

# Global perspective on the administration of reprographic reproduction rights and the importance of RROs

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3. The global network for RROs, IFRRO
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# 1. A few steps towards collective management

## Brief history of copyright

**1709** - Statute of Anne (UK)

**1790** - Copyright Act (USA)

**1791** - French laws on copyright

**1844** - International Copyright Act (UK)

**1886** – Berne Convention

**1994** – WTO Trips Agreement

**1996** – WIPO Copyright Treaty

**2001** – EU Copyright Directive



## Towards the collective management of rights

**18<sup>th</sup> century:** first copyright laws, attempts to collectively manage copyright

**1957:** VG WORT is established in Germany

**1973:** Bonus Copyright Access (Sweden), first RRO specialising in management of reprography

**1960s/1970s:** widespread photocopying: need to make it lawful: → enable access to copyright-protected works  
→ ensure fair remuneration to authors & publishers

**1988:** IFRRO becomes a formal federation

**91 RROs today in membership of IFRRO**

## 2. Collective management and the RRO



## International framework

### 1886: the Berne Convention

- Revised many times since 1886
- Signed by 168 parties
- Set key principles of copyright law:
  - Term of protection: min. 50 years after the creator's death
  - Principle of national treatment
  - **Article 9:** the author of a literary or artistic work has the exclusive right to authorize or prohibit the reproduction of his work *in any manner or form*
  - Exceptions and limitations; Three-Step Test

# International framework

## Exclusive Rights - their Limitations

### ☐ Exclusive Rights

- ☐ Reproduction
- ☐ Making available/communication to the public
- ☐ Distribution



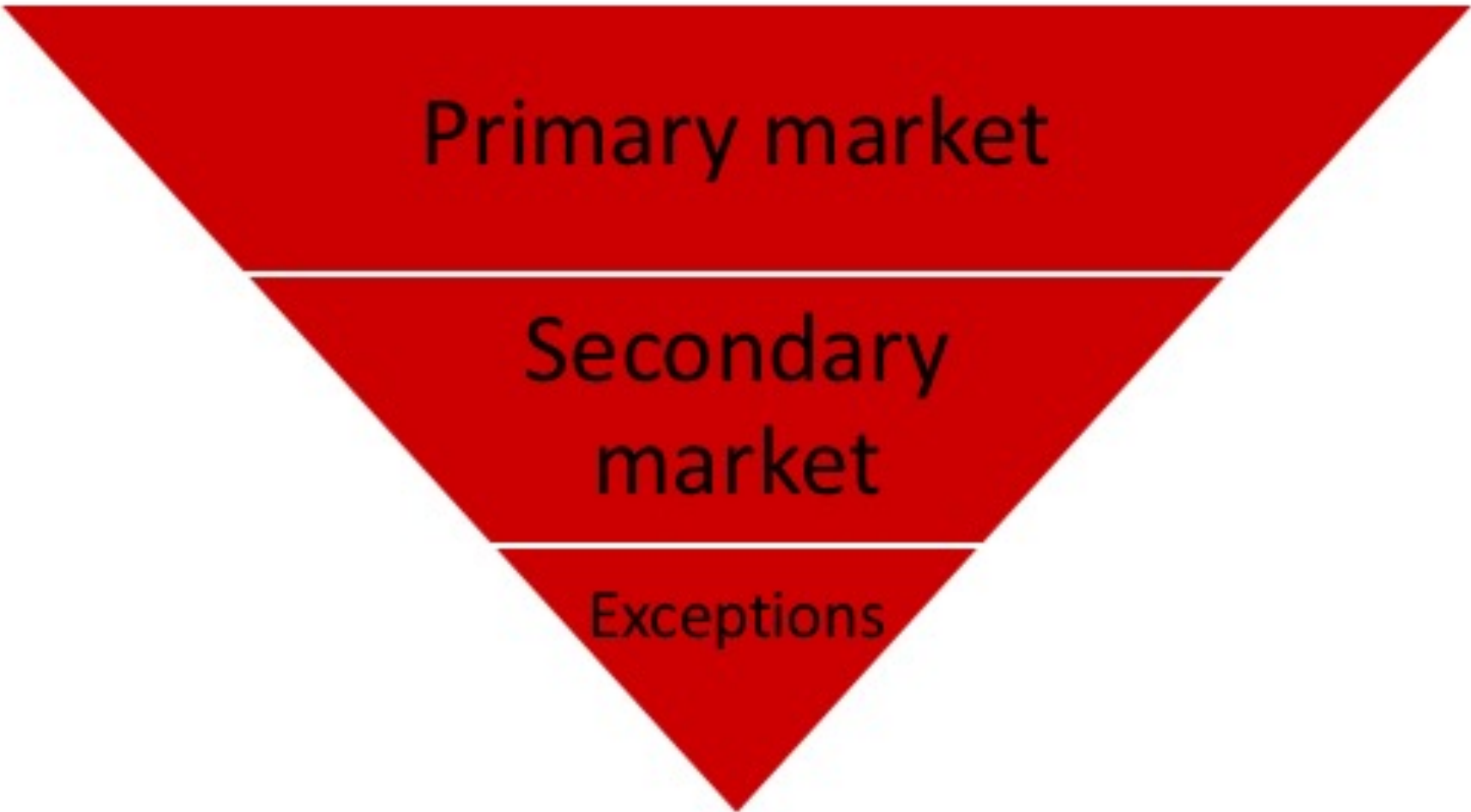
### ☐ Exceptions/limitations to the Exclusive right

