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IFRRO

IFRRO welcomes new members

At its February meeting, the IFRRO board confirmed 2 membership requests: JCOPY (Japan) as an RRO member and KOUPI (Kazakhstan), as a provisional RRO member.

EWC, FEP and IFRRO organise a Seminar on the Copyright Reform at the European Parliament

Over 80 attendees took part in a Seminar on the Copyright Reform organised by EWC, FEP and IFRRO on 2 February at the European Parliament. The event was co-hosted by MEP Therese Comodini Cachia and MEP Jean-Marie Cavada, rapporteur and shadow rapporteur for the proposal for a Directive on copyright.

When delivering his welcome speech, MEP Cavada highlighted that the technological revolution has led to a new digital era that lives too often at the expense of creativity. He added that there was a need to better protect the use of creative works, which embody the human spirit, and to not only leave it to those who provide the “pipes” connecting content with users to make profit out of it. The introduction remarks on the proposed directive on copyright were delivered by Mr Marco Giorello, Deputy Head of the Copyright Unit at the European Commission.

There were two round tables, showing how solutions to giving easy access to works are being enabled by RROs for education and the making available and digitisation of cultural heritage. Two examples of successful library digitisation projects were presented by representatives of the German National Library and the Norwegian National library, that have reached licensing agreements with VG Wort and Kopinor and run extensive digitisation projects. On education licensing, the perspectives from the authors, publishers and RROs were presented, with experience from Finland, France and the United Kingdom.

In her closing remarks, MEP Therese Comodini Cachia underlined that over the last months stakeholders have expressed their positions on the copyright reform and these have often proven to be quite polarised. She concluded that it was now up to the legislators to find a balanced approach, and she welcomed stakeholders who have come forward with solutions, while adding that she saw no reason why copyright should not work in the digital world as it does in the analogue.

A selection of pictures taken during the Seminar, and the the presentations made by speakers are available [here](#).

RRO News

Repronig refreshes its image and names new Executive Director

IFRRO's Nigerian member, [Repronig](#), has recently made key changes. On one hand, a new Executive Director has been appointed: John Asein, who has extensive experience in the copyright field, will be leading the organisation as from 2017. Other important changes have to do with the organisation' image; a new logotype has been designed, giving the RRO a new polished look and their website is now available: www.repronig.ng.

IFRRO's CEO, Caroline Morgan, expressed her full support to the RRO by stating that “we look forward to working with you closely as you face new challenges and overcome them, meeting the goal of transforming Repronig into a model RRO.”

CCC and The Authors Guild collaborate on copyright education webinars

CCC and The Authors Guild have launched a series of copyright education events for prospective and existing members of the Guild. The activity is a comprehensive, ten-part program of webinars designed specifically to address the needs of authors, including topics such as such as Copyright 101, Registering

your copyright, Negotiating your rights: what to know before you sign, and Monetizing your content. Half of the webinars took place in 2016, while the remainder of the series will be delivered in early 2017.

CCC has reported that the response to the series has been very positive so far, having hundreds of authors have registered for the initial webinars.

Creators and Publishers news

The Authors Guild releases statement about Trump policies

In a concise statement released recently, the Authors Guild has set their position with regards to concerns for authors under the Trump administration. The statement can be read [here](#).

Maria A. Pallante, former US Registrar of Copyrights is the new head of AAP

On 12 January 2017, the [Association of American Publishers](#) (AAP) announced that Maria A. Pallante, former United States Registrar of Copyright, was appointed as the new President and CEO of the organisation. Maria Pallante will succeed Tom Allen, who will be retiring from the position.

YS Chi, Chairman of the AAP Board of Directors, expressed their enthusiasm regarding Pallante's appointment "as she brings to AAP considerable expertise in many of the issues facing the publishing industry."

IPA calls for nominations for the 2017 IPA Prix Voltaire

The International Publishers Association has launched its call for nominations for the 2017 IPA Prix Voltaire. An award aiming at celebrating the freedom to publish. More information is available [here](#).

EWC announces Board changes

On 27 and 28 November 2016, European Writers' Council (EWC) held its Annual General Assembly in Brussels. As a result, some changes were made at the level of the Board. Mr. Nick Yapp (UK) has stepped down as President and was replaced by Ms. Malin Koch (Legal Counsel of the Swedish Writers' Union), who was elected First Vice-President in June 2015, and who will be functioning as EWC's President until the next elections, to take place in June 2017.

The EWC also assembly welcomed Ms. Janne Rijkers (the Writers' Guild of the Netherlands) as a new regular board member. Ms. Gerlinde Schermer-Rauwolf (Germany) continues as Vice-President, while Mr. Tiit Aleksejev (Estonia), Ms. Ružica Cindori (Croatia), and Ms. Tittamari Marttinen (Finland) continue their terms as regular board members.

