

CEPI NEWS

Dear Members,

As previously announced, the Piracy Paper tabled by CEPI members was finally adopted by the Social Dialogue Committee. We will now present it to key people at EU and national level.

In this month's newsletter you will find various articles on Multiterritorial licensing, which is becoming increasingly popular amongst regulators (and not only).

Thank you again for your comments on the CEPI Core Issues paper – which we will use to reply to consultations.

Have a lovely Christmas and best wishes for 2010! 

The CEPI Team

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Europe NEWS

1. CEPI PIRACY PAPER: SOCIAL PARTNERS IN THE AV SECTOR CALL FOR A STRONGER ACTION TO PROTECT JOBS AGAINST SERIOUS PROBLEM OF INTERNET PIRACY

On 14th December the Commission's website published the news on the Joint Opinion on protecting creativity, innovation and jobs against piracy that employers and trade unions adopted within the framework of the Social Dialogue Committee. The opinion, tabled by CEPI's members deals with the enormous growth of unauthorised file sharing of copyrighted works and recorded performances. Social partners in the audiovisual sector believe that the unauthorised file sharing of protected works and performances - as well as the need for all right holders to derive tangible benefits from the exploitation of their work – are important issues that need to be better recognised by the European Commission and other EU institutions. The EU should adopt policies aiming at preserving jobs and supporting income for all right holders in the audiovisual and other creative sectors. It should foster the creation of new employment opportunities, while nurturing the enduring value of creativity, culture and innovation in Europe.

The Audiovisual Social Dialogue Committee recognises the urgency of this debate and is committed to participate fully in further discussions at the European level in order to maintain and protect a sustainable industry for the benefit of all employed in it.

<http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=656&furtherNews=yes>

2. BEUC'S GUIDE FOR NEW COMMISSIONERS CALLS FOR MULTITERRITORIAL LICENCE

BEUC, the European Consumers' Organisation, published the Consumer Book 2009-2014 "A guide for European Commissioners towards a more consumer friendly Europe", which contains the priorities identified by BEUC's 43 members as key areas to be addressed by the next Commission.

Of particular importance to CEPI is the section on Digital Rights and IPRs: Ensure a fair balance between consumers' digital rights and intellectual property rights holders in the Digital Single Market.

The objective of the establishment of the Digital Single Market requires the current copyright rules to be carefully assessed with the aim of ensuring a fair balance between the rights of consumers to content/knowledge with the right of copyright owners to fair compensation of their work. The development of new technologies provides opportunities for the emergence of new business models granting enhanced access to content online, thus fostering innovation and access to knowledge and creativity. However, the achievement of the Digital Single Market is underpinned by copyright rules that impose territorial barriers and by repressive and disproportionate measures regarding intellectual property rights (IPRs) enforcement, namely the so called "graduated response" that would see the suspension of Internet connections in case of presumed infringement of IPRs.

What you can do as a Commissioner:

- Adopt fair and proportionate regulatory measures for copyright enforcement ensuring that elementary consumer protection rights such as the right to fair licence conditions and the constitutional principles of respect for privacy, confidentiality of communication and due process are also respected;
- Follow-up the previous Commission's European Digital Agenda with concrete proposals;
- Facilitate the multi-territory licensing of content online (music, games, films, books), currently hindered by the territorial nature of copyright, the lack of transparency in the management of copyright and the absence of rules on orphan works;
- Revise the current copyright framework with the aim of providing for the necessary flexibility in an environment of constant technological development while encouraging creativity and innovation in Europe.

To read the publication click here:

<http://www.beuc.eu/BEUCNoFrame/Docs/2/KHPDHKFDONFIBEKNIPLHBDIAPDBG9DWDBY9DW3571KM/BEUC/docs/DLS/2009-01002-01-E.pdf>

3. CONFERENCE ON ONLINE CONTENT AND CREATIVE RIGHTS

On 1st December, a conference on Online Content and Creative Rights took place in Brussels, and was attended by members of the Parliament, civil servants from the Commission and representatives of the industry.

The first panel "the cult of the amateur" focused on: how can the internet be kept open while ensuring that quality content can be produced and paid for?

Jeremie Zimmerman – La Quadrature du Net- said that to him the internet is a tool, not an ideology. He expressed his disagreement with the HADOPI law. There are hundreds of ways to monetize content online. We should get rid of the middle man! It is not a matter of taking everything for free, but it is a matter of how the copies are distributed.

David Wood – ICOMP- there are lots of middle men here today, distributors, creators, producers. A lot of the genie is out of the bottle and we need to put it back into the bottle. There is a widespread feeling that content should be free. How do we balance freedom of expression and privacy and diversity? We should differentiate between. Creation – we are all involved in, and innovation, which people deserve to be rewarded for, as it brings society forward.

Andrew Keen said that Google and Youtube are the ones really using the consumers: they take UGC and put advertising around it and don't give a penny back to the consumers/creators.

The second panel's "Get paid when you get played" focused on: how can cultural diversity in Europe be secured while introducing multi-territorial licensing for musical work? What policies are the new European Parliament and the European Commission going to pursue for creative content online?