- ☐ Certain special cases;
- ☐ Not conflict with normal exploitation of the work
- ☐ Not unreasonably prejudice legitimate interest of RH

Creates appropriate balance between right of rightholders and user needs



## Valuing copyright allows investment in creativity, knowledge and culture



Primary market

Secondary  
market

Exceptions

exceptions are important; unremunerated exceptions should be limited to instances where primary and secondary markets cannot fulfil a market need efficiently

## RROs -Reproduction Rights Organisations Collective Rights Managers in text & image sector

### **Operate on the basis of mandates from; governed jointly by**

- Authors and Publishers
  - ✍ Writers including translators; 🎨 Visual artists; 🎵 Composers
  - 📖 Publishers (Book, journal, newspaper, magazine, music)
- Legislation

### **Key facets of RRO activities**

- ☐ Awareness raising
- ☐ Copyright enforcement
- ☐ Licence, collect and distribute revenues



**RROs Make Copyright Work!**

- **Education** at all levels
  - Schools; Universities; Further education; Distance Education
- **Trade and Industry**
- **Public Administration**
  - Government; Regional; Local
- **Religious bodies**
- **Public and Research libraries**
- **Cultural institutions**
- **Copy shops**
- **Press Cutting Agencies**

## Content of RRO repertoire licence

- Limited extracts
  - 5-15%; chapter; article
  - Personal and Internal use
- Permitted uses
  - Photocopying and scanning
  - Download, store, print, internal dissemination, external dissemination
- Authorised users
- Terms
- Fees
- Usage reporting requirements
- Compliance awareness





# Digital sources and applications

- Sources

- Analogue
- Electronic carrier
- Online
- Internet download



- Applications and uses

- Scan
- Printout
- Intranet
- View
- Store
- Email
- PPT
- Whiteboard
- Virtual Learning Environment
- Document delivery
- Redirect to content
- RRO content database





# Legislation

## Enabling control – supporting access

- **Voluntary licence**

- USA, China, Kenya, South Africa
- UK, Ireland (Education: Obligation to take up a licence)



- **Voluntary License with legislative support**

- **Extended Collective Licence** - Nordic countries, Malawi
- France (**Compulsory collective management**)



- **Legal licence**

- Australia, Singapore; Latvia; Netherlands, Switzerland
- **Levies**
  - Austria, Belgium, Germany, Burkina Faso, Cameroon, Mali





### 3. IFRRO, the global network for RROs

## 91 RROs in 83 countries

The global network on all continents



ABDR| Access Copyright| AGE COP| AMCOS| AUTOR| B-COPY| BBDA| BECLA| BESAM| Bonus Copyright| BURIDA| CADRA| CCC|  
CDR| CEDRO| CeMPro| CFC| CLA| CLASS| CLNZ| COPIBEC| Copydan| CopyGhana| Copyright Agency| CopyRo| Copyright Polska|  
CopyRus| COSOMA| CWWCS| DALRO| DHK| DILIA| ECCLA| EDISER| FILCOLS| Fjðis| FJÖLRIT| GCA| HARR| HKRRRLS| ICLA|  
IPRO| IRRO| JAC| JAMCOPY| JRRRC| Kopiken| Kopinor| KOPIOSTO| KOPIPOL| KOPITAN| KORRA| LATGA-A| LIBRIUS| LITA|  
Literar-Mechana| Luxor| MASA| MCSC| NLA| NLI| OSDEL| ProLitteris| REPROBG| REPROBEL| REPRONIG| SADEL| Sámikoplija|  
SDADV| SOCILADRA| Stemra| TTRRO| URRO| VG Bild-Kunst| VG MUSIKEDITION| VG WORT| VIETRRO| YAYBİR| YRCI| ZANA|  
ZARRSO| ZIMCOPY



