access Copyright</p> <p>Court Cases</p> <p>CJEU rules that exhaustion only applies to the tangible medium of a work</p> <p>CJEU confirms "accessibility criterion" in online copyright infringement cases</p> <p>CJEU decides that the owner of an online database not protected by copyright or the sui generis right may limit its use contractually</p>	<p>EU affairs</p> <p>MEP Julia Reda's report on the implementation of Directive 2001/29/EC</p> <p>Content Delivery</p> <p>Deloitte: Print is alive and well - at least for books</p> <p>Copyright Protection</p> <p>Uganda: International Standard Book Number Helps Authors, Readers Identify Publications</p> <p>Value of Copyright</p> <p>Creative industries are boosting UK economy</p> <p>Copyright industries are engines for growth in the US economy - new report shows</p> <p>Property Rights Alliance publishes International Property Rights Index 2014</p>
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EVENTS:

24 February 2015 [Digital for Europe Stakeholder Forum](#), Brussels, Belgium

24-26 March 2015 [30th IPA Congress](#), Bangkok, Thailand

8-9 April 2015 [Fordham IP Conference](#), Cambridge, United Kingdom

29 June to 3 July 2015 [WIPO Standing Committee on Copyright and Related Rights \(SCCR\) - 30th session](#), Geneva Switzerland

7-11 December 2015 [WIPO Standing Committee on Copyright and Related Rights \(SCCR\) - 31st session](#), Geneva, Switzerland

LINKS TO OTHER NEWS:

[IPA - December 2014 Newsletter](#)

IFRRO

Je suis Charlie – IFRRO condemns attack on creators and publishers at Charlie Hebdo



The attack on Charlie Hebdo's offices in Paris is a stark reminder of how precarious our freedoms are and of the value of creators and publishers, who play a front-line role in defending them. IFRRO utterly condemns all such acts and offers its sincere condolences to the families of the victims.

[Back to Contents](#)

IFRRO statement to SCCR - Agreements rather than legislation offer best solution for libraries and archives

In a [statement](#) to the 29th meeting of the WIPO SCCR, IFRRO reiterated its position agreements with authors, publishers and RROs provide the best way to respond to dynamic user requests, while assuring appropriate remuneration to copyright holders. IFRRO believes that the solution should be based on three elements:

- Experience sharing
- Capacity building programme - Demand driven, Coordinated by WIPO; with Stakeholder involvement through organisations such as IFRRO, IFLA, IPA, STM, and IAF, when required.
- Cooperation among governments, within and across continents, whatever is appropriate, and with possible involvement of WIPO and regional bodies such as ARIPO, OAPI and CERALC.

This was also the message in the [side event](#), which IFRRO organised in conjunction with the SCCR meeting.

In addition at the meeting Dr Kenneth Crews presented and answered questions related to the [study on copyright limitations and exceptions for libraries and archives](#), which had been commissioned by WIPO. This study, updated and complements [an earlier 2008 study](#). The studies show that, of the 186 countries surveyed, 153 have library exceptions, most of them multiple ones. The [IFRRO comments on Dr Crews' study](#) drew attention to the stakeholder

initiative of the Memorandum of Understanding on the making available out-of-commerce works by publicly available libraries and similar cultural institutions, through collective licensing. This initiative, which was not mentioned in Dr Crews' report, was supported by the European Commission and signed by the three library associations, the relevant authors' and publishers' associations, and IFRRO on behalf of the collectives in print and publishing, referred to as RROs.

[Back to Contents](#)

RRO News

CCC Open Access Round table calls for simple standard processes for OA ecosystem

A report on an Open Access Roundtable Hosted by Copyright Clearance Center (CCC) concludes that the current approach to APC management is highly fragmented and undermined by differences of approach between nations and academic disciplines but opportunities exist to overcome many of the issues through improvements in data-sharing and development of common identifiers and vocabularies.

The need to work collaboratively towards a common goal is encapsulated in the following statement that was agreed to at the close of the event:

A Future Narrative for Open Access

We should work towards simplifying and standardizing processes to move towards a sustainable and scalable OA ecosystem which preserves academic freedom and author choice in publishing and makes the research as valuable as possible for the end user.

See here for [full report](#)

[Back to Contents](#)

New Offerings for Canadian Colleges & Universities from Access Copyright

Canadian RRO, Access Copyright, has announced new offerings and related services for Canadian Colleges & Universities, available beginning July 1, 2015.