Jean-Eric the Cockborne – European Commission- said that creative industries have a cultural value, so cannot be considered under the economic point of view only. There are initiatives from the Commission in these areas:

- Promotion of new business model
- Replication of consumers
- Fighting piracy

We are also planning to have a hearing following the results of the consultation on the Reflection Paper on Content Online. The responses will feed into the new EU Digital Agenda. The digital agenda, which now forms a new dossier under Commissioner Kroes, will be central to the policy of the new Commission. When you ask young people, do you prefer to pay for something complicated and limited in scope or get something unlimited for free. While most people are honest, they all go for the second option. We think Education is very important - the Council just adopted conclusions on Media Literacy in the digital environment last Friday (reference to Copyright). Also, it's important to note that the problems for publishing, audiovisual, music and videogames are not all the same.

MEP Mary Honeyball said she welcomed the Commission's paper as it is a very good start to deal with such issues. She expressed her support for the European industry and cultural diversity, particularly when compared to the overwhelming US-based industry. Whilst she understands that rightholders should be fairly paid for their works, she also believes that consumers have a point when they try to access content legally and cannot. She thinks the way forward is pan-European. She also believes that advertising could be a way of paying online services.

MEP Cecilia Wikstrom, JURI Committee, said that rightholders have the right to obtain remuneration from their work, and equally, citizens have the right to have available, easy and legal access to content online. She mentioned Spotify, which is very successful in Sweden. Unfortunately, due to licensing restrictions, this is not available in Belgium. This doesn't make sense. No wonder people turn to piracy then. I therefore think that the Commission's idea of a pan-European copyright title is a very interesting one. The issues of borders and territories should not exist in a European project based on the single market. Anything that is in the internet existed before the internet. This is nothing new.

The audience pointed out that there are so many different offers out there that provide content in an easy, accessible, cheap, clear and legal manner, but it is virtually impossible to compete with your own content given out for free, especially when you know you will not get caught.

It was also pointed out by the public that Spotify is great only if you are not a rightholder (it works perfectly as a platform, but the money made for creators is simply not enough to make a living).

4. EU 2020 STRATEGY BY PRESIDENT BARROSO

The Commission launched a consultation on a wide-ranging strategy to lift the EU out of recession, which will replace the Lisbon Agenda for growth and jobs (2000-2010).

Member States should be encouraged to lead Europe towards a greener knowledge-based economy focusing on:

- Innovation and knowledge
- Fighting exclusion
- Green growth
- Digital Europe.

The Commission seeks ideas as to how to improve education, increase productivity and help fight inequality. The EU needs a European Digital Agenda (and a real Digital Inclusion) to deliver a real online single market, so that consumers can benefit from competitive prices offered in other Member States and SMEs can break into larger markets.

Of particular interest to CEPI is the **online single market**:

The EU needs to provide more attractive framework conditions for innovation and creativity, including through incentives for the growth of knowledge-based firms. Access to credit is a particular problem, not only in the aftermath of the crisis but because some new sources of growth such as the creative industries need new types of financing adapted to their business models. Innovative firms should be able to have access to pooled public and private sources of growth capital, for example venture capital; this needs to be coupled with administrative simplification and technical support to promote the incubation and growth of small innovative firms. A well-functioning system of intellectual property rights, which allows for efficient and cost-effective protection, enables innovative business start-ups, provides authors with a transparent management of their rights, and helps universities and research institutions to raise capital through the commercialisation of their ideas and inventions is needed to develop the creativity, knowledge and research capacity in Europe.

...
The aim for 2020 is to achieve a genuine European Knowledge Area, underpinned by a world-class knowledge infrastructure, in which all actors (students, teachers, researchers, education and research institutions and enterprises) benefit from the free circulation of people, knowledge and technology (the 5th freedom).

...
The framework of the single market gives us the size and the scale necessary to achieve these objectives. It is the central tool which ensures that citizens reap real benefits from increased competition and that companies operate on a level playing field – provided that the rules of the single market are correctly implemented, including in sectoral policies. But the EU is still not tapping all the benefits of its single market, conceived more than twenty years ago: obstacles to cross-border activity remain, which in turn reduce consumer choice, price competition and potential productivity. To gear the single market to serve the EU 2020 goals, the EU needs well functioning markets where competition and consumer access stimulate growth and innovation. Empowering people also means making markets work for people. Citizens must be empowered to play a full part in the single market. This requires strengthening their ability and confidence to buy goods and services cross-border, in particular on-line. The single market has evolved considerably since its original launch. It was conceived before the arrival of Internet, before ICT became the one of the main drivers of growth and before services became such a dominant part of the European economy. The emergence of new services (e.g. on-line services, such as e-health) shows huge potential. The Commission considers that to achieve the EU 2020 priorities, there is a pressing need to overcome the fragmentation that currently blocks the flow of on-line content and access for consumers and companies, and that the single market should be updated to respond to the demands of tomorrow's economy.

