

International entities of representation of copyright managing societies

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1. INTRODUCTION

These days it is usual to hear about author's rights and the piracy that pillages them, but it does not seem that the presence of the subject on the media entails a sufficient knowledge of the entities managing those rights, ignorance that is stressed when placing such entities within the international context. This document intends to palliate this lack in a very precise dimension: knowing what non governmental international organizations of author's rights societies are like and what they do¹.

The text offers a very general introductory outlook which, without exhaustivity, highlights the role of the international associations of entities of collective management in the institutional architecture of author's rights. This is done through summary cards of the different international entities.

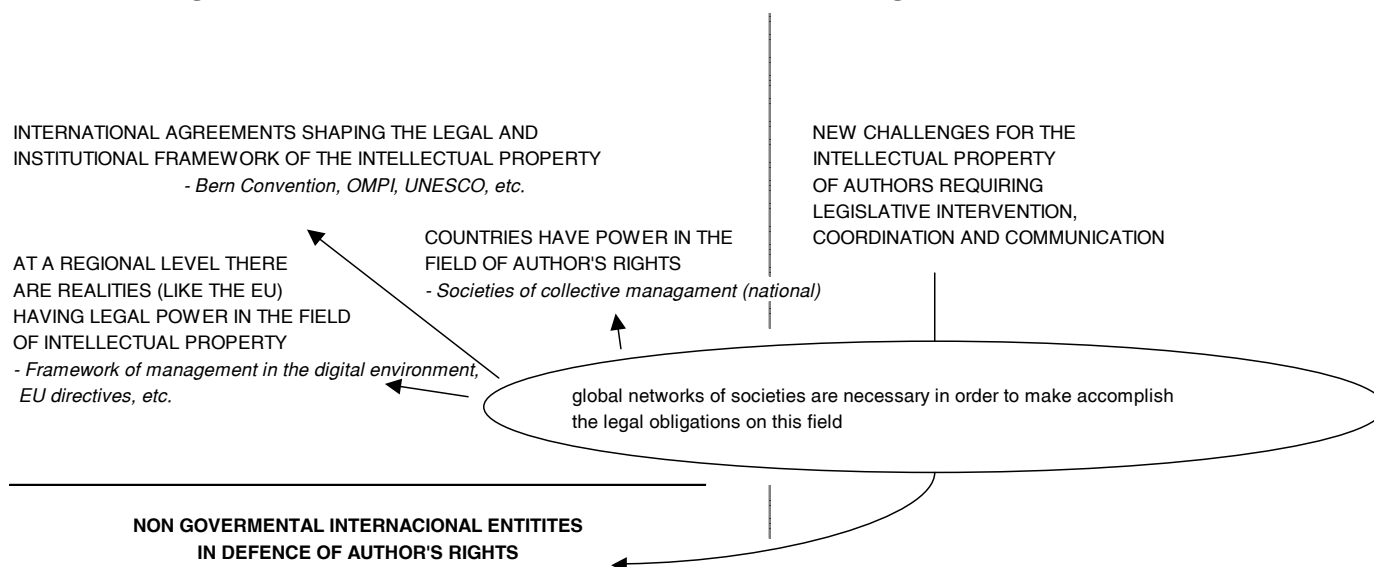
The institutional architecture in societies of collective management is characterized fundamentally by three related aspects:

- Intergovernmental organizations establish the international legislative framework. In these organizations there are governments as well as other intergovernmental organizations (and as an observer, corporate bodies of different nature), which intervene in the formation of the legislative framework depending upon who has power for doing what.
- The responsibility on the subject of author's rights, copyrights and their regulation have been traditionally in hands of the countries. Societies of collective management have the monopoly of the collective management in each country, which entails that bilateral agreements have to be set up between companies of two countries. These agreements establish the rules to collect author's rights of a society in a country along its territory as well as author's rights of the repertoire itself in the country of the other society.
- Authors, editors, producers, interpreters or performers are those who form the entities of collective management aimed at managing their rights and defending their interests. These face new challenges in an increasingly more globalized context and where the use of new technologies in the spreading of works becomes more and more generalized and makes new challenges to turn up.

These three aspects explain that in the area of the collective management there is a multilevel government determined by the existence of a general context, the international one, and one of a more specific nature: the territory where societies of collective management operate and where rightsholders exercise their rights.

¹ A brief introduction to basic concepts in the field of author's rights can be found at the annex glossary.

Diagram 1. Institutional architecture of author's rights



The association of entities of collective management in different countries has become an answer to defend common interests in the context of the multilevel government. In general, these entities concentrate the know-how and take part in common issues to a global level even if they do not manage rights directly. As a matter of fact, among the entities shown, only the **Association of International Collective Management of Audiovisual Works (AGICOA)** administers rights directly.

Nowadays there is a worldwide network of organizations of collective management represented in entities like the **International Confederation of Societies of Authors and Composers (CISAC)**, the **International Federation of Reproduction Rights Organizations (IFRRO)** and, at a regional level, the **European Association of Visual Artists (EVA)**. These entities are some of those treated next like nodes of the worldwide network of entities of collective management.

The sample offered in these pages is not exhaustive and the availability of information varies depending on the case, since the exploitation is based upon the information found on the Internet and the contents sent by the entities specifically for this research. In order to give some coherence and structure to the text it was decided to study in depth those entities having a major volume of associates and budget, which, in turn, congregate all the Spanish entities with major budget. On the other hand, it has been left the option to include more information and other entities with a view of a possible continuation of the study in the future.

Entities and transnational associations are analyzed in cards containing series of qualitative variables that aim to make all sort of comparisons and to give a general perspective of their activities. Cards have been elaborated through the exploitation of the virtual resources shown in the bibliography and have been complemented with the information provided by the entities which answered the requests of information.

INTERNATIONAL				
ENTITY	CISAC	IFRRO	ALAI	BIEM
Year of creation	1926	1988	1878	1968
Headquarters	Paris	Brussels	Paris	Neuilly-sur-Seine
Area of the entities	Authors and composers of all repertoires	Mechanical reproduction	Arts and literature	Song reproduction
Goals	<ul style="list-style-type: none"> To promote mutual representation Cooperation and technical assistance Research Regional cooperation 	<ul style="list-style-type: none"> Cooperation Regional development Digital and technical support Public awareness, spreading and research Representation 	<ul style="list-style-type: none"> Legal defense of author's rights Promotion of legislative development Research Cooperation with peer entities 	<ul style="list-style-type: none"> Members representation To promote standards to license repertoires of all over the world Technical and legal assistance to members To negotiate standards with the International Federation of the Phonographic Industry (IFPI)
Examples of activities	<ul style="list-style-type: none"> CIS: integration of repertoires information Alliance for progress P4P Strategy for countries in Central and Eastern Europe 	<ul style="list-style-type: none"> Seminars and training Exploration of new models of business (e.g.: visual arts on the Internet) 	<ul style="list-style-type: none"> Seminars and formation activities Publications and positioning upon the legality (e.g.: <i>creative commons</i>, EU directives) 	<ul style="list-style-type: none"> Standard contract Antipiracy working group with CISAC
Organization	<ul style="list-style-type: none"> General assembly, executive board and secretariat assuming the management Regional groups Working groups and technical commissions for specific sectors 	<ul style="list-style-type: none"> General assembly, executive board and secretariat assuming the management Regional groups Working groups and technical commissions for specific sectors 	<ul style="list-style-type: none"> General assembly, executive board and secretariat assuming the management Network of associations ALAI in each country Specific working groups by area 	<ul style="list-style-type: none"> General assembly, executive board and secretariat assuming the management Specific committees for management, legal and tariff policy
Incomes	5,9 M€ (2004)	1,5 M€ (2003/04)	N/A	N/A
Value of the collections of the societies	6,6 M€ (2003)	381,7 M€ (2003/04)	N/A	N/A
Societies	210 societies in 109 countries	114 societies in 44 countries	24 societies of ALAI	46 societies in 52 countries
Spain	SGAE and VEGAP	CEDRO and VEGAP	ALAI Spain	SGAE

REGIONAL					
ENTITY	AEPO-ARTIS	EVA	GESAC	FILAIE	GEDRI
Year of creation	1994	1997	1990	1992	2000
Headquarters	Brussels	Brussels	Brussels	Buenos Aires	Madrid
Area	European authors and interpreters	European visual artists	European authors and composers	Ibero-American performers	Reprography
Goals	<ul style="list-style-type: none"> To develop collective management of authors' and artists' rights Networking among entities managing artists' and interpreters' rights in Europe Cooperation and participation in common decision arenas in Europe in the field of author's rights (PHARE, TACIS, directives transposition) Representation at international and intergovernmental bodies Skills improvement of members on author's rights 	<ul style="list-style-type: none"> Improvement the collective management of visual artists' rights Development of the legal, economic and cultural areas of the intellectual property Public awareness 	<ul style="list-style-type: none"> Reply to EU proposals To keep up relationship with the EU Collaboration with countries in the transposition field To provide technical assistance to third countries in relation to EU and author's rights matters 	<ul style="list-style-type: none"> Defense and fostering of author's rights Create a center of a documentation and information center on author's rights of regional reference Legal support Empowering the transnational integration of collective management societies Defense and conservation of the cultural heritage 	<ul style="list-style-type: none"> Campaigning for public awareness on cultural and economic damage caused by photocopying and piracy To boost legal measures for reproduction rights of written works of authors and editors To support the creation of management entities in Latin America and strengthening the existing ones
Examples of activities	<ul style="list-style-type: none"> EU Parliament documents about framework for collective management entities and proposals to reinforce intellectual property rights Study about EU proposal for a transnational collective management Seminars about digital environments for collective management in Europe 	<ul style="list-style-type: none"> Positioning in the field of author's rights in the EU in relation with the Commission role in the digital rights' management (DRMs), directive 29/2001 and "droit de suite". To follow up international proposals for collecting author's rights in the digital age (<i>Onlineart</i>) 	<ul style="list-style-type: none"> Positioning vis-à-vis TV without frontiers within the EU Taking part in the discussions about digital libraries - <i>i2010</i> 	<ul style="list-style-type: none"> Solicitation to OMPI to pass a law for artists and interpreters Ibero-American Forum of Arts 	<ul style="list-style-type: none"> "Guide for the establishment of societies of copyright collective management in Latin America" "Analytical study on the by-laws of societies of copyright collective management for written works in Latin America"
Organization	<ul style="list-style-type: none"> General assembly, executive board and secretariat assuming the management Expert groups in specific issues such as audio and audiovisual 	<ul style="list-style-type: none"> General assembly, executive board and secretariat assuming the management Ad hoc working groups focused on the legality and author's rights collective management 	<ul style="list-style-type: none"> General assembly and secretariat assuming the management Ad hoc working commissions for EU specific proposals 	<ul style="list-style-type: none"> General assembly with board of directors Working commissions for development, private copy and piracy 	<ul style="list-style-type: none"> Lax organization. Bunch of entities that gathers annually and organizes activities open to all members
Societies	27 societies	16 societies in 14 countries	34 societies	33 societies in 12 countries	8 societies in 8 countries
Spain	AISGE	VEGAP	SGAE	AIE, AISGE and SGAE	CEDRO

International collective management	
ENTITY	AGICOA
Year of creation	1981
Headquarters	Geneva
Area	Audiovisual retransmissions by cable
Goals	<ul style="list-style-type: none"> • Negotiating the remunerations for author's copyright with the operators of cable or of other devoted to the public audiovisual retransmission • Agreeing with the rightsholders on the part of remuneration that corresponds to them • Reaching to agreements with cable distributors or members associated to a country regarding the simultaneous, complete, unchanged and continued retransmission of audiovisual works. • Collecting, directly or through a third party, the royalties corresponding to agreements of representation held or in application of national and international legislation • To ensure the distribution of the copyright collecting amongst the represented rightsholders • To provide the members with the information about the activities carried out by the distribution companies
Challenges and recent activities	Creation and consolidation of IRIS managing system
Organization	<ul style="list-style-type: none"> • Annual general assembly with board of directors and executive committee. • Functional division by technical criteria
Incomes	13,5 M€
Value of the societies collections	82,9 M€
Societies	45 societies
Spain	EGEDA

2. NON GOVERNMENTAL INTERNATIONAL ENTITIES CONSISTING OF NATIONAL SOCIETIES OF COPYRIGHT MANAGEMENT

2.1 International

CISAC - Confédération Internationale des Sociétés d'Auteurs et Compositeurs

Historical overview

The CISAC was established in 1926 and is headquartered in Paris. At present, it has regional offices in Budapest, Buenos Aires and Singapore.