The new offerings deliver pre-cleared permission to copy up to 20% of a covered publication and include a Premium service that incorporates a single flat price per FTE (full time equivalent) and the lightest reporting requirements.

More details available from [Access Copyright](#)

[Back to Contents](#)

Court Cases

CJEU rules that exhaustion only applies to the tangible medium of a work

The CJEU's [decision](#) of 22 January 2015 in Case C-419/13, Art&Allposters v. Stichting Pictoright, followed a reference for a preliminary ruling from the Dutch Supreme Court. The proceedings concern the unauthorised making and selling by Art&Allposters of altered versions of copyright-protected artworks, whose rights are managed by the Dutch CMO Stichting Pictoright.

In a nutshell, the CJEU now ruled as follows:

- The EU Information Society Directive 2001/29 does not mention the adaptation right explicitly. However, a situation like the one at hand, i.e. paper poster and canvas transfer of copyright-protected works, falls within the scope of the distribution right under Article 4(1) of the Information Society Directive;
- Exhaustion of the right of distribution contained in Article 4(2) of the Information Society Directive only applies to the tangible support of a work.

More specifically, the CJEU referred to Recital 28 to the EU Information Society Directive 2001/29/EC and the WIPO Copyright Treaty, and concluded that exhaustion of the distribution right only applies to tangible objects: *“Article 4(2) of Directive 2001/29 must be interpreted as meaning that the rule of exhaustion of the distribution right set out in Article 4(2) of Directive 2001/29 does not apply in a situation where a reproduction of a protected work, after having been marketed in the European Union with the copyright holder’s consent, has undergone an alteration of its medium, such as the transfer of that reproduction from a paper poster onto a canvas, and is placed on the market again in its new form.”* (cf. para 49)

Notably, by suggesting that exhaustion under Article 4 of the EU Information Society Directive only applies to the tangible support of a work, the CJEU seems to imply that there is no general digital exhaustion under EU copyright (cf. the CJEU’s decision in [UsedSoft](#)).
[Back to Contents](#)

CJEU confirms "accessibility criterion" in online copyright infringement cases

On 22 January 2015, the CJEU also issued its [ruling](#) in Case C-441/13, *Pez Hejduk v EnergieAgentur*, following a reference for a preliminary ruling from the Handelsgericht Wien (Austria) on the jurisdiction / recognition and enforcement of judgments in civil and commercial matters.

The CJEU concluded that Article 5(3) of the Brussels I Regulation No. 44/2001 “must be interpreted as meaning that, in the event of an allegation of infringement of copyright and rights related to copyright guaranteed by the Member State of the court seised, that court has jurisdiction, on the basis of the place where the damage occurred, to hear an action for damages in respect of an infringement of those rights resulting from the placing of protected photographs online on a website accessible in its territorial jurisdiction. That court has jurisdiction only to rule on the damage caused in the Member State within which the court is situated.”

Against this background, the CJEU rejected the “causal event” criterion as proposed by the Advocate General Cruz Villalón (we reported about the AG’s Opinion [here](#)), and confirmed its earlier approach in [Pinckney](#), i.e. the “accessibility criterion”. Also, the CJEU confirmed that “intention to target” is not part of Article 5(3) of the EU Information Society Directive 2001/29, because, unlike Article 15(1)(c) of the Brussels I Regulation, “Article 5(3) does not require, in particular, that the activity concerned be ‘directed to’ the Member State in which the court seised is situated” (cf. para 32).

[Back to Contents](#)

CJEU decides that the owner of an online database not protected by copyright or the sui generis right may limit its use contractually

On 15 January 2015, the EU Court of Justice (CJEU) issued its [decision](#) in Case C-30/14, *Ryanair v. PR Aviation*, a reference for a preliminary ruling from The Netherlands seeking clarification as regards the EU Database Directive 96/9.

The case concerns a legal dispute between the Dutch company PR Aviation, which operates a website that allows customers in The Netherlands to compare the prices of low-cost airlines and, upon payment of a commission, book a flight.

The CJEU now concluded that the EU Database Directive only applies to databases protected by copyright or the sui generis right, and that the holder of a publicly accessible database is free to determine by contract and in compliance with the applicable national law the conditions of use of its database.

The complete decision is available [here](#).