And international trade:

International trade is one of the motors of growth, employment and investment in the EU. We should act both under the WTO and via bilateral cooperation to ensure that barriers to international flows of trade and investment are reduced, and to promote open and rules-based global trade. We should also deepen our economic and political relations with key strategic partners, placing particular emphasis on market access, access to energy and raw materials, and progress on environmental and social objectives.

The deadline is **15 January 2010** and the final proposal will be launched early in 2010 once the new European Commission is in place. EU leaders are expected to adopt the revised strategy in March.

Click here for the consultation document:

http://ec.europa.eu/eu2020/pdf/eu2020_en.pdf

5. COUNCIL CONCLUSIONS ON CREATIVE GENERATION

On 27th November, the Council conclusions on promoting a Creative Generation - developing the creativity and innovative capacity of children and young people through cultural expression and access to culture were published in the Official Journal. The Council is aware of the need to respond to the emerging knowledge and communication society, which is characterised by constantly evolving communication technologies and rapid exchange of information and the need to bridge the 'digital divide' in and between EU Member States.

The Council identifies 6 priorities in order to promote a creative generation in the EU and calls the Member States to:

- Include a 'Children and Young People' perspective in relevant policies to promote culture
- Optimise the potential of the education sector to enhance the promotion of creativity through culture and cultural expression
- Encourage and support cultural institutions (e.g. museums, libraries, galleries, theatres) to better engage with children and young people
- Promote talent and creativity through culture as part of social inclusion strategies catering for children and young people
- Promote better access to culture through the use of ICTs for all children and young people Member States should: (i) continue their efforts to promote better access at reasonable cost to culture and cultural expressions through the use of ICTs. Such efforts should aim to reach all children and young people and to equip them with the communication and media literacy skills needed to take full advantage of the opportunities provided by digital technology, **while promoting greater awareness and understanding of intellectual property and privacy rights and responsibilities.**
- Facilitate the exchange of good practices and develop an 'evidence base' of knowledge in this field

To read the conclusions, click here:

[http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:301:0009:0011:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:301:0009:0011:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:301:0009:0011:EN:PDF)

6. EU RATIFIES "INTERNET TREATIES"

The EU ratified on 14 December the so-called "Internet Treaties". Mr. Francis Gurry, DG of the World Intellectual Property Organization (WIPO), welcomed the decision saying that ratification of the treaties will positively influence the development of creativity within the digital environment in EU. All Member States have now implement the European Copyright Directive and an official EU statement underlined

that “By ratifying these treaties, the European Union and its member states hope to breathe new vigor into the current treaty-making work of WIPO and encourage renewed commitment to moving forward on a high level of protection for creators and creative industries.”

The Internet Treaties concerned matters such as interactive transmission of copyright content, and limitations to copyright the promotion of technologies that facilitate the distribution and use of creative content.

http://www.wipo.int/pressroom/en/articles/2009/article_0059.html

7. EU: TESTING AND REFINING CRITERIA TO ASSESS MEDIA LITERACY LEVELS

As part of the European Commission's development of a media literacy policy, the Commission is seeking assistance in the form of an experts' study on the analysis and testing of the media literacy assessment criteria set in the 2009 study on assessment criteria for media literacy levels.

For more information visit:

http://ted.europa.eu/Exec.jsessionid=98C33CC2F64BAA7A66687DABBCDB3AFF.i nstance_1?DataFlow=N_one_doc_access.dfl&Template=TED/N_one_result_detail curr.htm&docnumber=335589-2009&docId=335589-2009&StatLang=EN

8. SWEDISH PRESIDENCY EVENT ABOUT INTELLECTUAL PROPERTY RIGHTS

The Swedish Presidency organised on 15th – 16th December a conference in Stockholm on the enforcement of the protection of Intellectual Property Rights (IPRs).

It was generally agreed that piracy and counterfeiting have a seriously detrimental effect on the EU economy and that a strong enforcement of IPRs is fundamental to protect European knowledge, creativity and innovation. Commission officials spoke about the European Observatory on Counterfeiting and Piracy and the implementation of the Directive on Civil Enforcement of IPRs in Member States, on which the Commission will publish in 2010 a Report on the implementation. The Commission will also carry out an impact assessment on the Proposal for an EU Directive for criminal measures.

Meetings organized by the EU Observatory will continue next year and an annual report will be published as well.

For more information visit:

<http://www.se2009.eu/en/2.543/2.578/2.768/2.779/1.27378>

9. SPAIN: SHUTTING DOWN OF WEBSITES

The Government announced at the beginning of December a draft law for Sustainable Economy to shut down websites of illegal P2P file sharing, without needing a court order. If approved by the Parliament, the draft law will come into force in 2010 and will set up an Intellectual Property Commission. The Commission will have the power to investigate complaints about websites offering the possibility of P2P downloading (by asking data to ISPs) and, can close them down if copyright infringement takes place.

For more info: http://www.siliconvalley.com/news/ci_13918879

10. IS ON LINE STREAMING THE ANTIDOTE TO ILLEGAL FILE SHARING?

Online streaming is becoming more and more popular amongst internet users, with a recent survey showing that 31% of users are watching full-length TV and video programming. According to the research, as more content is available via online streaming, illegal file sharing becomes less attractive.