The entity groups societies of authors and composers at an international level to ensure that creators benefit from the popularity of their works and the development of new uses of such works. Societies are nationally based and gather authors of all the artistic repertoires: music, theater, literature, audiovisual works, graphic and visual arts.

Goals

Entity goals are:

1. Promotion of the reciprocal representation

CISAC promotes a world-wide network of entities of collective management that, in the international scene, work through mutual representation and hand over the administration of rights of their associates to analogous entities abroad.

2. Providing entities of collective management with cooperation and technical assistance

In order to cooperate with the members and give them technical support CISAC set two concrete goals:

- To adopt and to start off technical rules of quality and efficiency with the aim to improve the operations among the various societies.
- To keep a central databank to collaborate in the delivery of an efficient exchange of relevant information among societies.

The common system of documentation exchange related to the repertoires of authors and composers is an instrument to attain these goals. The benefits of this system are shaped in the fact that entities can distribute rights regardless the location of the author's society nationality. At present, through a system called CIS (Common Information System), musical repertoires can be identified and protected on line.

Besides these mechanisms, CISAC offers assistance and technical, financial and administrative support to their members based on its knowledge of the collective management.

3. Research

The CISAC organizes and promotes groups of research that analyze technical problems and the professional and legal challenges that arise in relation to author's rights and the collective administration. These groups of study helps the entity to advance towards procedures of common work, common formats and, in general, to exchange information and experiences among the entities of collective management.

4. Regional cooperation

In the area of cooperation three goals can be identified:

- To support, once informed the members, the strategic development of societies in each region and repertoire.
- To get involved at a global scale in the improvement of the legislation and practice of the author's copyright nationwide as well as internationally.
- To foster the public awareness about the reality of the societies and principles of collective administration.

Current activities and subjects of interest

Alliance for Progress in Africa (P4P)

The program starts in 2003 in order to develop and strengthen the collective management in Africa. The program actions consist of providing legal and administrative training and setting educational programs directed to the judicial system, to the government and to the public in general.

Strategy for Central and Eastern Europe countries

The program was promoted together with BIEM in November 2003 in order to foster the protection of the author's rights in Central and Eastern Europe and to increase the cooperation among these countries, the USA and Western Europe. Within the framework of this strategy seminars are organised together with special missions on behalf of local societies and technical, legal and administrative assistance is given to members.

Moebius

It is an international and intersectorial forum that intends to develop an appropriate technology in the digital market. The goal is to stimulate the key actors of this sector so that they design and apply a suitable technology for everybody: consumers, creators, suppliers of contents and manufacturers of technology. At present, the digital market does not allow the fact that different systems interact under a same computer protocol in the area of the digital rights management (DRMs) and Moebius wants to change this circumstance with the utilization of a new technology called mpeg21.

Interoperability means that different computers share a same program so that they can understand each other, in this case, for licensing a work, delivering it

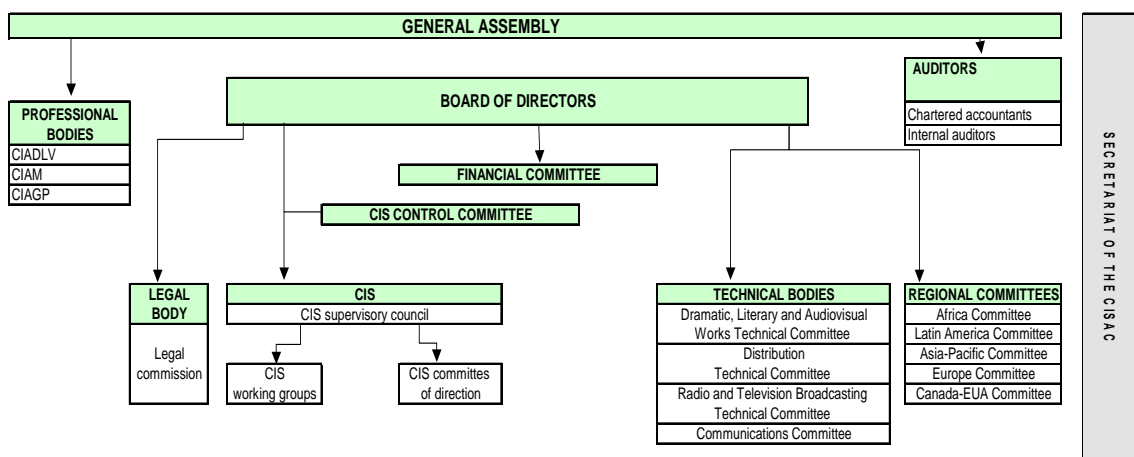
to the consumer and letting him to read such work from his computer through a compressed mp3, midi or wav format. In practical terms, the Moebius technology would allow in the digital marketplace a functioning very similar to that of the Internet with a HTTP protocol (transfer hypertext protocol) and so everybody could access, save and open all their downloads.

Governance and administration

Organization

The entity is organized following the orders established in the General Assembly, which takes place every year. In practical terms, the Board of Directors sets up the guidelines for attaining CISAC goals and is backed up by the legal and management departments of the entity.

Diagram 2. CISAC organization chart. 2006



On one hand, professional bodies are councils of authors of a consultative nature and deal with specific areas related to the creation:

- **International Council of Authors of Dramatic, Literary and Audiovisual Creators (CIADLV)**

It brings together playwrights, writers and audiovisual creators who work in subjects of current interest, like the relationship between creators and suppliers of Internet services, the implications for authors of common systems of information and the relationship between authors and the management tools and the remuneration rights.

- **International Council of Creators of Graphic, Plastic and Photographic Arts (CIAGP)**

It gathers creators and technicians of the associate entities to deal with the collective management in the area of the visual arts. In recent years, CIAGP has driven its attention to the digital environment and subjects like the usage of works on the Internet, the databases of images of societies of graphic and plastic artists or the reprography. In the Board, more general subjects are also treated, such as the agreements on licenses or the transnational distribution of the author's copyrights.

- **International Council of Creators of Music (CIAM)**

Forum of reflection for creators focused on the relationship between authors and editors, on the consequences for authors of the reorganization of the music industry or the impact in author's rights of a greater connection for the related rights.

On the other hand, CISAC provides restricted services to its members through technical committees constituted by experts in the legal, administrative, technical and communication areas. Even though the technical committees have a consultative role, lately their recommendations have had a fundamental importance in the exchange of data among the societies, the works documentation and the rights distribution. Technical committees are:

- **Communications Committee**

It gathers the communication managers of the management societies members of the entity. Its creation obeys to the need for defining communication strategies within the organization and to promote exchanges of techniques and projects among the members. Its work has an internal aspect, among CISAC members, and an external one, which implies the relationship with users, governments and the public at large.

- **Dramatic, Literary and Audiovisual Works Technical Committee (CTDLV)**

It deals with issues related to the rights of retransmission by cable, the management and distribution of the private copy and the dramatic, literary and audiovisual rights in the digital environment. Likewise, the committee works to broaden the database about methods of distribution in order to include the works of its area and envisages the creation of a common format of information exchange that will be used for the identification of plays.

- **Distribution Technical Committee (CT-R)**

Its work is linked to the distribution of the related rights by the managing societies members of the entity. The committee has made a database of methods of distribution that CISAC manages. At present CISAC has information about methods and rules of distribution of music societies and, progressively, will include other repertoires. On the other hand, it works also to improve the formats of distribution and their harmonization.

- **Radio and Television Broadcasting Technical Committee (CT-RTV)**

It watches over the relationships between societies of authors and all kind of broadcasters. Its main activity is the study of the agreements on license and rights collection in broadcasting and on the Internet. Public broadcasting and the new areas, like the retransmission by mobile phone, cable or the new models of trade are working subjects of the commission.

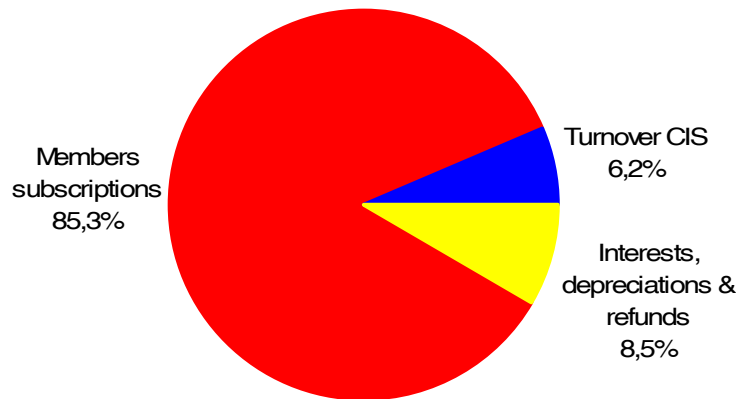
In order to be more operative, CISAC has established five regional committees for facilitating the cooperation among members of a same continent. In each region the entity prepares, through these committees, programs of development of the managing societies at a national level. The Alliance for Progress in Africa,

the strategic Plan for the Ibero-American Region and a specific strategy for the countries of Central and Eastern Europe should be highlighted.