At IFRRO, we wish the best to the new EWC Board members and we are looking forward to continue the close collaboration with them.

EU News

Copyright levies should not be subject to VAT says Court of Justice of the European Union

On 18 January 2017, the Court of Justice of the European Union (CJEU) issued its decision in case C-37/16 (Minister Finansów v Stowarzyszenie Artystów Wykonawców Utworów Muzycznych i Słowno-Muzycznych SAWP).

The proceedings started in Poland between the Minister for Finance and the Society for performers of musical works with or without words (SAWP) concerning whether the levies paid for recording or reproducing copyright works and on media for recording or copying such works was subject to VAT. The case reached the Polish Supreme Administrative Court that decided to refer two questions to the CJEU for a preliminary ruling: (1) do rightholders supply services, within the meaning of the VAT Directive, to the producers and importers of reproduction devices and media who are liable to pay the levy and (2) if so, should the VAT be paid by Collective Management Organisations (CMOs)?

In a nutshell, the Court answered that reproduction rightholders do not make a supply of services to those liable to pay a levy, and the fees collected should therefore not be subject to VAT: “it is apparent from the order for reference that fees such as those at issue in the main proceedings are intended to finance fair compensation for holders of reproduction rights. However, the fair compensation does not constitute the direct consideration for any supply of services, because it is linked to the harm resulting for those rightholders from the reproduction of their protected works without their authorisation (Recital 30).

As the second question was asked if the first question was to be answered in the affirmative, there was no need for the Court to answer to it.

Find the full decision [here](#) – IFRRO is now looking at possible implications of the decision for its members and will be further discussing its impact on existing levy schemes.

European Parliament adopts report on a coherent EU policy in support of cultural and creative industries

The European Parliament has adopted a report recognising the importance of cultural and creative industries (CCI) as engines of economic growth and “ambassadors of European values”. The report calls on the European Parliament to take a more structured approach to the sector and to ensure that creators get their fair share of the benefits coming from the explosion of consumption of creative content made possible by the digital revolution. It identifies a “value gap” where platform services retain too much of the value of creative works and insists that “liability exemptions should not apply to services that play an active role in distributing, promoting and monetising content at the expense of the creators.”

Noting that CCI in Europe provide more than 12 million full-time jobs, creating around EUR 508 billion in value added to GDP, the report recognises that the protection of copyright is a vital element to the very survival of the creative industry. Despite its importance to the European economy, the sector has suffered from the lack of a clear definition, which would allow policy makers to develop a coherent industrial policy at EU level. The report offers such a definition and calls on the Commission to take the necessary steps to promote and support the sector and ensure that authors, creators, performers and rightholders receive fair remuneration for their works.

Click here for the full [report](#).

Access

IPA releases guide unpacking the Marrakesh Treaty for publishers

The International Publishers Association (IPA) released a comprehensive guide to help world publishers better understand their responsibilities under the Marrakesh Treaty for visually impaired and other print disabled people who are unable to use standard format books. IPA has also released an accessibly formatted version of the guide.

More information can be found [here](#).

Legislation

German Parliament adopts new provisions regarding the share for publishers

The German Parliament adopted a new legislation on author’s contractual law and new provisions regarding the publisher share issue, as part of the new legislation. The new legal rules were finally approved by the Bundestag on December 15th and by the Bundesrat on December 16th. The publishers’ share provisions already entered into force on 24 December 2016. The new law makes it clear that joint collective management organization representing authors and publishers have a legal basis.

IFRRO’s German RRO member, VG WORT, following its statutes, has provided joint administration since its foundation in 1958. This model has safeguarded and secured the implementation of copyright

exploitation rights and claims to remuneration on behalf of authors and publishers. The decision of the German Parliament is to be welcomed as a clear signal of approval for this model.

However, the above mentioned changes to the German legislation have introduced an interim regime only. European legislation on the publisher share issue remains necessary and should be adopted as soon as possible.

For more information, please find [here](#) a translation of the press release prepared by VG WORT.

Spanish Supreme Court confirms ruling against Youkioske

On 15 December, the Spanish Supreme Court confirmed the [earlier ruling](#) against Youkioske which was issued by the National Audience in February 2016. The Supreme Court held that the Youkioske website gave illegal access to thousands of newspapers and magazines without the copyright holders authorisation. This was held to be a crime against intellectual property and the establishment of a criminal organisation as a result, the Court imposed imprisonment for those responsible for the Youkioske website. The decision highlights once again the importance of respecting intellectual property and authors' and publishers' rights in the virtual environment.