# The global network

145 members in 83 countries

## International Federation of Reproduction Rights Organisations

91 RROs

54 Creator & Publisher  
bodies

### IFRRO Key Activities

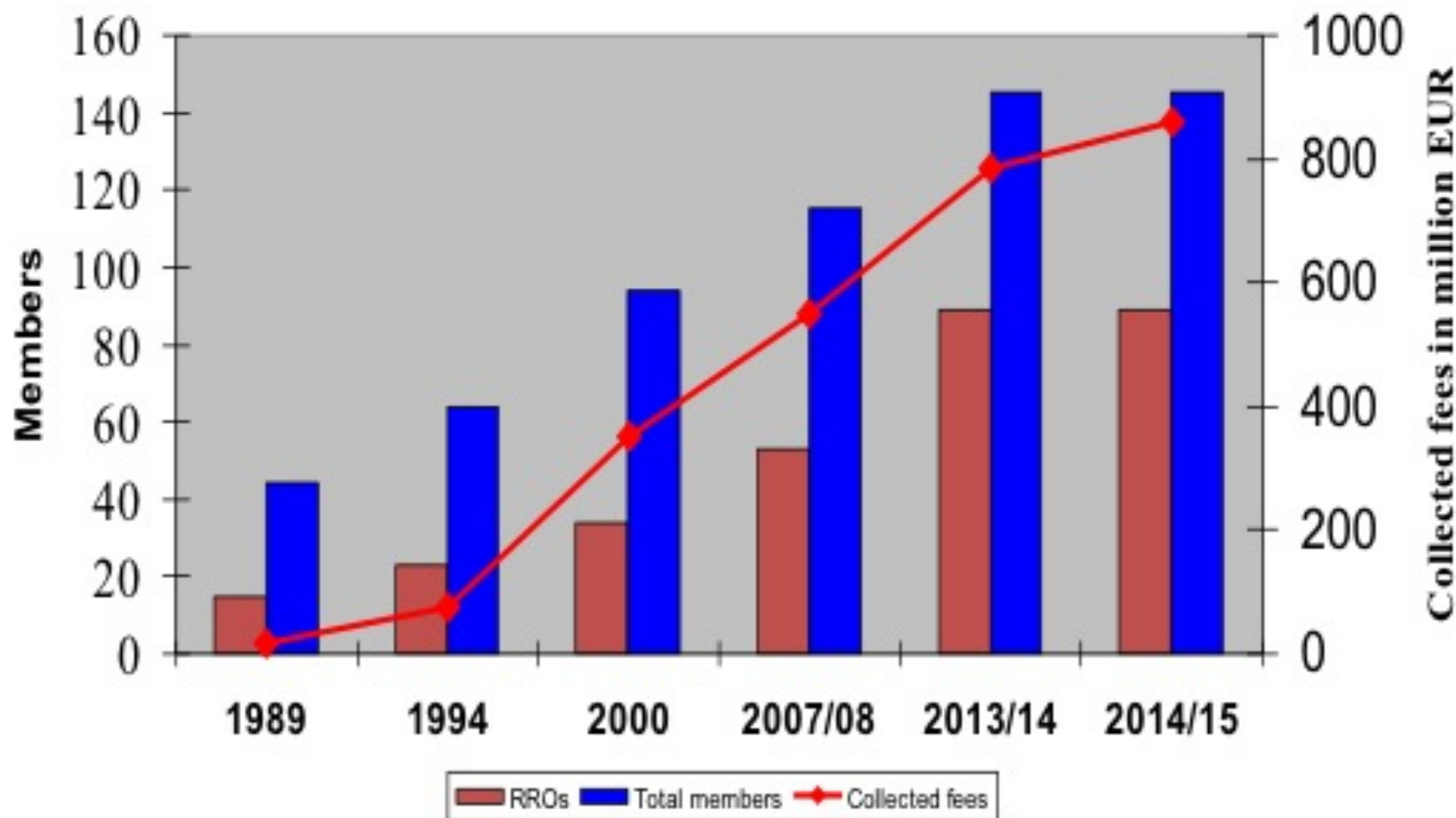
- Communications / Information
- Business Approaches
- Regional Development