Entity funding

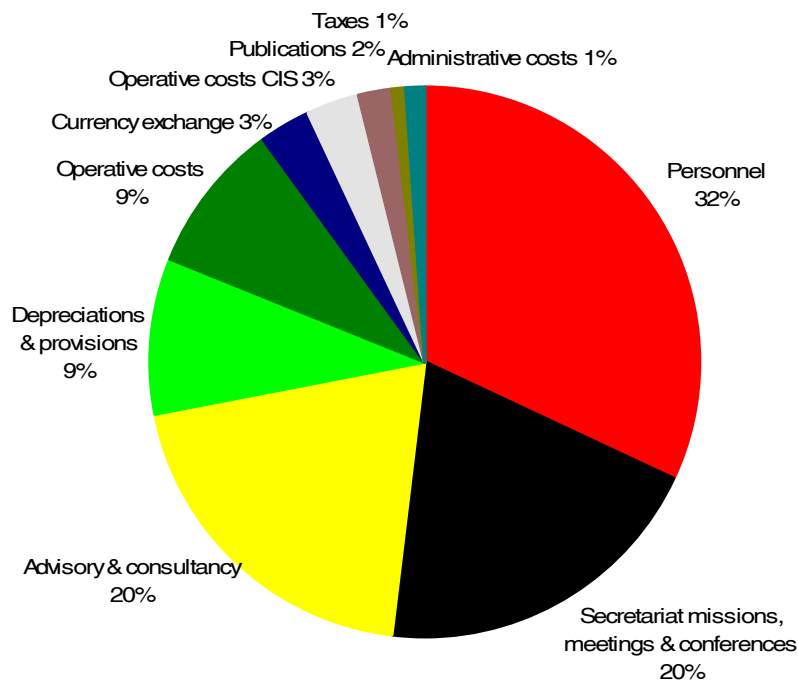
CISAC is funded fundamentally thanks to the subscriptions of the management societies as members. In 2004 it had incomes of 5.861.161 €

Chart 1. CISAC income distribution. 2004



Over 70% of CISAC expense is due to wages, costs related to the conferences and meetings organized by the entity together with the consulting activities. More accurately, expenses of the entity in 2004 amounted 5.947.311 €

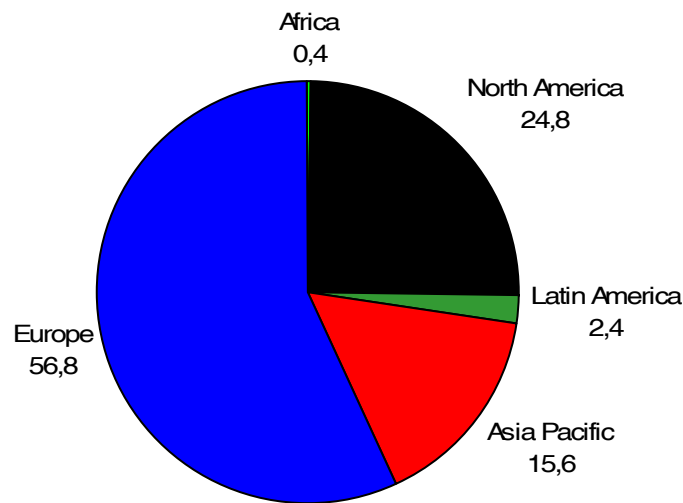
Chart 2. CISAC expenses distribution. 2004



Members

CISAC is one of the non governmental international entities constituted by the most important societies of collective management. The members of the entity's collection can give an idea about the capacity of representation, influence and pressure vis-a-vis the governmental and intergovernmental organizations. The collection of the CISAC members amounted 6,6 M€ in 2003².

Chart 3. Collection distribution of the CISAC member societies, by continent. 2003 (In %)



In absolute terms the collection of the member entities of CISAC has increased since 2001.

² The members collections were extracted from the "Study of the global collections of the CISAC members (2001-2003)" included in the annual report of the CISAC.

Chart 4. Collection of the CISAC member societies, by continent. 2001-2003 (M€)

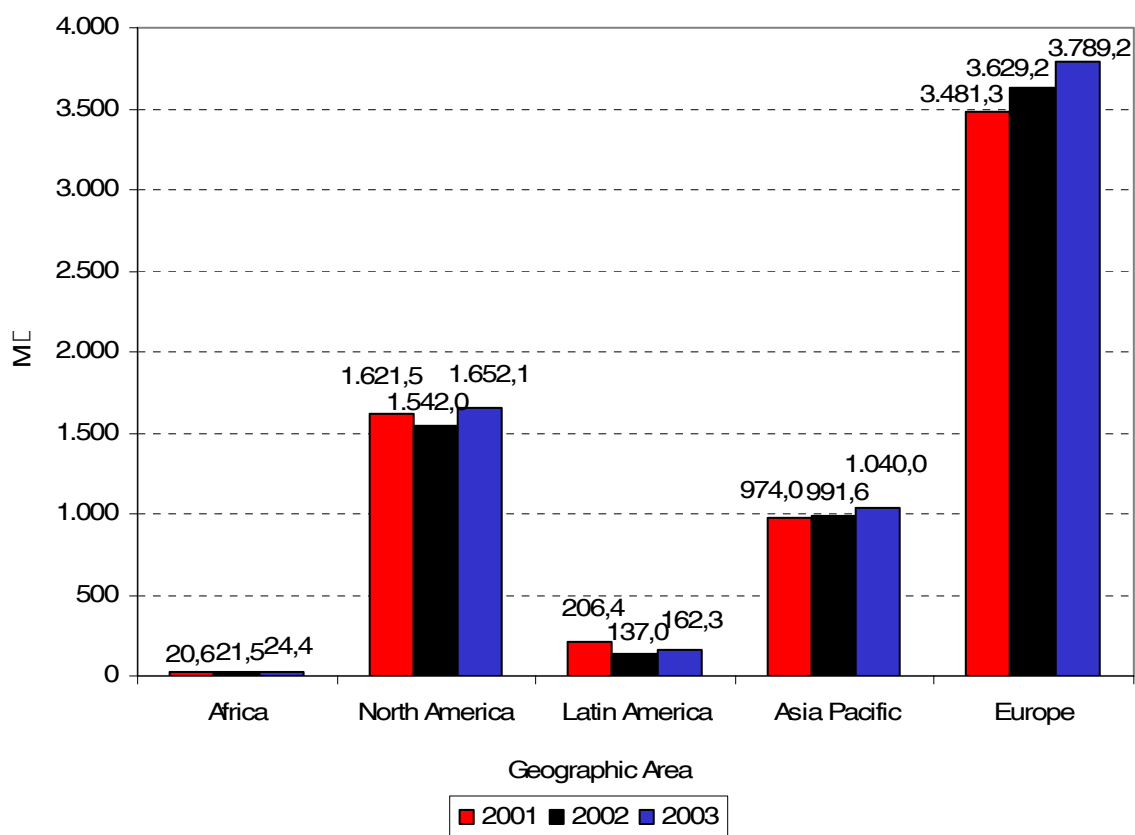


Table 1. Interannual variability in collection of CISAC members, by continent. 2002/01 and 2003/02 (In %)

	2002/01	2003/02
Africa	4,5	13,3
North America	-4,9	7,1
South America	-33,7	18,5
Asia Pacific	1,8	4,9
Europe	4,2	4,4

CISAC has a total of **210 societies members** in 109 countries. These are distributed in three typologies of membership:

- **Ordinary member.** After a two-year period in which they have category of provisional members -renewable one time-, the managing societies enter as ordinary members and have access to all CISAC prerogatives, those related with the activity itself: the solidarity fund, the regional funds, the legal advice, "lobbying", databases, limited access to the web site, right to vote and participation in the choice of all the institution bodies.

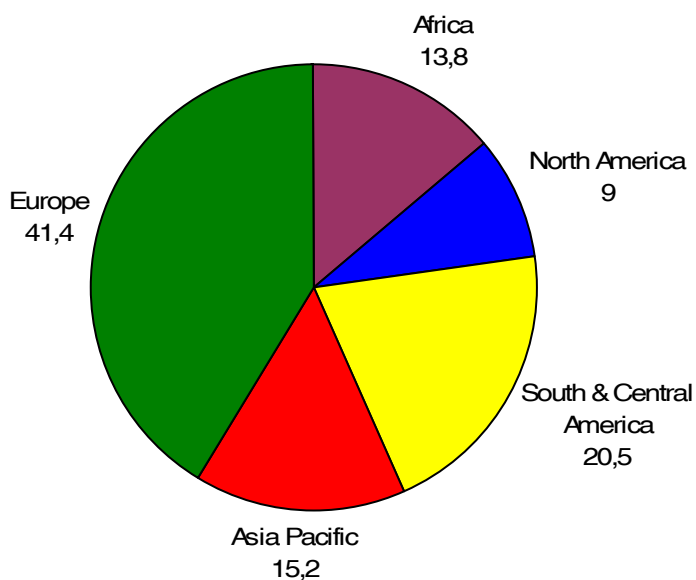
SGAE and **VEGAP** are the entities of collective management in Spain belonging to CISAC.

- **Provisional member.** They have the same rights as the ordinary ones except the right to vote.
- **Associated member.** They are organizations that work for the promotion of the author's copyright but which do not fulfill the required criteria to become ordinary members. They do not have right to vote nor can access the CISAC services except when there is a specific decision of the Board of Directors in that sense.

Table 2. Geographical distribution of CISAC members, by type of membership. 2004.

	Associates	Ordinary	PROVISIONAL	Total
Africa	12,2	13,8	16,7	13,8
North America	17,1	5,5	16,7	9,0
South America	14,6	20,0	33,3	20,6
Asia Pacific	19,5	14,5	12,5	15,2
Europe	36,6	46,2	20,8	41,4

Chart 5. Geographical distribution of CISAC members, 2004 (In %)



IFRRO - International Federation of Reproduction Rights Organizations

Historical overview

IFRRO gathers societies of rights management in the area of the mechanical reproduction. These societies group authors and editors at a national level in order to protect their works and to guarantee the payment of the author's copyright when such works are published and photocopied.

The origin of IFRRO stands in 1980, with the Copyright Committee of the International Association of Editors and of the International Group of Scientific Editors, which could be considered as the starting point. In 1984 the working group became an informal consortium called International Forum of Organizations of Mechanical Reproduction Copyrights. In 1988 IFRRO turned into a formal federation headquartered in Brussels with capacity to represent the constituent entities in international institutions such as the OMPI, the UNESCO, the European Union or the Council of Europe.

The societies of management in the area of the mechanical reproduction are relatively recent. The first entity was created in 1973 and the majority of entities are less than 15 years old.

In 1992, IFRRO adopted some new by-laws and news standards of functioning that have professionalized the entity Secretariat and Board. Such statutes have been regularly modified in accordance with the changes of the environment since then and the last change took place in 2004.

In Europe, societies of collective management are non-profit-making organizations and the management of the performing subareas varies according to the country. For example, in Germany the administration of reprographic rights is divided into different entities depending whether those rights correspond to texts, visual material or music. In the meantime, the United Kingdom or Ireland have specific entities for licensing press.

The copyright protects the majority of printed material and guarantees that a reproduction can be prohibited if it does not have authorization for it. There are different legal systems that preserve authors' rights³.

- **Voluntary collective license:** entities hand a license so that the copy of protected material is authorized in the name of some rightsholders that have previously authorized them to do so.
- **Extended collective license:** license covers the not represented authors, for extension of the national legislation, and brings them some remuneration.
- **Compulsory collective management:** rightsholders can not individually report any complain.

³ See "Collective management in reprography" IFRRO, 2005

- **Legal license:** set up by law without the authors' previous consent.
- **Levy:** it consists of the application of a canon on the equipments of reproduction or copy (photocopying machines) and on the operators that own this service (universities, libraries, etc.).

Goals

Generic goals of the entity are the cooperation, the regional development, the assistance in technical affairs, the public awareness, spreading and research, and the representation in the area of reprography in the international scene. In detail:

1. Cooperation with entities of reprographic collective management

IFRRO takes part in the actions of the member entities to achieve improvements in the area of copyright collective management. In this sense IFRRO advocates to:

- Offer relevant information to its members
- Provide a forum to the member societies and to provide them with the exchange of ideas and information.
- Struggle at a global scale against the offenses to the copyright and the piracy.
- Facilitate the mutual cooperation between the societies of mechanical reproduction as well as among authors, creators and editors and their respective associations.