The survey, conducted by Global Web Index, shows that 55% prefer file sharing because it is cheaper, but 45% could agree to consume films legally if the technology allowed them. Michael Comish, CEO and co-founder of blinkbox, stated that in the next 5 years he expects a further development of online content market. Following the results of the research Tom Smith stressed that there is no need for piracy if you have everything available on demand. Moreover, the development of such a market could be extra revenue for entertainment industry in terms of advertisement, according to Comish.

<http://www.guardian.co.uk/media/pda/2009/dec/02/can-streaming-end-illegal-filesharing>

11. EU STUDY ON COLLECTIVE SOCIETIES AND MULTITERRITORIAL LICENSING

On 2nd December, the Parliament presented the results of a study on 'Collecting Societies and Cultural Diversity in the Music Sector'. According to the study, any future EU rights management approach should include broad availability and access so to balance the interests of rights holders and creators, should be user friendly, transparent and accountable.

The study, focusing on Belgium, Germany, Italy, Spain and the UK, aims to assess how EU policies on copyright affect national collecting societies and the promotion of cultural diversity in the music sector.

Some of the key findings are:

- collective management is often the most effective way to license rights;
- collecting societies often negotiate license fees, provide authorisation to exploit content and collect and distribute fees;
- collecting societies represent weaker creators and artists and support artist creation via cultural events;
- the mono-territorial, multi-repertoire licensing arrangements between societies have generally hampered a more creative licensing regime in Europe;
- the 2005 Recommendation was a turning point which challenged the traditional structure of rights management and mutual representation agreements;
- the repertoires of smaller EU countries don't easily penetrate foreign markets due to linguistic and cultural issues.

The **Parliament will launch a separate study on Piracy**, which was not covered in this piece of work.

For the study, click here: <http://tiny.cc/ou76f>

12. TELECOMS COUNCIL MEETS TO AGREE ON NEW DIGITAL STRATEGY FOR EUROPE

On 18 December 2009, the Telecoms Ministers of all EU Member States met at the Telecoms Council in Brussels to reach a conclusion on priorities for a new European digital strategy in 2020. The main items on the agenda are: Post-2010 strategy: adoption of Council conclusions following a policy debate, a collaborative European approach on network and information security: adoption of a Council Resolution, and Digital dividend: adoption of Council conclusions.

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/560&format=HTML&aged=0&language=EN&guiLanguage=nl>

13. EUROPEANA NEXT STEPS - 188 REPLIES TO THE CONSULTATION

The Commission's consultation on "Europeana next steps" finished on 15 November. 188 contributions have been received and are now available in the Commission's website:

http://ec.europa.eu/information_society/activities/digital_libraries/cultural/consult_nextsteps/index_en.htm

Several replies are related to film:

-ACE:

http://ec.europa.eu/information_society/activities/digital_libraries/doc/consultations/2replies/dif.pdf

- FIAD, FIAPF and IVF:

http://ec.europa.eu/information_society/activities/digital_libraries/doc/consultations/2replies/international_video_federation.pdf

- The World Cinema Alliance:

http://preprod.europa.info.cec.eu.int/information_society/activities/digital_libraries/doc/consultations/2replies/wca.pdf

The European Parliament is drafting an report as a follow-up of the Commission's Communication "Europeana - next steps". The rapporteur is the German Member of the European Parliament Mrs. TRÜPEL. The adoption of the report is scheduled in March 2010. You can read the draft report on:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-430.369+01+DOC+PDF+V0//EN&language=EN>

14. EU: BULGARIAN PLANS TO BAN MINORITY TV PROVOKE CONCERN IN PARLIAMENT

Plans in Bulgaria to ban a short news TV programme which caters for the country's Turkish-speaking minority have been met with controversy. Guy Verhofstadt, Liberal group leader in the European Parliament, warned that the Bulgarian government's intention to hold a referendum on the issue threatens to put the country's obligations to protect and respect its minorities and minority languages. The initiative is being led by Ataka, a political party known for its nationalist and xenophobic policies.

15. FRENCH ADVERTISEMENT TAX FOR PRIVATE TV CHANNELS

The French National Assembly adopted on 11th December an amendment on lowering the advertisement tax for private TV channels. The amendment was a part of the supplementary budget for 2009 and will be voted on by the French Senate on 17-18 December. According to the proposal channels will be taxed proportionally according to specified financial elements of the 2008 period.

http://www.lawandtax-news.com/asp/French_Senators_Amend_Tax_On_TV_Channels_xxxx40302.html

16. NEW UK RESEARCH AGENDA: 'THE ECONOMIC VALUE OF INTELLECTUAL PROPERTY'

On 26 November 2009, Rt Hon David Lammy MP, Minister of State for Higher Education and Intellectual Property, launched a major international programme and research agenda on intellectual property in the UK's Knowledge Economy. It will identify the major research priorities and provide the hard evidence that is needed to take IP policies forward.