[CEDRO](#), IFRRO's Spanish member, has expressed satisfaction with the outcome of the legal procedure against Youkioske and hopes that the ruling, together with recent legislative changes, can contribute to a better respect of on-line intellectual property rights.

Delhi University Case Appeal Judgment

On 9 December, the High Court of Delhi delivered its ruling in the appeal of the Delhi University Case. It rejected the publishers' claim that Delhi University needs to get a license from IRRO and seek permission for preparing course packs. However, the court of first instance still needs to adjudicate on the types of course packs that are permissible.

In summary, the appeal court said that course packs do not infringe copyright, provided they are tailored for instructional use and are not published or sold for profit. There is no restriction on the number of copies that can be made or the amount of material that can be copied. The case has been sent back for trial on the facts to determine whether these specific course packs meet this instructional use test. Lawyers for the rightholders are examining the different options available.

A joint statement was issued by Oxford University Press, Cambridge University Press and Taylor and Francis, saying:

“As Publishers, we are fully committed to the ongoing creation of high quality knowledge and learning materials across all disciplines and subjects. We are also committed to finding ways to enable students and researchers around the world to access these materials on an equitable basis.

We believe that such access can only be ensured on a long term and sustainable basis with the support of a fair and balanced framework of reciprocal rights and obligations that enables all those involved in the provision of learning and communication of scholarly research to be acknowledged for the contribution they have made. Through this appeal, we had sought to clarify that Indian copyright law did indeed support such a framework, and in so doing balance the interests of those creating learning materials here in India, with those requiring access to them in a fair and sustainable manner.

We will consider this judgement in more detail over the coming days. In the meantime, we wish to reiterate that all publishers continue to work on models that will enable equitable access to knowledge.”

IFRRO has followed the case with concern since it started in 2012, and is convinced that students and other users, authors and publishers, and indeed society in general benefit from such uses being licenced and authors and publishers being remunerated for the use not least because it leads to a higher production and availability of locally produced works, which takes better account of contexts with which the users are

familiar.

Click [here](#) for the full judgement.

IP World

U. S. Library of Congress seeks input on expertise needed by the Register of Copyrights

On 16 December 2016, Librarian of Congress, Carla Hayden, [announced](#) that the public would have the opportunity to provide input to the Library of Congress on expertise needed by the Register of Copyrights through an on line survey. The deadline for completing the survey expired on 31st of January 2017.

The input from the survey will be reviewed and will inform development of knowledge, skills and abilities requirements for the position.

Australia releases Productivity Commission Final Report

The Australian government, through its Productivity Commission, has released its final report on Intellectual Property Arrangements. The report was sent to the government in late September 2016 and publicly released on 20 December 2016. The report examines Australia's Intellectual Property (IP) system in detail and makes recommendations as to its operation.

The Government has invited comments on the report by mid-February and will release a response in mid-2017 according to the press release available [here](#).

The report and other related documents are available [here](#).

Malta: a better protection of copyright, including through collective management, is needed

In an opinion piece published in the Times of Malta, the oldest and most widely circulated newspaper on the island, Chris Gruppetta, Director of Publishing at Merlin Publishers, is raising awareness about the need to better protect and respect copyright. In this thorough article, Mr. Gruppetta explains why the fair remuneration paid for the reproduction of copyright-protected works is so vital for authors and publishers: without it, and without a proper enforcement of copyright, it is difficult to see how local content could continue to be produced.

Fighting book piracy, controlling and remunerating the copying of works in educational institutions, is indeed not only a matter of respecting the law but of ensuring that local content, created and published by Maltese rightholders, will continue to exist. Collective management, as documented in many [studies](#), is one way of enabling lawful access to copyright-protected works while providing rightholders with a fair remuneration, Malta being one of the very few countries in Europe where no collective management scheme has been established yet.

Mr. Gruppetta's article, titled 'When stealing is fine', can be found [here](#).

EVENTS

- 15 March** [Charles Clark Memorial Lecture 2017](#). London, United Kingdom
- 1- 5 May** [WIPO Standing Committee on Copyright and Related Rights \(34th session\)](#). Geneva, Switzerland
- 2- 3 May** [Future Media Lab. Annual Conference 2017](#). Brussels, Belgium
- 3- 6 June** PDLN Annual Conference 2017. Athens, Greece. For more information, please contact NLA at ahugues@nla.co.uk.
- 15- 16 June** [Digital Assembly 2017](#). Valletta, Malta.
- 13- 17 November** [WIPO Standing Committee on Copyright and Related Rights \(35th session\)](#). Geneva, Switzerland