2. Improving the regional development

The entity intends to modify the conditions of author's rights in all continents in order to provoke a remarkable increase in their collection and the consequent distribution of income to the authors. To achieve the mentioned regional development the following is proposed:

- To support the creation of collective management societies in the area of mechanical reproduction and to facilitate their development.
- To promote agreements of reciprocal representation, bilateral and multilateral among societies.
- To organize training activities for the actors involved in the collective management.

3. Backing up entities of collective management in technical and digital affairs

- To provide members with information and tools to develop strategies suitable for the environment.
- Legal advice

4. Public awareness, spreading and research at an international level.

- From an international perspective, to increase the use of the copyright and eliminating the non authorized copies through the promotion of collective management and societies of management of copyrights for the mechanical reproduction.

- To publish the activities carried out by entities of mechanical reproduction at international scale.
- To represent authors and editors and offering them an international platform to establish legal frameworks suitable for the protection and use of their works.
- To stimulate the creativity, the diversity and the investment in cultural goods as a beneficial tool to creators, consumers, the economy and the society at large.

5. Members representation at regional and international scale in the moments of determination of the copyright legal framework.

Current activities and subjects of interest

Seminar *Copyright Creating Access*

It was held during the General Assembly of 2005 in Madrid. Experts of the UNESCO, the OMPI and the EU took part in it, and dealt with, amongst others, the following issues:

- the relationship between copyright, education and culture,
- creation, publication and the challenges faced by the copyright in the digital age
- and the relationship between the copyright and the libraries.

Development fund

IFRRO has a development fund for projects of promotion of the author's copyright. During the period 2003/2004 the development fund received contributions for a total of 279.179 €.

Cooperation with international entities

IFRRO cooperates with international entities like the OMPI, CISAC or the International Foundation DOI. In 2003 it signed an agreement of cooperation with the OMPI in order to better track subjects like the entities development and the instruments in the copyright field in Central and Eastern Europe countries. In 2004 a paper about the author's copyright together with the OMPI and CISAC was written and, recently, the constitution of the International Foundation DOI took place, with the aim to work for the identification of digital objects on the net.

Governance and administration

Organization

The entity works for the regional development through regional groups in Europe, Africa and the Middle East, Latin America and the Caribbean and Asia Pacific. Each regional group assists the rightsholders of the edited materials within the region and works in order to develop the legal framework, to improve the instruments in hands of societies of mechanical reproduction management in the region and to fight against the piracy.

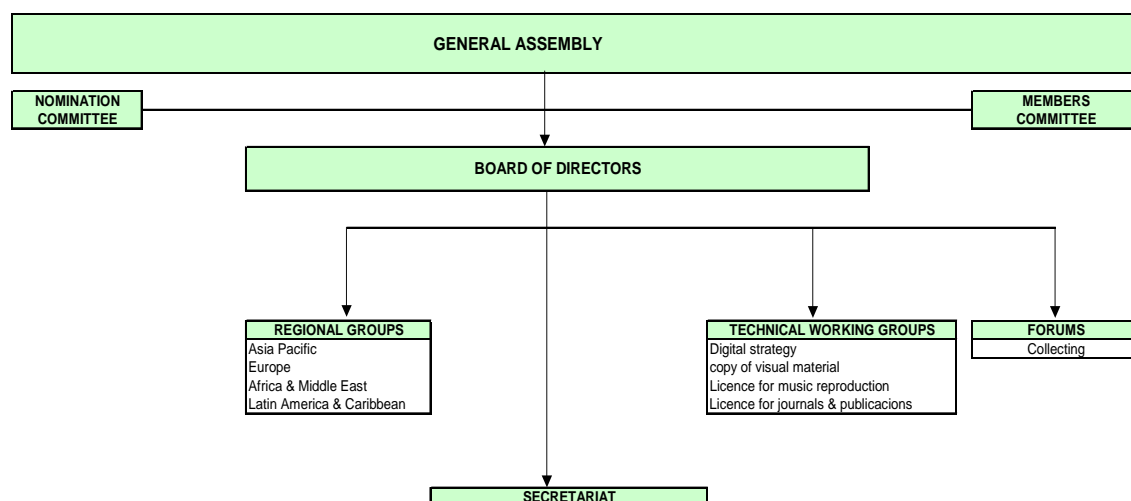
Moreover, IFRRO has different working groups constituted by experts of member societies, which deal with relevant subjects in the area of reprography. These working groups mark the functional structure of the entity:

- Entity strategy and development of business models**
 The committee consists of the members of the Board of directors and studies the development of new models of business and views possible future scenarios.
- Reprographic license for the reproduction of musical works**
 It studies and advises on possible campaigns against the reprography in musical works and the license and collection of rights from this kind of copy.
- Copy of motionless images and strategy of implication of visual artists and photographers in the area of reprographic rights**
 It is devoted to the study and recommendation of solutions in the area of image reprography. Likewise, promotes the reprographic rights among visual authors and photographers.
- License of newspapers and similar publications, which deals with problems for the non authorized reproduction like the material that these include**
 The group gives information to all IFRRO members about the license in material or non material press. Likewise, examines and recommends solutions for facing the non authorized reproduction of contents.
- Legal matters related with the *copyright***
 It has a consultative role and it gives information and advice to the Secretariat, to the Board and to members about copyright and related subjects.

The entity structure is complemented by a forum where members can exchange information about royalties collection in the reprographic field.

On the other hand, the entity has two specific committees devoted to the choice of members (Members Committee) and managerial positions at IFRRO (Nomination Committee).

Diagram 3. IFRRO Organization chart. 2006



Source: www.ifrro.org

Entity funding

The entity statutes establish the contributions of each type of member, normally on a yearly basis.

During the period 2003-2004, assets brought by the organizations amounted to 1.464.572,79 €

Members

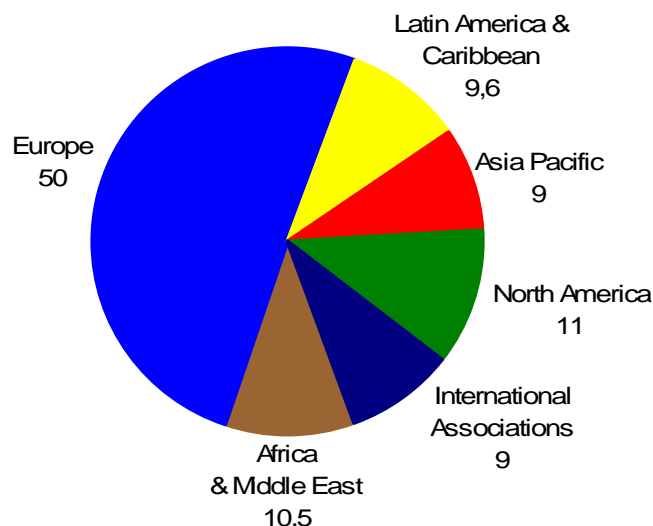
According to statistics, during the period 2003/04 collections of the entities of mechanical reproduction pertaining to IFRRO amounted to **381.651.165 €**

IFRRO has **114 societies members** distributed in 44 countries and three categories of membership:

- **RRO members.** Nationwide societies legally constituted in accordance with the laws of the country of origin. These societies manage rights within the area of the mechanical reproduction and other issues of interest for authors and editors such as generic copyrights.
The entity of collective management CEDRO is the only Spanish RRO member of IFRRO.
- **Associated members.** Non governmental national and international entities that work in favour of the respect and the promotion of the author's copyright as well as for the management of these rights in accordance with authors' and editors' interests. Associates can be societies of collective management of the areas of music or visual arts, authors and editors associations, etc. The Spanish entity of collective management VEGAP is member of IFRRO as associated member.
- **Emerging RRO members.** Entities of mechanical reproduction legally constituted in their countries of origin, but which do not collect rights for the mechanical reproduction of works. Whenever they start collecting rights, emerging members automatically become RRO member societies.

IFRRO members represent European countries mostly.

Chart 6. Geographic distribution of IFRRO members. 2004 (In %)



ALAI–Association Littéraire et Artistique Internationale

Historical overview

The International Literary and Artistic Association (ALAI) was born in Paris in 1878 aimed at creating an international agreement for defending author's copyright in the literary and artistic areas. It is rooted in the *Société des gens des lettres*, of which Victor Hugo was one of the honorary members.

ALAI attended the creation of the Convention of Bern in 1886 and has taken part in the successive revisions of it. Ever since its creation the entity has kept relationships with several international entities and has participated in the processes related with the recognition of authors' rights.

Goals

1. Defending and promoting the legal principles that assure the protection of author's copyrights.
2. Achieving the improvement and the extension of the application of international conventions in defense of authors' rights, especially the *Bern Convention and the Universal Copyright Convention*.
3. Developing the legislation for the defense of author's copyrights and proposing legislative improvements for the defense of author's copyright at international level.
4. Studying the national legislations and problems related with authors' rights. This research wants to develop, to perfect and to unify the legislation in order to ensure the recognition and the legal protection of author's copyrights throughout the world.
5. Collaborating in studies and activities of national societies and international entities that pursue the same purposes.

Current activities and subjects of interest

Conference about intellectual property and freedom of speech

In 2006 it was held in Barcelona this conference having the purpose of promoting the reflection on subjects related with the intellectual property, like the freedom of access and utilization of works -for example for source quoting and parodies- or image rights.

Regarding the last publications, the entity has treated the creative commons licenses and has advocated against the global license in the EU.

Governance and administration of the entity

Organization

The entity is organized in a General Assembly which sets the general principles, renewed, at least, every 5 years. On the other hand, the Executive Board is the organ charged with managing the entity and consists of subscribers of ALAI. It is interesting to have a look at the composition of the entity Executive Board, which combines the different forms of membership⁴:

- **Members subscribers associated with the state delegations of ALAI.** The number of counselors depends on the members of the delegation in a country, as shown:

Number of counselors members	Counselors
<51	1
51<100	2
101<200	3
201<350	4
>351	5

- **Co-opted counselors.** They are independent and associated members designated by counselors chosen through a clear-cut system of quotas agreed beforehand. These counselors will never represent more than a third of the former ones.

Counselors, designated by the delegations and co-opted, are chosen for a period of 5 renewable years.

At operative level, the Technical Office is in charge of managing the entity day-to-day, carrying out the Executive Board decisions and representing the entity.

Entity funding

ALAI is funded with its members' contributions and the resources and incomes that it might generate coming from the private sector.

Members

The entity gathers an international network of authors and creators who confront problems related with copyright in the artistic and literary areas. ALAI gets together authors of all countries where it is present; to form a state group it is a requirement that there is a group of at least seven individual members interested in facing the challenges on the subject of author's copyright in that country.

⁴ See classification of ALAI members in the following section

ALAI members (in each contry) can be:

- **Members of honour (or independent members).** Those persons who have served the cause of author's copyright in a special way and to whom it is permitted to access the General Assembly with right to vote without need to pay a subscription.
- **Member subscribers.** They are those persons or corporate bodies who irresponsive of their nationality are interested in the goals of ALAI, or those people that have been accepted by the Executive Board. These members pay an annual subscription and have right to vote. Among such members, there are:
 - Independent member subscribers: they are not affiliated to any state association.
 - Associated member subscribers: they are affiliated to a state association.

At present ALAI has 24 delegations distributed mainly throughout Europe, but also in America and Asia. It has presence in Germany, Austria, Belgium, Canada, Denmark, Spain, United States, Finland, France, Greece, Hungary, Ireland, Israel, Italy, Japan, Kazakhstan, Mexico, Norway, Netherlands, Portugal, United Kingdom, Sweden, Switzerland and Uruguay.