<http://www.sabip.org.uk/home/research/research-ecvalue.htm>

17. UK: DCMS AND BIS SELECT COMMITTEES HOLD JOINT MEETING ON OFCOM ANNUAL PLAN 2009-10

During meeting on 1 December Ofcom representatives answered questions about the performance of Ofcom, broadcasting standards, Channel 4, community radio, prospects for the Digital Economy Bill, pay-TV, spectrum allocation, consumer protection and the mobile telephone network.

18. UK GOVERNMENT LAUNCHES INTERNATIONAL RESEARCH AGENDA INTO HOW INTELLECTUAL PROPERTY UNDERPINS THE KNOWLEDGE ECONOMY

On 26 November, David Lammy, Minister of State for Higher Education and Intellectual Property, launched a new international programme and research agenda, 'The Economic Value of Intellectual Property', which will investigate the value of intellectual property in the knowledge economy. The programme will involve the Strategic Advisory Board for Intellectual Property Policy (SABIP) and the Intellectual Property Office (IPO), whose agenda will be set out in June by a forum of international experts.

<http://www.sabip.org.uk/home/research/research-ecvalue.htm>

19. PARLIAMENT TO HOLD HEARINGS OF COMMISSIONERS-DESIGNATE ON 11-19 JANUARY

The hearings of the new Commissioners will take place in the European Parliament on 19-26 January.

http://www.europarl.europa.eu/news/expert/infopress_page/008-65715-335-12-49-901-20091201IPR65713-01-12-2009-2009-false/default_en.htm

20. LISBON TREATY CAME INTO FORCE

On December 1st, the Lisbon Treaty came into force after the Czech ratification in early November. European Union turns into new page and the challenges are higher than ever. The positions of President and Higher Representative for Foreign affairs are inserted and the Chapter of Fundamental rights are now part of the main legislation. New institutions such European Council is officially created and for first time EU has a legal face.

The ratification was expected from the member States as the whole procedure was the main issue for the Union since 2000. Commission with a celebrative announcement welcomed the Lisbon Treaty and President José Manuel Barroso stated, "The Treaty of Lisbon puts citizens at the centre of the European project. I'm delighted that we now have the right institutions to act and a period of stability, so that we can focus all our energy on delivering what matters to our citizens". The new, more democratic and accountable profile of the Union enforces not only the role of European Parliament but also the strength of national parliaments. Now, EU's decision-making process is wider and citizens have the right to participate in proposed laws.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1855&format=HTML&aged=0&language=EN&guiLanguage=en>

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/531&format=HTML&aged=0&language=EN&guiLanguage=en>

21. EU: WINNER OF EUROPEAN FILM AWARDS 2009 SUPPORTED BY MEDIA

On 12th December in Bochum, Germany, the European Film Prizes were awarded to the winners. This year 46 out of 48 films were supported by the MEDIA Programme and more than 10 million euros were invested. Michael Haneke's film entitled as "Das Weisse Band" ("The White Ribbon") won the "Palme d'Or" for Best European Film, Best Director and Best Screenwriter. The White Ribbon received more than €1.2 million support from the MEDIA Programme in order to aid its distribution across 21 territories across Europe.

This is the seventh consecutive year in which a MEDIA Programme Film wins the Best European Film Award.

<http://www.mediadesk.co.uk/news/506/>

22. EU: SOUTH KOREA TO STALL RATIFICATION OF FREE TRADE DEAL

It has emerged that South Korea intends to delay the ratification of an ambitious free trade agreement (FTA) with the EU, largely due to domestic pressure arising from the agricultural sector in South Korea. The delay is intended to avoid political difficulties ahead of the elections in June 2010, meaning that the FTA would be only be implemented towards the end of 2010. Some Korean industry sources fear the deal, which would remove all industrial customs duties over seven years, could be delayed as late as 2011, a situation the European Commission would be keen to avoid. Meanwhile, complex legal negotiations and discussions continue at the EU level.

23. “STRONGER COPYRIGHT WILL SAVE THE INDUSTRY” IS A MYTH, SAYS GOOGLE

Google Senior Copyright Counsel William Patry spoke on 1st December at an event hosted by think tank IQsensato and the World Trade Organization ministerial.

The author of “Moral Panics and the Copyright Wars” mentioned in his presentation that “The real problems of the content-producing industry today are business problems” and he continued saying that the lack of technological progress has driven some incumbents to use the copyright law as a measure against innovative newcomers. He undoubtedly recognised the crisis in intellectual industry but he stated that copyright violation has been demonised and a witch hunting has started... William Patry also declared that even though the copyright law becomes stronger, the problematic industries will not be saved and he stressed that “No law can turn an unprofitable business into a profitable business.”

However, he underlined the need for a new copyright law but more effective and stronger than the current one. A new legislation which will be connected to empirical evidence and will promote innovation, as there is the key for profitable business in intellectual industries according to his speech.

