

“If my poetry aims to achieve anything, it's to deliver people from the limited ways in which they see and feel.”

Jim Morrison, American singer, songwriter, poet

Brussels

Digital Agenda: Commission outlines action plan to boost Europe's prosperity and well-being

The European Commission unveiled its ambitious Digital Agenda for Europe on 19 May, 2010, hoping that it will contribute significantly to the EU's economic growth and spread the benefits of the digital era to all sections of society.

Most relevant to readers of this newsletter are actions on enhancing governance, transparency and pan European licensing for online rights management by proposing a framework Directive on collective rights management by 2010; a proposed Directive on orphan works also in 2010; a review of the EU data protection regulatory framework with a view to enhancing individuals' confidence and strengthening their rights, by the end of 2010; a proposal by 2012 for an optional contract law instrument complementing the Consumer Rights Directive, in particular as regards the online environment; a Green Paper in 2011 exploring initiatives on consumer Alternative Dispute Resolution in the EU with a view to making proposals for an EU-wide Online Dispute Resolution system for e-Commerce transactions by 2012; Issuing a Code of EU Online Rights by 2012 that summarises existing digital user rights in the EU in a clear and accessible way, and the creation of a stakeholder platform by 2012 for EU online trustmarks, notably for retail websites.

The Commission promises to ensure the rapid adoption and implementation of the measures necessary to meet the above objectives and to do so several Commissioners will work together with the EU's institutions and stakeholders to make the Digital Agenda a reality.

At international level, the Commission will work towards favourable external trade conditions for digital goods and services, by developing a stronger partnership to deliver market access and investment opportunities, reducing tariff and non-tariff barriers at global level, improving IPR protection and avoiding market distortions. For more information go to:

http://ec.europa.eu/information_society/digital-agenda/index_en.htm

Monti makes key recommendations for copyright and digital rights management

The Monti report on reforms needed in the Single Market highlights how European markets for online digital content are underdeveloped and stresses the need for reform to both copyright and collective rights management. Former Commissioner and now President of Bocconi University, Mario Monti, was asked by President Barroso to explore reforms needed to the Single Market Strategy as a key element of the EU's 2020 plan. The report, published last week, points to the urgent need “to simplify copyright clearance and management by facilitating pan-European content licensing, by developing EU-wide copyright rules, including a framework for digital rights management.” It also suggests the creation of an EU copyright title and a pan EU framework for orphan works and proposes that improved governance and transparency of collective rights management would facilitate cross border licensing benefitting both artists and citizens.

Piracy has created a single market where policy channels have failed says Commissioner

Digital Commissioner Neelie Kroes has emphasized the need to break down barriers for the sale of digital content between EU markets and admitted that illegal file-sharing has stepped in to fill the regulatory void. Speaking at the European Business Leaders Convention in Brussels earlier in the month, the Commissioner acknowledged that while the internet was borderless, EU online markets were not, and it was often easier to buy something in the US than it was to buy it from a neighbouring country in Europe. She pledged to address the issue urgently in order to open up online markets in Europe and drive growth and competitiveness.

EP Resolution calls for more content and further funding for Europeana

The European Parliament adopted a resolution on the EU's online library Europeana last week and called for more content and further funding to speed up digitization and make the site a key reference for education and research. MEPs supported the goal of 10 million items to be in Europeana by June 2010, and called for a minimum of 15 million by 2015. They also resolved that material should be downloaded for free, but that copyright be respected and endorsed the Commission's plan to establish a simple and cost-efficient system of rights clearance. "Access to the Europeana portal and viewing documents without downloading must be free of charge for private individuals and public institutions" stated the resolution, adding that and any charges for downloads and printouts of copyright materials "should be socially acceptable".

Europe

Irish ISP EIRCOM to carry out graduated response

On 24 May Ireland's largest broadband provider Eircom began a process that will lead to cutting off customers connections when they illegally share copyrighted music. The move follows an out-of-court settlement between Eircom and The Irish Recorded Music Association (IRMA). Under the new scheme, customers will have their internet disconnected for 1 year if they refuse to take action after 3 warnings. It is believed that Eircom will be supplying 50 IP addresses per week to IRMA but the number could increase drastically. The move was challenged by the Data Protection Commissioner, but the Irish High Court ruled that customer's IP addresses were not "personal information".

German collecting society in deadlock talks with YouTube

German collecting society GEMA has broken off talks on the renewal of YouTube's licensing deal with Google's video site and ordered it to remove 600 videos by its members. Claiming to have the backing of eight other collecting societies, GEMA said it wanted to show Google what it is capable of doing if it wants to. Google described the breakdown of talks as "disappointing" and warned that it was simply not sustainable for YouTube to go into a business where it loses money each time a music video is played.

Digital Economy Bill puts new British coalition government to the test

The passing into law of the UK's new Digital Economy act coincided with the new British Government in the form of a Conservative - Liberal Democrat coalition. The bill, which makes some important new provisions in the tackling of online piracy, presents an immediate challenge for the new government. The Lib-Dems had opposed the Bill in opposition, and particularly the three-strike response to illegal file-sharing, and called for its repeal. They were not alone in their unease with many voicing concerns that the bill compromised civil liberties, would be costly to enforce and ultimately deliver little benefit. Ofcom, the regulator, has nevertheless pressed ahead in implementing the Bill, and taking on the role of supervising the policing of the internet for copyright. It plans to establish a non-judicial body funded by the industry to manage appeals.

North America

NMPA joins in unveiling of 2010 International Piracy Watch list

Last week the National Music Publishers' Association joined other members of the copyright community and the Congressional International Anti-Piracy Caucus at the unveiling of the Caucus' "2010 International Piracy Watch List." Named to this year's list are China, Canada, Russia, Spain and Mexico.