BIEM - Bureau International des Sociétés Gérant les Droits d'Enregistrement et de Reproduction Mécanique

Historical overview

The *Bureau International des Sociétés Gérant les Droits d'Enregistrement et de Reproduction Mécanique*, BIEM, was born in 1929 to license the mechanical reproduction on behalf of the entity European members. From 1968 onwards these responsibilities fell on the national societies.

The term mechanical reproduction starts when reproductions were made mechanically as it reflects the name of the entity. Every time a musical work is recorded producers have to license such work, which means that the work's owner will cash a percentage for each copy that it is made and sold. At present, this also happens via electronic and digital means.

Goals

1. Representing the societies of mechanical reproduction rights management that license the songs reproduction at a country level (musical, writing and drama works).
2. Promoting standards through which any of the member societies can make agreements for representing other members' repertoires. Thus, any member of BIEM can license works protected everywhere.
3. Collaborating with members and backing them up in the search of solutions in the disputes occurring between member societies and mechanical reproduction users.
4. Defending the interests of member societies in forums and international debates where matters related to author's copyright are treated.
5. Negotiating the standards establishing the repertoire usage conditions of societies with representatives at the International Federation of the Fonographic Industry (IFPI).

Current activities and subjects of interest

Negotiation and diffusion of a standard contract

The contract is determined together with the IFPI and sets up the general conditions so that discographical producers can use the artists repertoire of BIEM member societies. The contract is characterized by adapting to the different national legislations, to give authorization for the songs reproduction and to allow the maximization in the administration of rights (the model can be downloaded directly from the entity website). Since June 2000 the validity of the standard contract expired, and therefore, negotiation of the new standard contract is taking place; in the meantime, entities apply the former one.

Online AntiPiracy Working Group

BIEM has a joint working group with CISAC to struggle against piracy. It gathers online on a quarterly basis to exchange relevant information in order to avoid the illegal copy of music.

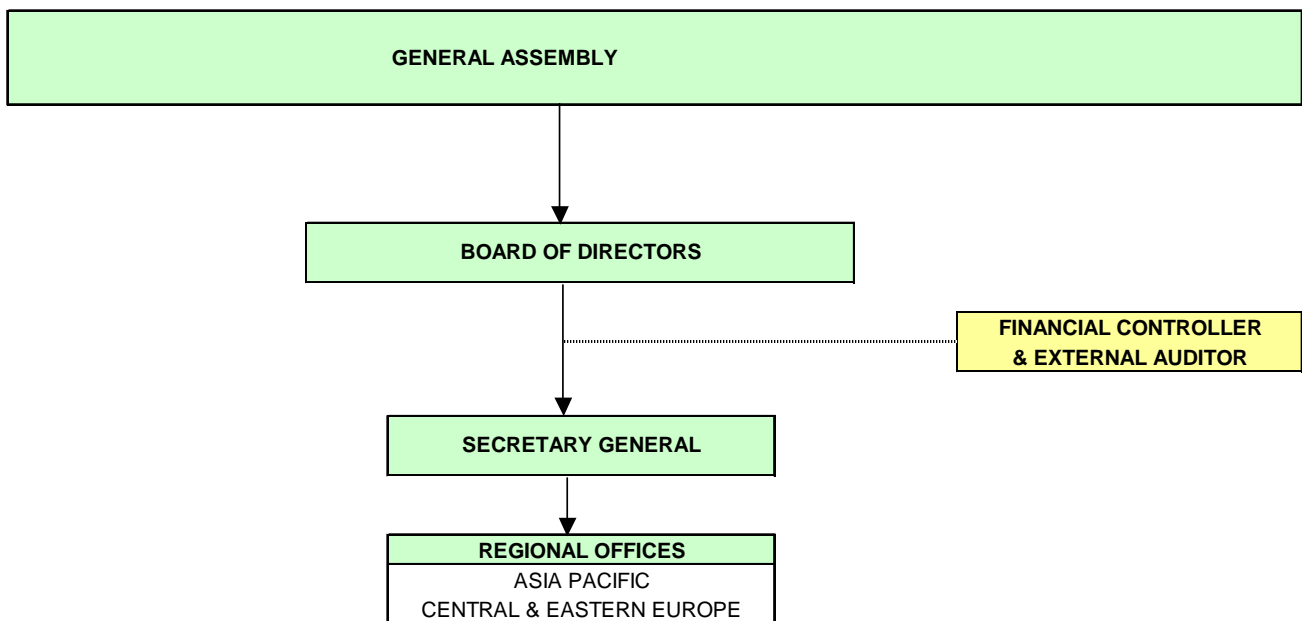
Governance and administration

Organization

The General Assembly sets the guidelines of the entity, while the Executive Board and the Secretariat assume the management and the administration. The entity, in order to study subjects of management, legality and tariff policy works through specific committees constituted by experts coming from each member society.

BIEM has two regional offices to assist the managing societies in Asia, Pacific and Europe. On the other hand, a unit of accounting and external auditing controls the entity management.

Diagram 4. BIEM Organization chart. 2006



Entity funding

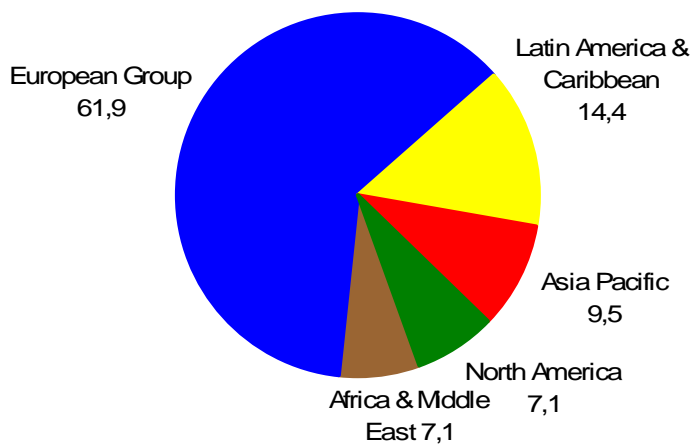
The entity funds itself with part of the administration discount of the standard contract that it promotes and which is collected by societies of management being part of BIEM. The discount of the agreement between BIEM and IFPI is a 9% of the highest price charged by a discographical producer to a retailer, increasing to 11% in specific situations.

Members

BIEM members are societies of collective management that gather composers, authors and editors and their works. They license the mechanical reproduction of the works repertoire (also for Internet downloads).

BIEM has **46 members** in 52 countries. The majority of member societies of the BIEM are European.

Chart 7. Geographic distribution of BIEM members. 2004 (In %)



2.2. Europa

AEPO-ARTIS – Association of European Performers Organizations

Historical overview

The Association of European Performers Organizations, AEPO, is a non-profit-making entity set up in Brussels in 1994 by societies of collective management grouping artists and interpreters. Its foundation obeys to the interest of these entities to achieve an effective entity in defense of common interests to a European level.

AEPO merged with ARTIS in 2004 and grew up to the representation of 27 entities.

Goals

1. Developing and ensuring a major recognition of the copyright performers collective management.
2. Promoting the collaboration and networking among societies managing author's copyright of interpreters and artists at a European level.
3. Contributing to the public awareness to the citizenship in general about the importance of protecting performers' copyrights.
4. Cooperating in common grounds of decision at European and international level and especially in relation to the collection performance based royalties.
 - Participation in European programs, like PHARE or TACIS, promoting the cooperation and assistance in the field of copyright to countries of Central and Eastern Europe and Russia.
 - Legal support to members, regarding aspects related with national legislations as well as with European directives and international copyright-related matters.
 - Legal study on the discussions and European directives as well as international treaties in the the field of performers' copyrights.
5. Representation at committees and meetings in international and intergovernmental entities.
6. Organization of training activities about performers' rights at a European and international level.

Current activities and subject of interest

AEPO-ARTIS elaborates documents of positioning in European and international affairs. Regarding Europe:

- In the European Parliament, the entity has made the document about the *"EU framework of societies of collective management in the field of author's copyrights and related rights and seminars for members"* and has made a proposal of directive about *"Measures and procedures to ensure and to reinforce the intellectual property rights"*.
- The activity of the European Commission has also originated entity positionings, for instance, about the *"Commission communication about the collective management in the internal market"*. On the other hand, AEPO-ARTIS has made studies like *"The study about a EU proposal about the transnational collective management"*.

On the other hand, AEPO-ARTIS organizes once a year a seminar about copyrights collective management for members and representatives of European and international organizations like the Commission, the Parliament, the WIPO or the UNESCO. In 2005 the pannels of discussion offered at the seminar dealt with:

- The new uses of artists' and performers' works within the digital environment.
- The digital private copy and download, reproduction and copy via Internet.
- Communication with the new public provided by the Internet.
- The collective management in digital environments and the Commission proposal.

Government and administration

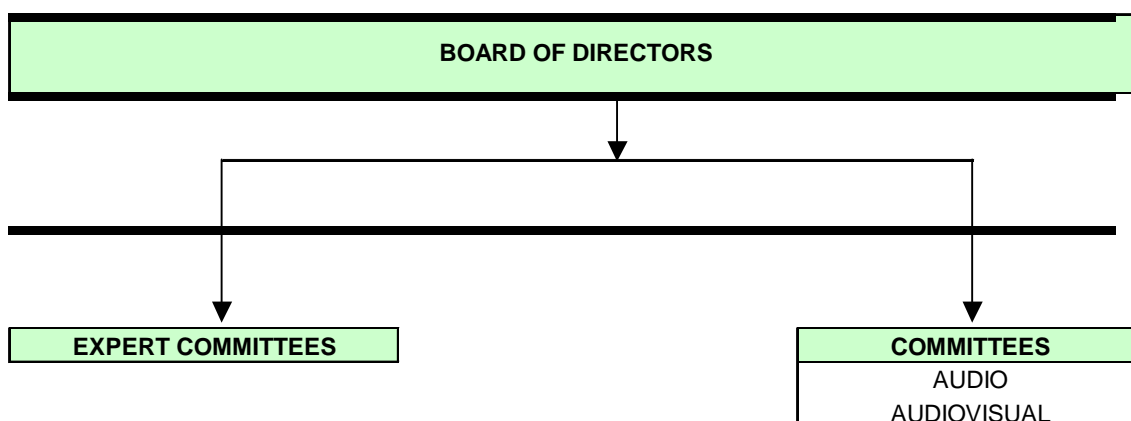
Organization

The entity is organized according to the dispositions of a General Assembly that gathers twice a year and that takes the decisions by consensus and qualified majorities of 2/3. The Board manages and administers AEPO-ARTIS and supervises and orientates the daily management of the entity, which is properly the General Secretary's mission.

AEPO organization presents as a particularity the differentiation of two permanent committees, which monitor the development of the author's copyright at European and international levels. The areas that they deal with are audio and audiovisual.

Moreover, the entity is endowed with groups of experts who study the challenges to face in the European and international contexts in the field of performer's copyrights and that prepare the AEPO-ARTIS positioning papers.

Diagram 5. AEPO-ARTIS organization chart. 2006



Entity funding

Members of AEPO-ARTIS pay an annual contribution determined by the General Assembly. The amount that each member society has to pledge is a percentage of its annual collection during the year before the General Assembly celebration.