<http://www.ip-watch.org/weblog/2009/12/04/false-metaphors-and-sinking-ships-patry-on-copyright-in-geneva/>

24. “PERFORMERS’ RIGHTS IN TODAY’S EUROPEAN ENVIRONMENT”

On 1st December, the Association of European Performers’ Organizations (AEPO) organized a seminar entitled as “Performers’ rights in today’s European environment: how to ensure a sustainable creative sector?”. Many stakeholders (performers’ organizations, intergovernmental organizations for cultural and creative sectors, Commission representatives, MEPs) attended the event and debated on intellectual performers rights online in the audiovisual sector.

http://www.aepo-artis.org/pages/156_1.html

25. RECORD COMPANIES IN SWEDEN ARE INCREASING THEIR REVENUES

After the implementation of the anti-piracy law (called IPRED) and the rulings against the file-sharing site The Pirate Bay, IFPI announced recently a 18% rise of the revenues for the first time after seven years. The example of Sweden is

expected to be followed by many countries which are seeking to enforce their music industry's rights.

<http://www.guardian.co.uk/business/2009/nov/23/sweden-music-sales-files-sharing-crackdown>

26. BSAC'S REPORT ON AV MARKET IN THE UK

On 14th December the The British Screen Advisory Council (BSAC) called for a new policy framework which will energise the UK's audiovisual content sector. BSAC's report 'Creativity, Competitiveness and Enterprise in UK Audiovisual: New Vision, New Policies' was released recommending government action in 4 key areas:

- Competition, not Shackles, to Boost the UK Audiovisual Industries
- Audiovisual Silicon Valley Needed for the UK
- Liberating Public Service Content from TV
- No Copyright, No Future

BSAC represents a wide range of interests including leading executives in film, television, satellite, cable and digital media and gives advice on audiovisual business and policy issues to Government and policymakers at national, European and global levels.

The aim of the report is to encourage government and relevant regulators to develop UK audiovisual's capability as an enterprise sector and important contributor to wealth creation. It recommends:

- a new, streamlined audiovisual competition framework
- a new, focused and cohesive investment in enterprise and skills
- a bold new approach to public service content in the pluralistic broadband universe
- a copyright regime that facilitates decentralised creativity and access to content in the broadband ecology

For further information, please contact Fiona Clarke-Hackston - bsac@bsacouncil.co.uk

27. ON-DEMAND ADS TO BE PRE-SCREENED BY REGULATOR AS NEW EU LAW COMES INTO FORCE

Clearcast, a pre-broadcast advertising regulator, has begun to monitor the adverts that appear on Video on Demand (VoD) services, in anticipation of a change in EU law. The Audio Visual Media Services (AVMS) Directive will come into effect on 19 December, making VoD adverts subject to the Sales Promotion and Direct Marketing (CAP Code). Clearcast commented that the areas covered by the Directive include advertising to children, alcohol advertising and discrimination.

<http://www.out-law.com/page-10597>

28. UK: BIGGEST RISE IN TV VIEWING IN 2008

According to a research published by Ofcom on 17th December, the UK showed the biggest increase in TV viewing in 2008 across 11 western countries, with each person watching an average of 3.75 hours a day. The UK also had the highest

average increase in TV watching last year, up 3.2% year on year, across the 11 countries.

For more information visit: <http://www.ofcom.org.uk/consumer/2009/12/uk-consumers-embrace-digital-communications/>

29. SARKOZY: “FRANCE WILL NOT LET COUNTRY’S LITERARY HERITAGE TO BE TAKEN AWAY”

French President Nicolas Sarkozy stated last Tuesday that his country will not let its literary heritage be taken away and tried to avoid naming Google. France is going to create its own national digital champion and at a public round table Sarkozy stated that this would be one of the projects which will be included into strategic investment 2010.

PM Francois Fillon stated last month that France would not accept another cultural industry being threatened by looting" and he ordered a commission to prepare a draft about preventing the violation of copyrights and piracy. In France one of the strictest laws, which allows authorities to disconnect illegal downloaders, is already implemented. The French government also called the EU to agree to a massive digitisation project against copyright infringements and in an open letter PM Fillon listed several possible strategies for an EU legislation on the matter.

<http://www.reuters.com/article/idUSTRE5B73E320091208?type=technologyNews>

30. EUROPEAN COMMISSION TO INVESTIGATE FUNDING OF SPAIN'S STATE BROADCASTER

The European Commission has stated that it will investigate a revision of the funding system for Spain's state broadcaster, RTVE, which replaces advertising with a levy on the broadcaster's competitors. RTVE's competitors must now give up to 3% of their revenue to the state broadcaster, following the Spanish government's electoral promise to remove advertising from the service. The move to reduce advertising was welcomed by the European Commission but it also warned the industry tax could be illegal.

<http://www.guardian.co.uk/media/2009/dec/07/spain-state-broadcaster-levy>

31. EU: USERS' RIGHTS TO BE FOCUS OF EUROPEAN DIGITAL STRATEGY

i2015, the Commission's strategy for the future of the digital economy, is set to provide a key role for the protection of users' rights, according to current EU plans. The creation of an effective consumer-friendly single market for online services is likely to be the first pillar of the action plan, as foreseen by the outgoing Information Society Commission Viviane Reding. The strategy, which is due to be presented in spring 2010, also comes in response to a report on the digital agenda currently being drafted in the European Parliament, which mentions rights as one of its key messages and puts the user at the centre of digital policy. The report is expected to be adopted by MEPs in March.