"Music publishers and songwriters applaud the efforts of the Congressional International Anti-Piracy Caucus to combat the international theft of US intellectual property by calling attention to countries that continue to host the worst cyber piracy in the world. Additionally we appreciate their highlighting some of the most notorious and destructive sites on the web that promote this theft. The music industry has felt acutely the impact these sites and looks forward to continuing to work with the Caucus to ensure that the Internet can become a place where the rule of law prevails, protecting and fostering the growth of the American songbook for generations to come." said NMPA President and CEO David Israelite

ICMP Members news

Annual Nordic Music Publishers Meeting in Copenhagen

The annual Nordic Music Publishers (NMU) Meeting took place on 11-12 May in Copenhagen between the Danish, Finnish, Swedish and Norwegian MPAs. Held over a two half-day period with a full agenda and featuring guest speakers from KODA, Martin Gormsen, ICMP, Ger Hatton, and a delegation from NCB, it was attended by some 40+ delegates from the Boards of all four of the NMU countries. The NMU has a rotating chair system in place and this year Finland's Tom Frisk moderated the various sessions dealing with a variety of issues from definitions of grand rights versus small to current legislative proposals affecting the industry. Each MPA also represented a brief annual report on aspects of their work in the past year.

The Danish MPA reported on negotiations between TDC and KODA, spoke of its efforts in advocating for the Term Directive and noted the launch of a Centre for Culture and Experience Economy last year with four "experience zones" in which Denmark had recognised creative expertise or business potential. After naming the first three zones in 2008 (fashion, computer games and gastronomy), the last one, music, was finally announced. The Music Zone has already gathered over 50 participants within the music, research and business worlds and has so far received DKK9.4M from the Ministry of Commerce's globalisation funding. The DMPA is hoping to contribute with some specific projects. DMPA announced at the NMU its plan to hold a big event on November 13 to celebrate its 80th anniversary.

In Sweden, SMFF has joined various rightsholders organisations in a net forum supporting a public debate on integrity, growth, development and the creation of a better society on the Internet, www.netopia.se. Illegal lyrics websites remain a major problem in Sweden and the work to take down such sites continues but they resurface elsewhere. The Swedish MPA is circulating a lot of information to choirs and also held a successful Church Music Forum in February, following the Church's initiatives to raise awareness of illegal copying of sheet music that is common in choirs, and which could lead to prosecutions. Swedish publishers are also actively monitoring the amendments being proposed to the Swedish Copyright Act, but so far have no issue with the draft amendments. SMFF announced that they were replacing their print magazine with a new online newsletter.

The Finnish Music Publishers Association (FMPA) reported an increase in the savings made by copyright societies due to the new 8 % VAT system in place since 1 January 2009. While the original decision was

understood to cover only collecting societies, FMPA decided to also apply VAT to all direct fees collected by publishers. FMPA has been negotiating with Teosto in a number of areas including direct licensing (by rights-holders) vs. collective licensing. They reached an agreement on rights and responsibilities in the licensing of original small rights works for use in a dramatico-musical context. As a member organisation of Kopiosto (the Finnish Reprographic Rights Organisation) FMPA has been promoting a change in the way photocopying compensations should be distributed. The Kopiosto board finally agreed to form a working group to investigate whether it was possible to distribute the money directly to those rights-holders whose works have been copied. From the 1st of January 2010 the Finnish Music Information Centre (Fimic), formerly part of Teosto, will function as an independent association formed by FMPA, popular & serious authors' associations, IFPI Finland, Musicians' Union, Teosto and Gramex. The active and successful collaboration of FMPA with other rights-holders' organisations was also noted and acknowledged in advocating the Finnish government on the Term Directive.

Following the changes to the by-laws of TONO in Norway, NMFF is harmonising its rules of ordinance. In this process, new measures have been taken to meet the challenges of the future and to professionalize the organization and it has been decided to establish a permanent address with an administrative employee from January 1. 2011. The office will be situated in downtown Oslo, in "Musikkens Hus" – together with various culture foundations and other music industry organizations like FONO, NOPA etc. Together with the composer societies NOPA (popular) and NKF (serious), NMFF have designed a new and modern song-by-song agreement, which has been very well received by the whole industry. This is available (in Norwegian) for download on:

http://www.nmff.no/NMFF/STANDARD_MUSIKKFORLAGSAVTALE.html

An agreement has been reached with the Norwegian Band Federation for an extended collective agreement for the right for the bands to copy sheet music. With almost 2000 bands in the country, this is viewed as an important step in the right direction.

Other news

The Pirate Bay dealt further blows

The Pirate Bay has been hit with two body blows recently and even spent two days offline. Firstly, the Swedish Supreme Court rejected allegations by the founders that the judges in charge of their case were not guilty of bias likely to alter their judgement. Meanwhile, the MPAA (Motion Picture Association of America), acting for a group of Hollywood studios, won a preliminary injunction against The Pirate Bay's webhosting company CyberBunker, owned by CB3ROB, requiring them to disconnect the site if specific movies are not removed. Failure to do so could result in fines of up to €250,000 for each infringement and the Pirate Bay site was already down for two hours last week as its bandwidth provider stopped traffic and the site scrambled to find an alternative IP tunnel. Undeterred the site is now back up and running.

Upcoming meetings and events

ICMP General and Board Meetings on 8 and 9 June in Bilbao

CISAC/IMP/ICMP Working Groups Meeting on CWR on 22 and 23 June in Berlin

Save-the-Date for Central and Eastern European Music Publishers Congress (CEEMPC) on 16 September in Riga, Latvia

Save-the-Date 7 & 8 June 2011: CISAC World Copyright Summit in Brussels

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