The General Assembly also determines the minimum contribution that has to be paid by members, which cannot represent more than a third of all the annual contributions. In the event of continued insolvency by a member, the Managerial Board can require the members to do so and suspending the membership and the right to vote to the mentioned entity.

Members

European societies members of AEPO-ARTIS working as artists and interpreters in the area of collective management.

Society	Country	Society	Country
AGATA	Lithuania	HUZIP	Croatia
ADAMI	France	INTERGRAM	Czech Republic
AISGE	Spain	LSG	Austria
APOLLON	Greece	NORMA	The Netherlands
BECS	United Kingdom	OZIS	Slovakia
CREDIDAM	Romania	ROUPI	Russia
DIONYSOS	Greece	SAMI	Sweden
EJI	Hungary	SAWP	Poland
ERATO	Greece	SLOVGRAM	Slovenia
FILMEX	Denmark	SPEDIDAM	France
GRAMEX	Denmark	STOART	Poland
GRAMEX FI	Finland	SWISSPERFORM	Switzerland
GRAMO	Norway	URADDEX	Belgium
GVL	Germany		

EVA - Collecting Societies for European Visual Artists

Historical overview

EVA represents societies of collective management of visual arts authors and photographers. The association was constituted in year 1997 aimed at assisting societies of collective management that administer rights on the works of European visual artists.

Authors, representatives, museums, editors specialized in the field of visual arts and the sector professionals are the main stakeholders involved in the entity foundation.

Goals

1. Support and development of the legal, economic and cultural aspects related with author's rights and its management in the field of visual arts, in relation to the European Union, the Council of Europe, the OMPI and other international organizations.
2. Protecting the author's copyright in the area of the visual arts and reaching best practices in the management of the author's rights in visual arts in terms of efficiency, costs and transparency.
 - To promote the efficiency in the copyright license for the reproduction and the audiovisual recording of works.
 - To facilitate the collection of related rights.
 - To speed up the distribution among visual artists at national and international level.
3. Promoting the economic and moral interests of its members in relation to their works.

Current activities and subjects of interest

Positioning vis-à-vis EU regulations

The entity has shown its doubts about the suitability of the EU position in different subjects. For example, in the issue regarding the digital rights management (DRMs), EVA criticized the European Commission in relation with deficiencies when establishing a digital rights management that revert to authors, the improvement of standards integration or the rates application for analogue private copy.

Concerning Directive 29/2001, EVA stood up for the maintenance of authors' protection since it realized that authors and associates could be threatened by a low level of harmonization, in the event that some countries did not transpose the European rule. Study: "*Droit de suite* management in the EU"

New technologies for the copyright collection

The entity promotes and follows up new forms of author's rights management in the digital market. Entity members participate in the initiatives arisen for the treatment of this subject -as CISAC does. One of these initiatives has been OLA, Onlineart, a license mechanism through an "single point of contact" for multimedia products. This mechanism permits that visual art is distributed via Internet in a fast, effective and efficient way, and where artists and cultural consumers alike benefit from it.

Governance and administration

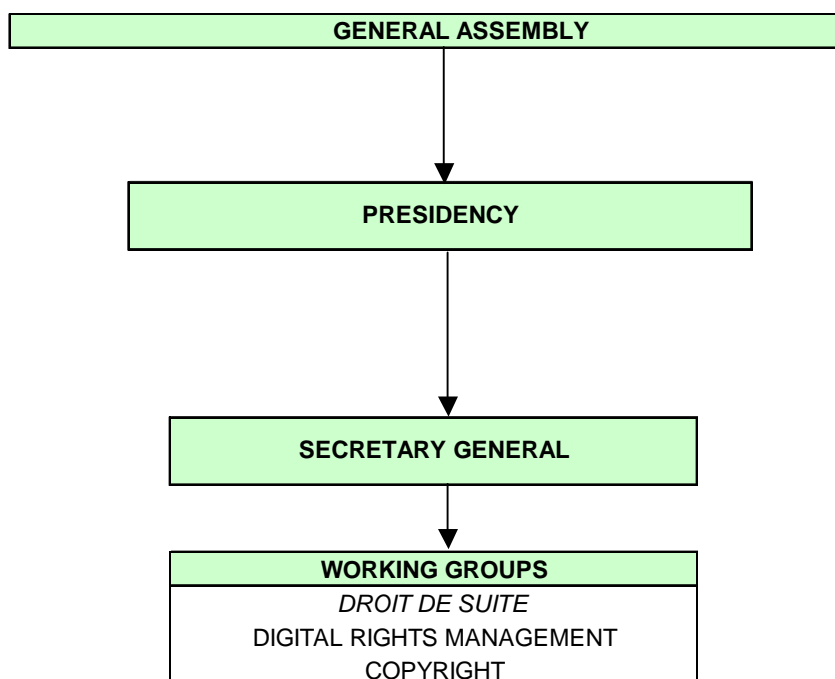
Organization

The entity is regulated by a General Assembly which meets annually and is in charge of approving the annual accounts, appointing the president, etc. It decides how the budget and profits are distributed taking into consideration the contributions of each member.

Decisions are taken by majority with at least one vote for each member society, which becomes duplicated for the entities that overcome the threshold of 2 M€ of incomes.

The entity Secretary's Office, supervised by the President, applies the Assembly agreements. The technical aspect of the entity counts on three groups consisting of specialists in digital rights management (DRMs), *copyright* and the *droit de suite*.

Diagram 6. EVA organization chart. 2006



Entity funding

EVA is a non-profit-making entity and funds itself through the annual contributions of member societies and of that of permanent observers. The contribution of each of members is proportional to their incomes and agreed in the General Assembly held annually.

Members

A necessary condition to belong to EVA is to firstly become a member of CISAC with office and central administration based in the EU. There are two types of membership to EVA:

1. **Permanent observer.** Societies of rights collective management in the area of visual arts members of CISAC regardless of their EU origin. They have right to say but not to vote in the General Assembly.
2. **Occasional observer.** They are accepted unanimously by EVA members as members. They have right to say but not to vote in the General Assembly.

At present, entity members are as follows:

Society	Country	Society	Country
ADAGP	France	HUNGART	Hungary
BEELDRECHT	The Netherlands	KUVASTRO RY	Finland
BILDKUNST	Germany	PROLITTERIS	Switzerland
BONO	Norway	SABAM	Belgium
BURAFO	The Netherlands	SIAE	Italy
BUS	Sweden	SOFAM	Belgium
COPYDAN	Denmark	VBK	Austria
DACS	United Kingdom	VEGAP	Spain

GESAC – Groupement Européen des Sociétés d'Auteurs et Compositeurs

Historical overview

The European Group of Societies of Authors and Composers, GESAC, was created in 1990 as a European Group of Economic Interests.

The entity is headquartered in Brussels and gathers the biggest author societies in Europe (EU, Norway and Switzerland) in the area of music, plastic arts, literature, drama plays, audiovisual works and musical edition.

Goals

1. Replying to every EU initiative having an impact in the protection of literary and artistic works, through the spreading and defense of European authors' interests before the Commission, the Parliament and the Economic and Social Committee intervene in the decision process.
2. Relationship with EU institutions in everything related to support and legal, economic and cultural development of their members' activities.
3. Ensuring the protection of author's rights through the institutional collaboration in the preparation and implementation process of the European legislation.
4. Giving technical assistance in those programs affecting intellectual property pioneered by the EU in third countries.

Current activities and subjects of interest

Positioning towards the management of Television Without Frontiers

In the moment of discussing changes in the *Television Without Frontiers (TWF) Directive*, the entity has taken position in accordance with the interests of their members and has attempted to defend the creators with the introduction to the debate of several subjects, like the quotas, the cultural diversity and the extension of the directive into areas other than television.

Positioning in the area of the digital bookshops concerning the Communication of the Digital Commission i2010 Libraries

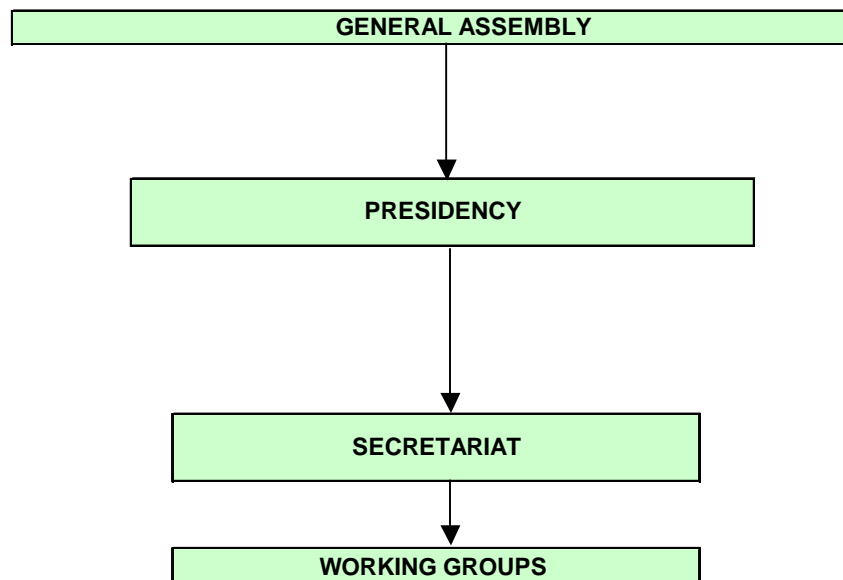
The entity advocates to defend the rightsholders in the context of the digitization and the dissemination of the works protected by the *copyright*. The GESAC has requested from the beginning to be present to the discussions concerning the digital bookshops: since Directive 2001/29 indicates that the exceptions for the digital bookshops for the diffusion of works refer to very specific uses without economic goals, the entities of collective management which negotiate the use of works on behalf of the authors have to have certainty that they will be used with this purpose.

Governance and administration of the entity

Organization

The entity guidelines are set by the annual General Assembly. At operative level, the entity is administered by the General Secretary's Office, which acts as link for the author societies constituting GESAC and the European institutions. Different working groups constituted by persons of each GESAC member society establish the entity common positions; these working groups are flexible and are created ad hoc according to the subjects set in the entity agenda.

Diagram 7. GESAC organization chart. 2006



Entity funding

The entity is funded with the member contributions determined in the General Assembly.

Members

The entity has **33 members** in 24 countries of Europe. Moreover, CISAC, BIEM and the management society SUIA have status of observer.

Society	Country	Society	Country
ADAGP	France	PRS	United Kingdom
AEPI	Greece	SABAM	Belgium
AKKA-LAA	Latvia	SACEM-LUXEMBURG	Luxemburg
AKM	Austria	SACEM	France
ARTISJUS	Hungary	SCAM	France
AUSTRO-MECHANA	Austria	SDRM	France
BUMA-STEMRA	The Netherlands	SESAM	France
DILIA	Czech Republic	SGAE	Spain
GEMA	Germany	SIAE	Italy
HUNGART	Hungary	SOZA	Slovakia
IMRI	Ireland	SPA	Portugal
KODA	Denmark	STEMRA	The Netherlands
LATGA	Lithuania	STIM	Sweden
LIRA	The Netherlands	TEOSTO	Finland
LITA	Slovakia	TONO	Norway
NCB	Denmark	ZAKS	Poland
OSA	Czech Republic		

2.3 Latin America

FILAIE – Federación Ibero-latinoamericana de Artistas Intérpretes o Ejecutantes

Historical overview

The Federación Latinoamericana de Artistas Intérpretes o Ejecutantes (FLAIE), set up in 1981 in Brasilia, is the antecedent of FILAIE, that claims the rights of artists and interpreters of Latin American countries coming from the broadcasting of their works in disk, film, radio, television and other means.

