



GLOBAL BRIEFING

14 July 2009 – Edition 10/2009

“I don’t write songs, songs write me.”

Sammy Cahn (1913 – 1993), American lyricist, songwriter and musician

Global

ICMP PROVIDES MEMBERS-ONLY SERVICE TO REPORT COPYRIGHT INFRINGEMENTS ON EBAY

ICMP members can now take advantage of a service which centralises the coordination of take down notices for copyright infringements on eBay.

Trade on eBay can affect the rights of music publishers through the sale of items such as fake lyrics' books, song compilations and guitar tabs. In order to avoid this, eBay has devised a system which enables rights owners and their agents to report listings that infringe their rights by using the Verified Rights Owner (VeRO) Programme.

The programme operates in a relatively straightforward manner which involves an initial search of the eBay website(s) to identify infringing items. If an infringing item is identified, a Notice of Claimed Infringement (NOCI) is completed and sent to eBay, who will remove the item within 2-3 days. Any person or company (or his/her agent) who holds intellectual property rights which may be infringed by listings or items sold on eBay, can participate in the VeRO Programme.

ICMP is now offering this service of search and notification to MPAs who can offer it to any member concerned that there are eBay listings that infringe their copyright.

To use this service, MPAs should follow a simple step-by-step process, information which was circulated to all members recently, allowing ICMP to act on MPAs' members' behalf to notify eBay of infringements.

Washington

NMPA SIGNS ON TO ACTA LETTER

As previously reported (Global Briefing, edition 08/2009, 18 June), the United States Trade Representative (USTR) announced that they would carry on the negotiations on the Anti-Counterfeiting Trade Agreement (ACTA) to step up the fight against global counterfeiting and piracy.

NMPA was one of 30 organisations from the innovative sectors that signed on to a letter addressed to USTR Ambassador Ron Kirk supporting ACTA and urging USTR to work diligently towards concluding a strong agreement that results in more effective enforcement.

The unions, associations and business groups applauded Ambassador Kirk's commitment to reinforcing IP protections acknowledging that only by moving forward such policies, the innovative sectors can continue to sustain US economic growth, cultural enrichment and global competitiveness.

“By establishing a meaningful and effective framework for the protection of IP rights with like-minded trading partners, ACTA will help ensure all nations understand that counterfeiting and piracy are serious problems that do not merely affect businesses’ bottom lines in the short term but also discourage investment, job creation and innovation in the long term”, the letter from 9 July stated.

ICMP is one of the stakeholders supporting the ACTA process.

Europe

SWEDISH EU PRESIDENCY KICKS OFF AS ICMP BRINGS MUSIC PUBLISHING AND COPYRIGHT INTO FOCUS

On 1 July 2009, Sweden took the reins of the EU Presidency from the Czech Republic against a backdrop of global financial crisis, a Lisbon Treaty whose fate is still undecided and a record low turnout in the European Parliament elections. To say that Sweden has a challenge on its hands is an understatement.

ICMP is putting music publishing and copyright protection upfront at the start of the Presidency and has already taken a number of steps to ensure that Sweden is aware of the importance of these issues. ICMP made contact some months ago with key cultural and copyright experts in the Swedish Permanent Representation to the EU to discuss issues for music publishers. ICMP noted in its meetings with Swedish representatives that in the wake of the Pirate Bay case, there appears to be a very negative attitude to copyright in Sweden, with the media generally against rights holders. ICMP explained the importance of shedding a different light on copyright protection.

On 31 August 2009, the Swedish MPA, SMFF is hosting a meeting with Swedish government representatives and publishers to introduce publishing issues to the Presidency under the auspices of Sweden’s prestigious “Polar Music Prize”.

Just eight days into its Presidency, Sweden chaired its first working party meeting on Intellectual Property. The working party holds coordination meetings on copyright issues before WIPO meetings.

One of the key themes of Sweden’s EU Presidency will be young people and access to culture and use of media. In this regard the Presidency has organised a conference on young people and the media in Gothenburg, Sweden, on 29 & 30 July 2009.

The latter part of Sweden’s Presidency will see a formal Council of Ministers meeting on 27 November followed by an IPR Enforcement Conference on 15 & 16 December.

During its six-month tenure, Sweden envisages a media literacy recommendation from the European Commission, a communiqué on creative content online, and ongoing cooperation with Cultural Affairs and the Audio Visual committee and working groups.

The EU Telecoms Package will remain under the spotlight and there is a good deal of interest in a broad perspective on the Package with the Swedish Perm Rep showing a keen desire to understand the issues from a music publisher’s viewpoint.

EU COMMISSIONER REDING CALLS FOR DIGITAL CONTENT AGREEMENT

EU Commissioner for Information Society and Media Viviane Reding regrets the current polarised debate over online piracy, and is urging creative industries to ramp up their efforts with legal alternatives. As part of the solution, she is proposing a shakeup of rights-licensing processes across the EU.

“In my view, growing internet piracy is a vote of no-confidence in existing business models and legal solutions. It should be a wake-up call for policy-makers. If we do not, very quickly, make it easier and more consumer-friendly to access digital content, we could lose a whole generation as supporters of artistic creation and legal use of digital services”, Reding said in a speech on 9 July on Digital Europe.

For the complete speech text, see: <http://tiny.cc/HXYbe>

This speech of Reding complements the "Digital Agenda", presented jointly with the former Consumer Affairs Commissioner which Global Briefing previously reported on; “Commission wants consumers to surf the web without borders”.

Membership News

APEM HOLDS AGM AND DISCUSSES DIGITAL FUTURE OF MUSIC

APEM, the Music Publishers Association of French speaking Canada, held its Annual General Meeting on 11 June and Stephen Navin (ICMP Board Member & CEO of MPA UK) set out the major developments and challenges of the music industry in the digital age.