The Spanish Presidency of the EU is also set to launch a digital agenda, known as the 'Granada Strategy', at the end of April 2010. The strategy's main focus will be on a charter of ICT users' rights, underlining online rights such as online privacy and protection of minors, as already foreseen in EU legislation. Debate is likely to ensue

over plans to include the right to use VoIP services on mobile phones, which may be included in the charter.

<http://www.euractiv.com/en/infosociety/new-eu-digital-strategy-focus-users-rights/article-188133>

32. COMMISSION RELEASES STUDY ON FUTURE OF THE UBIQUITOUS INFORMATION SOCIETY

The Commission published a new study on the future of information society, assessing the impact of predicted technology trends currently shaping the emergence of the 'Ubiquitous Connected Society'. The study makes suggestions for policy considerations for the post i2020 strategy, recommending that internet be kept open to competition, innovation and user choice. The report also identifies some main trends in technology which will underpin the future information society, including: the convergence of communications infrastructures, human-computer convergence, and the development of the internet itself as an intelligent actor through web 3.0. The Commission also identified several issues for investigation, including privacy, and internet openness and neutrality.

http://ec.europa.eu/information_society/newsroom/cf/itemlongdetail.cfm?item_id=5448

33. EUROSTAT: ONE PERSON IN TWO IN THE EU27 USES THE INTERNET DAILY

On 8th December Eurostat released a survey on Information and Communication Technologies (ICT) usage in households and by individuals in the EU27 Member States, the candidate countries, Norway, Iceland and Serbia. As well as internet use and broadband connections, the survey also covers other indicators such as e-shopping, e-government and advanced communication and content related services. In the EU27, 65% of households had access to the internet during the first quarter of 2009, compared with 60% during the first quarter of 2008, and 56% had a broadband internet connection in 2009, compared with 49% in 2008.

Some highlights of the survey are:

Household internet access ranges from 30% in Bulgaria to 90% in the Netherlands
The proportion of households with a broadband connection in 2009 was highest in Sweden (80%), the Netherlands (77%) and Denmark (76%)
40% of individuals shop online
Nearly three quarters of those aged 16-24 in the EU27 used the internet on average daily or almost daily in the first quarter of 2009, compared with nearly half of all individuals aged 16-74.

<http://europa.eu/rapid/pressReleasesAction.do?reference=STAT/09/176&format=HTML&aged=0&language=EN&guiLanguage=en>

34. FILM-MAKING IN THE DIGITAL ERA: CINEMA RELOADED PROJECT

The International Film Festival Rotterdam (27 January - 7 February 2010) will launch an experiment in film-making in the digital era: Cinema Reloaded, which will allow filmmakers to directly connect with film lovers to finance and distribute their projects through combined online crowd-sourcing and crowd-funding.

For more information click here:

35. GOOGLE BOOKS: PRELIMINARY COURT APPROVAL GRANTED

On 19th November, the preliminary Court approval was granted to the Google Book Settlement.

- The Fairness Hearing will take place on 18th February 2010 at 10am in New York.
- The deadline to claim Cash Payments has been extended to 31st March 2011
- The Removal deadline has been extended to 9th March 2012.
- Rightsholders who wish to opt out of the amended Settlement must do so by 28th January 2010.

36. COE: REPORT OF THE STEERING COMMITTEE ON THE MEDIA AND NEW COMMUNICATIONS SERVICES

The Council of Europe has released the report of the Steering Committee on the Media and New Communications Services (CDMC), which took place on the 20th to 23rd October. The output from the meetings included comments on Parliamentary Assembly Recommendation 1878(2009) on the funding of public service broadcasting, a hearing on multistakeholder participation, the launching of the work of the new ad hoc advisory groups on Public Service Media Governance (MC-S-PG) and Cross-border Internet (MC-S-CI) and a decision to pursue work on a Council of Europe convention for the protection of neighbouring rights of broadcasting organisations.

The CoE report includes notes on the Implementation of Council of Europe standards on media and freedom of expression prepared under the authority of the CDMC. Various examples were given of incorporating the standards at national level, such as:

- **Austria** is drawing on the draft amending protocol to the European Convention on Transfrontier Television in the context of the transposition of the related European Union Directive into national legislation;
- **Finnish** law recognising an enforceable right to broadband Internet service is consistent with Recommendation CM/Rec(2007)16 on measures to promote the public service value of the Internet;
- **German** legal provisions on short reporting took account of Recommendation No. R (91) 5 on the right to short reporting on major events where exclusive rights for their television broadcast have been acquired in a transfrontier context;
- **Icelandic** media legislation currently under review is inspired on a range of (up to 15) Council of Europe recommendations (e.g. some language proposed is almost identical to that of Recommendation Rec(2004)16 on the right of reply in the new media environment); this inspiration is acknowledged in the recitals that precede the law;
- **Romanian** audiovisual media law was inspired on and took account of relevant Council of Europe standards;
- **Slovak** policy on Internet and children was developed paying close attention to Council of Europe recommendations and other work / output;
- **Spanish** draft audiovisual law is consistent with pertinent Council of Europe standards.