FILAIE worked in favour of reaching a common ground for authors in which there was reciprocal representation among the Latin American societies. Hence, in accordance to a multilateral agreement, each country of the federation could charge for the works broadcasting either locally and abroad.

After a series of disagreements among the member societies and of the interest shown by Spanish and Portuguese societies of management in the activities of the federation, in 1992 an extraordinary congress took place in Madrid, called by the Spanish society AIE, in order to carry out the idea of creating a representative entity of entities for Latin America, Spain and Portugal, continuing the task of FILAIE.

Goals

1. Defending artists rights of any speciality, from a moral and patrimonial point of view.
2. Fostering author's copyright within the Ibero-American countries, through the legislative improvement.
3. Creating an information and documentation centre about author's copyright, with practical vocation and founded in the legislation of artists' rights in the Ibero-American countries.
4. Studying and recommending clauses in agreements affecting author's rights.
5. Promoting the mechanisms of transnational integration of artists societies of the same speciality and generalist societies.
6. Collaborating with international entities of protection and study of the intellectual property.
7. Defending, preserving, developing and invigorating Ibero-American cultural and artistic heritage.

Current activities and subjects of interest

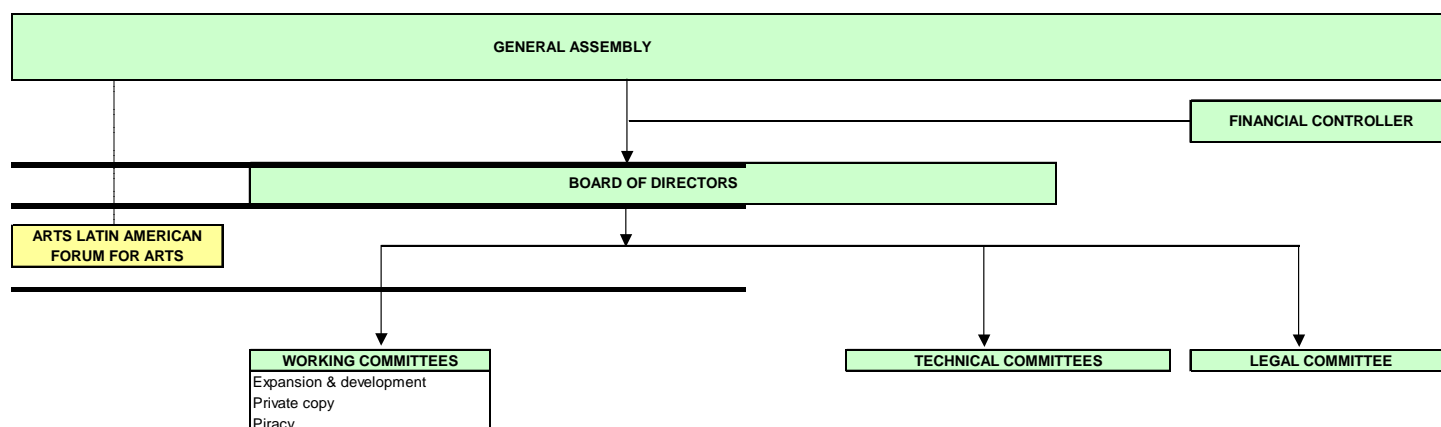
Request to OMPI of approval of a law type for artists and interpreters

From its creation, FILAIE has deemed necessary that interpreters have a specific type of protection as artists, authors and producers, extensible to audiovisual rights through a performer protocol/statute.

Governance and administration of the entity

Organization and members participation

Diagram 8. FILAIE organization chart. 2006



The **Arts Ibero-American Forum** is a honorific organ within FILAIE organization consisting of personalities distinguished by a relevant professional path in the world of culture and law. Forum members are granted their membership in exchange for fostering the reflection and the public awareness about the freedom of speech, the cooperation among peoples and the promotion of artistic activities.

Entity funding

The entity is funded with the member contributions determined by the General Assembly, the rents derived from its belongings and the grants and contributions coming from international organizations and from public and private institutions in the region.

Members

FILAIE groups **33 societies** of copyright management in 12 countries in Latin America and the Iberian peninsula. Societies are as follows:

Society	Country
AADI	Argentina
ABAIEM	Bolivia
ACINPRO	Colombia
AGADU	Uruguay
AIE	Spain
AISGE	Spain
AMAR	Brazil
ANAIE	Peru
ANDA	Mexico
ANDI	Mexico
APDAYC	Peru
ARGENTORES	Argentina
ASA	Brazil
AVINPRO	Venezuela
CHILEACTORES	Chile
EJE	Mexico
GDA	Portugal

Society	Country
SACM	Mexico
SACVEN	Venezuela
SADAIC	Argentina
SARIME	Ecuador
SAYCE	Ecuador
SAYCO	Colombia
SBACEM	Brazil
SCI	Chile
SCD	Chile
SGAE	Spain
SOBODAYCOM	Bolivia
SOCINPRO	Brazil
SOMEM	Mexico
SPA	Portugal
SPTRTCTA	Venezuela
SUDEI	Uruguay

GEDRI – Grupo de Entidades de Derechos Reprográficos de Iberoamérica

Historical overview

GEDRI was born in 2000 in order to strengthen author's rights in the area of written works, to make the piracy diminish and to improve the working conditions of writers in Latin America.

The entity is composed by societies of reprographic rights collective management. These work so that authors in their respective countries have an adequate remuneration from their works' rights. Since its creation the entity works in collaboration with other entities having similar goals such as book trade associations.

Goals

1. Public awareness to the society of the cultural and economic damages that massive photocopying and publishing piracy cause.
2. Promoting legal measures for the protection and defense authors' and editors' rights on their written works.
3. Promoting legislative initiatives in favour of the creation of management societies in Latin America, with a special interest in facilitating the creation of societies where they do not still exist and backing up the development and strengthening of the existing ones.

Current activities and subjects of interest

The entity works especially in favour of the cooperation among Ibero-American societies and the promotion of a shared publishing and cultural ground. On this respect, two publications that have lately been the main product of the entity can be highlighted:

1. The *Guide for the establishment of societies of copyright collective management in Latin America*, that has been developed together with the Centro Regional para el Fomento del Libro en América Latina y el Caribe (CERALC), legal and general advisor about the formation and form of operating of a society of collective management.
2. The *Analytical study on the by-laws of societies of copyright collective management for written works in Latin America* describes what the societies of collective management in the region are like and promotes the debate about the by-laws contents.

On the other hand, the entity organizes seminars related with the legality of the copy of printed texts.

Governance and administration

Organization

GEDRI has a flexible structure which allows member organizations to work in their respective countries. Common activities are organized every now and then and do not need a formal structure.

Entity funding

The activities of the entity are selffunded with member contributons and/or member sponsorships.

Members

GEDRI is a regional entity with **8 societies** of collective management, distributed as follows:

Society	Country
ABDR	Brazil
AEDRA	Ecuador
Autor	Uruguay
CADRA	Argentina
CeDeR	Colombia
CEDRO	Spain
CeMPro	Mexico
SADEL	Chile

Moreover, the entity collaborates with three international non governmental entities in a usual way: with IFRRO paying attention to the common activities in the mechanical reproduction and with the CERALC and GIE (Grupo Interamericano de Autores), in the Ibero-American area.

3. NEW AREAS: INTERNATIONAL SOCIETIES COPYRIGHT MANAGEMENT

AGICOA – Association of Collective Management of Audiovisual Works

Historical overview

In Europe, after cable operators' initial resistances to pay rights to authors, the Netherlands Supreme Court established that simultaneous retransmissions of broadcasting programs by cable or similar means established a form of communication which made it subject to payment of rights. In this period, AGICOA was established as an entity of management of producers' rights.

Rightsholders grouped themselves and formed some organizations like AGICOA devoted specifically to negotiating author's copyrights vis-à-vis cable operators. After the constitution of these entities, the first contract between authors and cable operators was signed in Belgium in 1984 and covered rights of authors, composers, photographers, broadcasting stations, audiovisual and film producers, etc.

AGICOA defends author's copyright in the area of retransmission by cable and, in general, audiovisual producers' copyrights. It is a non-profit-making entity that, unlike other international associations of collective management, demands and charges the remuneration to the countries where free negotiation has been substituted by compulsory resolutions.

Where a remuneration has to be paid for retransmissions by cable AGICOA is in charge to pick up the royalties and to distribute them to producers having rights on them. The entity also process data based on television channel reports in countries where it acts.

The entity performance is selffunded through the discount of its costs from the payment of royalties. Its costs represent about 10% of the total of royalties.

The subarea of copyright management for broadcasts by cable is characterized by the fact that in the majority of countries, entities of management representing rightsholders have created agreements on global license. Global license agreements are made from AGICOA and its collaborators in the countries with global cable operators in order to distribute the collected rights.

The entity was constituted in 1981 with a view to defend audiovisual producers' copyrights. It is headquartered in Geneva and works at an international scale with associated national organizations. At present it gathers associations of all the world and represents more than 6.000 rightsholders in the audiovisual field.

Goals

1. Negotiating the remunerations for author's rights with cable operators or other devoted to the public audiovisual broadcasting.
2. Agreeing with the rightsholders on the part of remuneration that corresponds to them.
3. Reaching agreements with cable distributors or associated members to a country about the simultaneous, complete, unchanged and continued broadcast of audiovisual works.
4. Collecting directly or through a third party the royalties corresponding to the agreements of representation shown or in application of national and international laws.
5. Ensuring the distribution of the author's rights collection among the rightsholders that it represents.
6. Providing its members with the information of the activities developed by the distribution firms.

Current activities and subjects of interest

Creation and consolidation of management system IRRIS

Since July 2004 the information system IRRIS was adopted, which allows to manage author's rights internationally from the collecting moment until that of the distribution and payment of the remunerations to the authors.

IRRIS assigns some repertoire business agents by geographical zones where rights are managed from: Brussels, Helsinki, Lisbon, Paris, Sofia, Stockholm, Warsaw and Geneva. The fact of creating the international group generates economies of scale since the work made from a center is now available via web for all AGICOA members. Likewise, authors can declare and update their works on-line and to check out the works profits.

Broadcast of new thematic channels

The digital technology allows the incorporation of new thematic channels that generate rights to the country where they are produced. This fact generates new repertoires, so that AGICOA includes the rights of broadcast of some of these channels in its contracts and adds up new prospects for the model of traditional business, where a small number of channels had the rights for broadcasting.