### Cooperates with

- WIPO
- UNESCO
- EU
- OAPI, ARIPO, LAS
- APEC, CERLALC
- CISAC, SAA, etc.
- IFLA, EBLIDA

## RROs; Total members; Collected fees

RROs and total members 30.6.2015;  
Collected fees 1989-2014





## 4. Facts and figures

# Value of Copyright protection to creators and the creative industries

## Stanford University study

- 2,600 Operas
  - ❑ 8 Italian States
  - ❑ 1770-1900
  - ❑ Copyright laws introduced with Napoleon in some States



## Findings

- States with  
copyright laws

- ✓ Significantly more operas
  - 2.68 more operas/year
  - 121% increase
- ✓ Higher quality and staying power
  - Historically popular operas: +47%
  - Durable operas: +80%



## Income from secondary uses

Fundamental to the author & development

### Authors

- 25% of authors derive 60% + of their income from secondary uses
- 20% decline in income from secondary uses = 29% (2,870) less new works per year.

### Publishers

- 12% of their earnings
- 19% of their investment in new works
- Vital to the transition to digital

Provision of easy legal access to copyright works; Protects both content creators and consumers

# Copyright laws and innovation

## Exceptions and innovation

### Current Copyright regimes have allowed and allows

- Innovation
- Responding to user needs

### Broadening of exceptions in Canada resulted in

- ✓ immediate **loss** of income to authors and publishers: - \$20 mill
- ✓ Authors declaring that they will **reduce creation** - 33%
- ✓ Sales **drop** of books to educational sector: - 11%
- ✓ **Reduction** in overall investment in educational publishing
  - ✓ Publishers **closing down** publishing programme for education
- ✓ **Elimination** of jobs
- ✓ Legal **uncertainty**

## 5. EU copyright framework





# European framework „EU copyright Acquis“

## Brief history



First directives at the beginning of the 1990‘

1991: Directive 91/250/EEC on computer programs

1995: Green book (=non-binding) on *Copyright and related rights in the Information Society* – paved the way toward the 2001 *InfoSoc* Directive

## EU Framework („*acquis*“)

- ***Collective Rights Management: Directive 2014/28/EU***
- ***Copyright in the Information Society: Directive 2001/29/EC***
- ***Orphan works: Directive 2012/28/EU***
- *Rental and lending rights: Directive 2006/115/EC*
- *Term of Protection: Directive 2011/77/EU*
- *Satellite and Cable: Directive 93/83/EEU*
- *Resale right: Directive 2008/84/EC*
- *Protection of Computer Programs: Directive 2009/24/EC*
- *Protection of Databases: Directive 96/9/EC*
- *Enforcement: Directive 2004/48/EC; EU Observatory*

## European framework

### EU *InfoSoc* Directive (2001)

- Three exclusive rights of authors stated in **Article 2** (reproduction right), **Article 3** (communication to the public, making available) and **Article 4** (distribution right)
- **Article 5**: exceptions and limitations to Article 2 & 3, limited by the Three-Step Test (Article 5.5)
  - Article 5.2.a: **reprography levies**: reproduction made on paper, by any kind of photographic technique, subject to fair compensation
  - Article 5.2.b: **private copy levies**: reproduction on any medium by a natural person, for private use, subject to fair compensation

## European framework

### Court decisions (CJEU)

The Court of Justice of the European Union (CJEU) plays a fundamental role in interpreting the EU acquis:

- Levies and harm (*Padawan*, 2010)
- Territorial monopoly of a CMO (*OSA*, 2014)
- Hyperlinking and making available (*Svensson*, 2014)
- Defining „parody“ (*Deckmyn*, 2014)
- Levies & fair compensation (*HP Belgium*, 2015)
- State compensation schemes (*EGEDA*, 2016)
- Hyperlinking again (*GS Media*, 2016)



## European framework

### What is coming?

**European Commission publishes on  
14 Sept 2016 a *copyright package*:**

- Draft directive on copyright
- Draft regulation on broadcasting
- Draft directive & regulation implementing the  
WIPO Marrakesh Treaty
- Communication
- Impact Assessment
- Reports on 2 public consultations
- (...)





## European framework

### What is coming?

#### **Proposal for a Directive on copyright in the Digital Single Market:**

- Illustration for teaching exception, for online and crossborder uses: licence override & remuneration
- Mandatory exception for the reproduction of works for preservation purposes
- Digitising Out-of-commerce works: built on MoU
- Publisher's right to fair compensation: Article 12

## Conclusion

### For further reading:



- IFRRO booklet on **Collective Management of Reprography**
- IFRRO/WIPO **International Survey on Text and Image Copyright Levies**

Freely available at <http://www.ifrro.org/content/ifrro-booklets> and <http://www.ifrro.org/content/reports-and-surveys>

International  
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Reproduction  
Rights  
Organisations



# Thank you!

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