[Back to Contents](#)

EU affairs

MEP Julia Reda's report on the implementation of Directive 2001/29/EC

The draft report on the implementation of the EU Information Society Directive 2001/29/EC, drafted by Julia Reda, Member of the European Parliament, has been published on [her website](#), together with a list of amendments tabled to it. The report was presented on 20 January 2015 to the European Parliament's Legal Affairs Committee. More information on the expected timeline of the report is available [here](#).

The discussions on this report are taking place in the context of the European Parliament's own assessment of the current EU copyright law. If adopted, the report will not be legally binding for EU Member States.

[Back to Contents](#)

Content Delivery

Deloitte: Print is alive and well - at least for books

In its annual Technology, Media and Telecommunications Predictions report, Deloitte Australia predicts that in 2015 print will represent more than 80 percent of all book sales in dollars worldwide.

The report states that eBook sales volumes have hit a plateau, or seen decelerating growth, in major markets including the US, UK and Canada. The continued popularity of print comes mainly from younger readers - 92 percent of 18-29 year-old book readers in the US read in print in 2013, above the average for the population as a whole. Three-quarters of millennials read a print book, but only 37 percent read an eBook.

Register for a full copy of the report [here](#).

[Back to Contents](#)

Copyright Protection

Uganda: International Standard Book Number Helps Authors, Readers Identify Publications

According to an article in IP Watch, ISBNs are playing a crucial role in Uganda in helping authors and readers identify publications and therefore facilitating copyright management.

Mr Charles Batambuze, Executive Director of the Uganda Reproduction Rights Organisation ([URRO](#)) is quoted as saying “although getting an ISBN is not a registration for copyrights, it can be used when one is seeking to prove copyrights of his or her book as ISBN can be used as a point of reference for authentication.”

More from [IP Watch](#)
[Back to Contents](#)

Value of Copyright

Creative industries are boosting UK economy

In a report released on 13 January 2015 by the UK Department for Culture, Media and Sport, the contribution of creative industries to the UK economy has been measured in terms of employment, added value and exports. The main finding of the report is that the already significant contribution of creative industries to the economy has increased over the last years: between 1997 and 2013, employment in the Creative Economy has seen a rise “around four times greater than the 0.6 per cent increase each year in the number of jobs in the UK Economy.” Likewise, the growth value added of these industries has risen “by 5.8 per cent each year compared to 4.2 per cent in the UK economy.” Similarly, the services exported by creative industries, accounting for 8.8% of total UK services exports, have increased faster than for the other sectors.

Within the creative industries, the publishing sector, accounting for 231,000 jobs, grew by 1.4% annually between 2008 and 2013, reaching a gross added value of more than 9.9 billion pounds in 2013. Interestingly, this sector was the fastest-growing of the UK creative industries in terms of exports: “*exports of Services from ‘Publishing’ grew by 28.0 per cent between 2009 and 2010, 20.6 per cent between 2010 and 2011 and 13.7 per cent between 2011 and 2012*”.

The report can be accessed [here](#).
[Back to Contents](#)

Copyright industries are engines for growth in the US economy - new report shows

The 2014 edition of the Copyright Industries in the U.S. Economy report shows that the core copyright industries of the United States – those industries whose primary purpose is to create, produce, distribute or exhibit copyright materials – provide significant value added to GDP; an increasing number of high-paying jobs; real growth which outpaces the rest of the economy.

According to the [2014 Report](#), prepared for the International Intellectual Property Alliance (IIPA) by Stephen E. Siwek of Economists Incorporated, the core copyright industries added \$1.1 trillion dollars accounting for 6.71% of the U.S. economy in 2013 and employed nearly 5.5 million people. During the period 2009-2013, the core copyright industries grew at an aggregate annual rate of 3.9% compared to 2.25% average annual growth rate of the entire U.S. economy.

This report is just the latest in a long line of similar studies showing how the creative industries fuel economies all around the globe from the [EU](#) to the [Philippines](#).

[Back to Contents](#)

Property Rights Alliance publishes International Property Rights Index 2014

New Zealand, the Nordic countries, Singapore, Switzerland, Luxembourg, Netherlands and Canada top the list of countries in the 2014 edition of the International Property Rights Index (IPRI) published by the Property Rights Alliance.

IPRI is an international comparative study that measures the significance of both physical and intellectual property rights and their protection for economic well-being. In order to incorporate and grasp the important aspects related to property rights protection, the Index focuses on three areas: Legal and Political Environment (LP), Physical Property Rights (PPR), and Intellectual Property Rights (IPR).

Click here for [2014 IPRI countries list](#).

[Back to Contents](#)