The CDMC also noted the letter from Charlie McCreevy, Commissioner for Internal market and services, indicating that the Commission would like to remain associated with CoE work on the protection of the neighbouring rights of

broadcasting organisations. The CDMC noted discussions within the EU Council's working party on intellectual property, in which a majority of EU member states wished for this matter to be pursued within a CoE framework. It is possible therefore that the European Commission receive a mandate to negotiate a Council of Europe convention on the subject of protection of neighbouring rights of broadcasting organisations.

<http://www.coe.int/t/dghl/standardsetting/media/>

37. EU PATENT ESTABLISHED BY COMPETITIVENESS COUNCIL

The EU Competitiveness Council under the leadership of the Commissioner for Trade Ewa Björling, decided on 4th December to establish a EU patent and a single European Patent Court. The Ministers reached a unanimous agreement on the general focus of the European patent regulation and Council conclusions on a common European Patent Court, however the opinion of European Justice Court is still needed.

Commissioner Björling welcomed the Council's decision and stressed the EU intention to protect innovations. "This will give European industry better opportunities to compete on the global market", she mentioned. The Council conclusions also contain the main elements of a single European Patent Court that will try cases on both the EU patent and existing European patents. This will bring about a considerable improvement compared to the current fragmented system where patent processes have to be conducted in each individual Member State, despite the fact that they are for the same invention. Minister for Justice Beatrice Ask also stated: "Establishing an EU patent and a single European Patent Court is the single most important measure for promoting innovation in Europe. In view of the major simplifications and cost savings, this is, of course, also particularly important for small and medium-sized enterprises."

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/intm/111744.pdf

<http://www.se2009.eu/en/2.543/2.578/2.768/2.772/1.26549>

38. EU: CLOSING CONFERENCE OF EUROPEAN YEAR OF CREATIVITY AND INNOVATION

The closing conference of the European Year of Creativity and Innovation 2009 was held on 16 December in Stockholm, organised by the European Commission and the Swedish Presidency. The Year has involved thousands of activities across Europe, promoting the social and economic value of creativity and innovation.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1942&format=HTML&aged=0&language=EN&guiLanguage=en>
<http://create2009.europa.eu>

39. COUNCIL CONCLUSIONS ON TRANSFORMING THE DIGITAL DIVIDEND INTO SOCIAL BENEFITS AND ECONOMIC GROWTH

On 17th December the Council published its Conclusions on transforming the digital dividend into social benefits and economic growth.

The Council invites the Member States to pursue their efforts to complete the switchover in 2012 in order to ensure the availability of the digital dividend and reduce uncertainty vis-à-vis potential users of the released spectrum; Work with the Commission and the European Parliament to debate priorities for multiannual spectrum policy programmes, in the context of the regulatory framework for electronic communications networks and services – and invites the Commission to work with the Member States to consider options for the use of newer, more spectrum efficient, broadcasting transmission and receiver equipment standards.

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/trans/112001.pdf

40. EU: NEXT COUNCIL PRESIDENCY – SPAIN

From the 1st January 2010, Spain will hold the rotating EU Council Presidency for 6 months.

The Spanish Presidency presented last week its working plan and priorities around the revision of the Lisbon Strategy with an emphasis on jobs and growth.

The next three Presidencies Spain, Belgium and Hungary also announced their intention to develop a Counterfeiting and Piracy Observatory to strengthen IPR protection and promote the fight against piracy. They will also continue with the Anti-Counterfeiting Trade Agreement (ACTA) especially border control measures, and review the Customs Regulations against goods suspected of infringing IPRs, with a view to possibly amending them. The three countries will also monitor the development of Europeana and digitization cultural heritage.

Other issues to be dealt with are net neutrality, network security and electronic commerce and protecting personal data.

CEPI Agenda

CEPI MEETINGS & SAVE-THE-DATE EVENTS:

- ❖ 09-16 January: **Production Value 2010 - Foundation for Professional Training in Cinema and Audiovisual Media**, Retz Austria, <http://www.focal.ch/prodvalue/>
- ❖ 14-16 January: **Contemporary Serial Culture**, Potsdam, Germany, <http://csc.hff-potsdam.de>
- ❖ 26 January: **Progress of the Digital Switchover & next steps for the Digital Dividend Review**, London, UK, www.westminstereforum.co.uk
- ❖ 4-6 February: **Sat Expo Europe 2010**, Fiera di Roma, Italy, www.satexpo.it/en/
- ❖ 17-21 February : **Digitalization of cinemas - training organized by MEDIA Salles**, Helsinki, Finland, www.mediasalles.it/training/training.htm
- ❖ 16 March: **Social TV Forum 2010**, London, UK, <http://www.bima.co.uk/events/137/social-tv-forum-2010/>
- ❖ 18 - 22 September: **Rose d'Or Festival**, Lucerne, Switzerland, www.rosedor.com