Navin’s speech gave an overview of the major developments affecting music publishers in Europe and the UK over recent years, starting with the 2005 EC recommendation on cross border licensing and including the Copyright Tribunal under the UK Copyright Act which determined the terms of a new joint online licence; the YouTube deal ; the Memorandum of Understanding of the UK Government together with six of the bigger ISPs, the recorded music industry and the Motion Pictures Association; the formation of UK Music; the publication of the Digital Britain interim report; and the May 2009 publication of new revised terms for Online Music Licences.

He spoke of the challenges ahead and commented on the importance of driving efficiency to and cost out of the pan-European licensing system.

“Clearly there has never been a more exciting or challenging time to be in the music business. As is well documented, more people are discovering more music than ever before. There is no question in my mind that, whilst remembering and retaining the principles on which our business is built – licensing, respect for the value of copyright etc. - we also have to be flexible in an environment which may be uncharted territory for us and where we are surrounded by digital natives who are not grounded and fashioned by the history of copyright”, Navin concluded.

Other News

WIPO MEETING ON ISSUES FOR VISUALLY IMPAIRED PEOPLE

The World Intellectual Property Organization (WIPO) organised a meeting on the needs of visually impaired persons and the associated IP challenges on 13 July 2009.

The proliferation of digital technologies has added a new dimension to the question of how to maintain a balance between the protection available to right owners, on the one hand, and the needs of specific user groups on the other hand. User groups which seek to benefit from reasonable exceptions and limitations to copyright protection include more than 160 million blind or visually impaired persons around the world.

The meeting provided a forum for stakeholders to discuss, in practical terms, how the intellectual property system can best meet the needs of visually impaired people by improving timely access to copyright-protected content. Speakers' presentations and a full report will be available later.

THREE-STRIKE REVIVAL IN FRANCE

On 8 July, the French Senate approved a revamped version of the Internet piracy bill after the original text was struck down as unconstitutional.

The bill still aims to cut off people's internet connections if they're caught illegally file-sharing but the difference is that now a judge will be involved in the process. On the third illegal strike, the HADOPI agency would report offenders to a judge, who would hand down either an Internet ban, a fine of up to 300.000 Euros or a two-year jail sentence, under a fast-track ruling system.

GLOBAL GAMING FACTORY ACQUIRES THE PIRATE BAY; WANTS TO MAKE IT LEGITIMATE

On 30 June 2009, Global Gaming Factory, a Swedish company that runs cyber cafés and sells gaming software, announced that it had agreed to acquire The Pirate Bay for \$7.9 million.

Global Gaming Factory CEO Hans Pandeya told the BBC that he wants to make legal file sharing more attractive than illegal file-sharing by paying the users for sharing files. He also plans to pay the content providers that provide the files, and intends to raise money from the ISPs by reducing their traffic overload.

YOUNISON IRE AT SABAM AND SACEM DIGITAL PAYMENTS

Belgian artist advocacy group Younison has announced that it is building a case against musicians' and authors' collection societies SABAM and SACEM based on information it has concerning failures to distribute digital music revenues to artists.

The group claims that delays in redistributing digital money to artists are unacceptable and says the legal action will tie in with its ongoing "Stand Up For Your Rights" charter, which aims to help artists take action against inequalities in the digital ecosystem.

UK GOVERNMENT DELAYS 70% PIRACY REDUCTION DEADLINE

The UK government is understood to have pushed back its deadline to reduce internet music piracy by 70% in 2-3 years.

According to The Times Online, a leaked letter from new UK Culture Secretary Ben Bradshaw suggests that the 2-3 year timescale was based on the premise that anti-piracy measures would be taken by ISPs from July 2008. It now appears that the 2-3 year deadline will be dated from "the time at which obligations on internet service providers take effect", which is seen more likely to be in 2010.

COURT RULES FOR GEMA AGAINST RAPIDSHARE FILE-HOSTING

Last month, German collecting society GEMA triumphed in its court battle against file-hosting service Rapidshare, with the court ruling that Rapidshare must ensure that a list of 5.000 copyrighted music tracks aren't made available on its site for download again.

Rapidshare offers a free service with limited features and a paid-for service offering some extras, including the hosting of bigger files, unlimited download speed and permanent storage. The exchange of large file led to file-sharers of copyrighted material using the service.

After a court ruling in January 2008, Rapidshare implemented precautions to avoid illegal music file sharing, but they were declared insufficient end of June. While GEMA welcomes the outcome, Rapidshare will further appeal, stating that the decision will be impossible to implement, offering as an example the case of password protected files that can't be filtered for copyright infringement.

Upcoming meetings and events

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16 September 2009: 10th anniversary of the Central & Eastern European Music Publishers Conference (CEEMPC)

The CEEMPC, taking place on 16 September in Rovinj, Croatia, will be organised by the CEEMPC working group, IDM Music Publishers and the International Confederation of Music Publishers (ICMP). This year's conference will present solution-oriented panel discussions, offering participants the opportunity to learn about the ongoing developments and challenges of the music publishing business in the region (see agenda attached). For more information about the CEEMPC:

<http://www.icmp-ciem.org/calendar/ceempc.htm>

14 & 15 October 2009

ICMP General and Board Meetings, Geneva, Switzerland

20 & 21 October 2009

The CISAC/IMPA/ICMP societies-publishers Working Groups meeting, which will be held in Budapest at the kind invitation of ARTISJUS

Next ICMP Board Teleconferences at 17:00 CET on 20 July, 21 September, 16 November; 21 December

Next ICMP Policy Committee Teleconferences at 17:00 CET on 10 September, 12 November, 10 December

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