Governance and administration of the entity

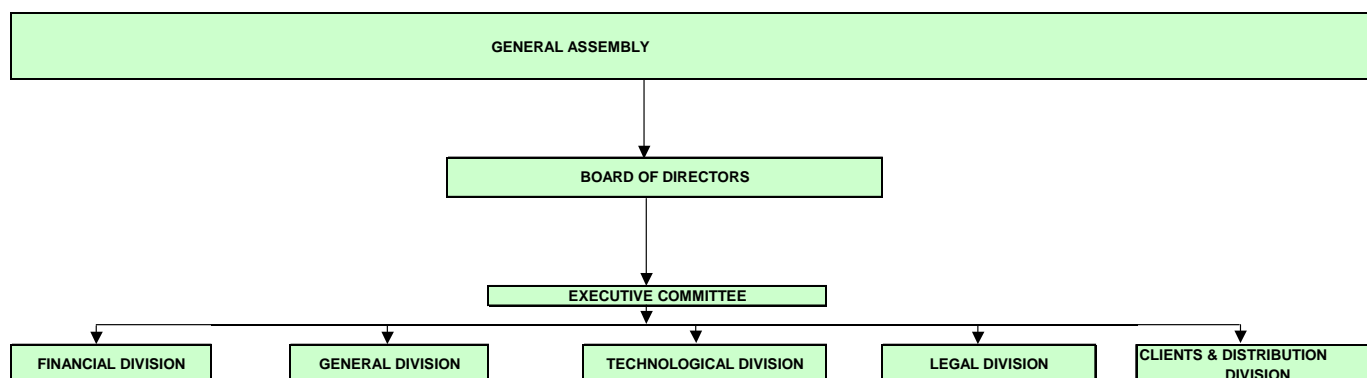
Organization

The structure of AGICOA is composed of the General Assembly, the Managerial Board and the Executive Committee.

The decisions agreed at the General Assembly set the entity orientation and are taken by a majority of 3/4 of votes with a quorum of 60%. Votes are distributed depending on the collection in the member countries and each member has a minimum of 0,5% votes guaranteed.

On the other hand, the Managerial Board decides the policies and general structure of the management at the entity, proposes the budget, and is in charge of the acceptance or exclusion of members. At operative level, the Executive Committee deals with the entity management and monitors the task of five specific functional units.

Diagram 9. AGICOA organization chart. 2006



Entity funding

The entity had in 2004 incomes for 13.544.540€ It is funded with the administration discount deducted from the amounts picked up on behalf of its members and rightsholders. Moreover, it is also funded with donations of parties interested in increasing AGICOA assets.

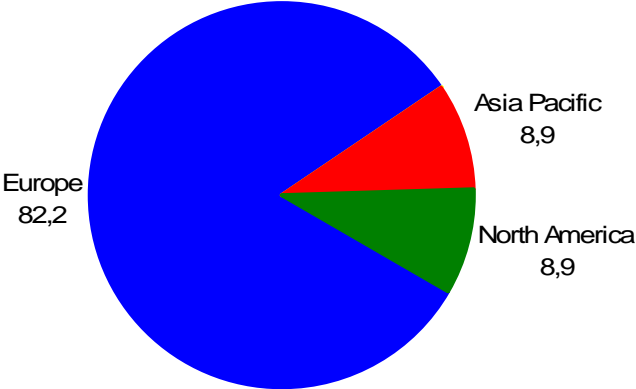
Members

The included collections in AGICOA repertoire added up in 2004 a total value of 82.930.797€

At present, AGICOA has **45 member societies**, of which 80% European. Members can be full members or associates.

EGEDA is the Spanish society in AGICOA.

Chart 8. Geographical distribution of AGICOA members. 2004 (In %)



Annex 1. Internacional legislation

1886. Bern Agreement for the Protection of Literary and Artistic Works

At the end of 2004, 157 countries had signed the agreement. It establishes the national treatment, for which foreign authors benefit from the same rights than country-based authors.

1948. Universal Declaration of Human Rights

It establishes that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. (Art. 27.2).

1952. Universal Copyright Convention

It creates a system of protection of copyright for all countries in the world, by assuring the respect to individual rights and fostering the development of literature, science and arts. From the Convention, it comes up the copyright symbol, which implies that a work is protected in its country and by extension in all countries that have signed the Copyright Convention. On the other hand, rights guaranteeing economic interests of authors and conditions of protection become secured.

1961. Rome Convention. International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

Extends the copyright protection to the related rights: interpreter artists benefit from the rights for their interpretations or executions, producers of phonograms for their recordings and radio and television organizations for their programs.

1994. ADPIC. Agreement on Trade-Related Aspects of Intellectual Property Rights

The agreement intends to improve the international trade through a suitable and effective protection of intellectual property rights. The agreement on the ADPIC is created in order to assure the convention of some rules and principles for the availability, extension and utilization of intellectual property rights related with trade.

1996. WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT)

WCT and WPPT treaties were reached in 1996 to adapt the copyright protection to the arrival of the digital age and the related challenges. Both treaties came into force in 2002, WCT in March and WPPT in May.

EU regulations

1. Directive 92/100/EEC of 19 November 1992 on rental and lending right and on certain rights related to copyright in the field of intellectual property
2. Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights
3. Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission
4. Directive 2001/29/EC of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society
5. Directive 2001/84/EC of 27 September 2001 on the resale right for the benefit of the author of an original work of art
6. Directive 2004/48/EC of 29 April 2004 on the enforcement of intellectual property right
7. Commission Recommendation of 18 May 2005 on collective cross-border management of copyright and related rights for legitimate online music services

Legislative framework for cable operators

The system of granted rights for retransmission by cable is treated at the Bern Convention, in which it is affirmed that when a work is distributed by means different from the original broadcast there is a duty to payment to different organizations to the one that carried out the original broadcast. These different organizations are cable operators which do not have any links to TV stations.

The Council Directive 93/83/EEC on the coordination on certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission was one of the first legislative performances in the EU, after the recognition of copyright for retransmissions by cable by the Supreme Court of the Netherlands and the successive agreements between operators and authors.

ANNEX 2. Glossary

Administration discount

It is the administrative expense that is deducted from the money collected in concept of author's copyright. In general, they do not exceed 30%.

Agreements of reciprocal representation

Agreements between societies of collective management in order to administer foreign repertoires in the national territory, to exchange information and to distribute rights to the respective holders.

Author's Right

It is the exclusive right by which authors are beneficiaries when their works are exploited. The right means that once the author has created the work, he decides if that work is used and how. The only requirement to be holder of author's right is that the work is tangible. The theory justifies an intimate connection between the author and its work so that authors have the moral right for limiting the alteration and showing of their works even after they have transferred economic rights.

Author's rights are:

1. Right of representation and public execution (discotheques and public places)
2. Right of broadcast (live and recorded interpretations and executions for radio and television broadcasting).
3. Mechanical reproduction rights on musical works (in compact disks, tapes, records, minidisks or other forms of recording)
4. Rights of representation and execution of drama plays
5. Reprographic reproduction right of literary and musical works (photocopy)

Collection

When a society of collective management grants a license for the utilization of works, the following task is the collection of author's copyright which the user has agreed on paying for. In the event of insolvency the society defends the author in court.

Collective management

It is the effective exercise of copyright by the entities representing authors. These entities control the use of authors' work and facilitate them to continue their creative task.

Societies of collective management are considered those carrying out the following functions:

1. Collection and distribution of economic rights among authors.
2. Legal support and elaboration of standard contracts, concession of licenses and authorizations of utilization, negotiation of fares and conditions of utilization by customers.

3. Political actions in favor of the effective protection of author's copyright towards national or international organizations representing the copyright-related network.
4. Social and cultural actions that promote authors' interests and protect their well-being.

Members of societies of collective management are rightholders and related rightsholders -authors, composers, editors, writers, photographers, musicians, interpreters or performers. Works declared by members of the organization constitute the "national" or "local" repertoire of the entity.

Societies of collective management can be of different types:

1. Traditional organizations of collective management representing their members negotiate fares and conditions of user utilization, grants licenses and authorizations of use and collect and distribute the money of author's copyright. In these organizations the holder does not participate directly in any of these tasks.
2. Centers of rights management or "clearance centers" grant licenses to users depending on the conditions of utilization of works and the clauses of remuneration set up by each individual member of the centre holding the rights (newspapers, magazines, etc.). The center is the one holding rights and it corresponds to it to stipulate the conditions of utilization of works.
3. Centralized systems or of "single point of contact", which offer centralized services and facilitate the obtaining of authorizations. These organizations increase their market share as the number of multimedia productions increases (that imply different types of work, included the computer software), and hence many more authorizations are needed.

Copyright

Concept of Anglo-Saxon tradition that indicates that authors have property rights on their creations, which makes it possible to trade in accordance with economic principles. According to this idea, authors have to be compensated by their creative skills.

The concept of copyright often cohabits with that of author's right, as it is recognized in the Letter of the CISAC right of author (art.7): "The work of the intellect is at the same time an emanation of the **personality of the author and a source of economic interests**".

Creative Commons licenses

They are a new type of licenses originated in US aimed at letting third parties use and modify creators' works on certain conditions established by such creators. Thus, creative commons gives the authors the option to reserve "some rights", and not "all rights" or "none" to the authors, for digital works as well as for off-line works.

Mechanical reproduction

In general, the use of this term to refer to the reproduction of works is made by recording with media like records, videos, multimedia, etc. In this field the activity of societies of copyright management is based on the concession of licenses for the recording, exploitation and commercialization.

Related rights

Related rights are granted to holders acting as intermediaries in the production, recording and spreading of works. Their connection with the copyrights is justified as long as these three categories of holders enter the process of intellectual creation since they assist the authors to publicize their works.

Reprography

Reprography is a form of reproduction of authors' work such as the duplicate of a work. The reprographic reproduction is a process that normally has a copy as a result in the form of: printing, photocopy, scanned, digital copy of CDs or DVDs and electronic storage in data bases.

Rights Distribution

Societies of collective management are responsible for distributing/paying the money once copyrights have been collected, in such a way that authors receive the part that corresponds to them. Rights distribution faces problems of practical nature, like the equitable distribution of rights in works that have more than one author or the amount of works managed by the entities of collective management. This fact has led the entities to incorporating technological improvements into the management systems on a regular basis.

ANNEX 3. Bibliography, resources and contacts

WIPO/OMPI

Website	www.wipo.int
Contact person	Víctor Vázquez López, Senior Legal Counselor Copyright and Related Rights Sector
E-mail	Victor.Vazquez-Lopez@wipo.int

CISAC

Website	www.cisac.org
Contact person	Alva French, Communications Editor
E-mail	alva.french@cisac.org

IFRRO

Website	www.ifrro.org
Contact person	Marie-Agnès Lenoir, Communications Officer
E-mail	marie.agnes.lenoir@ifrro.be
Bibliography	<i>Collective Management in Reprography</i> , IFRRO (2005)

ALAI

Website	www.alai.org
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BIEM

Website	www.biem.org
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AEPO-ARTIS

Website	www.aepo-artis.org
Contact person	Guenaëlle Collet, Office Head
E-mail	aepo-artis@aepo-artis.org

EVA

Website	www.europeanvisualartists.org
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GESAC

Website	www.gesac.org
Contact person	Martine Lovato
E-mail	secretariatgeneral@gesac.org

FILAIE

Website	www.filaie.com
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GEDRI

Website	www.gedri.net
Bibliography	<i>Guide for the establishment of societies of copyright collective management in Latin America.</i> GEDRI, CERALC (2002) <i>Analytical study on the by-laws of societies of copyright collective management for written works in Latin America.</i> GEDRI, CERALC (2004)

AGICOA

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Contact person	Françoise Minetta
E-mail	fminetta@agicoa.org

ANNEX 4. Listing of acronyms

AEPO-ARTIS	Association of European Performers' Organizations
AGICOA	Association de Gestion Internationale Collective des Œuvres Audiovisuelles
AIDAA	Association Internationale des Auteurs de l'Audiovisuel
ALAI	Association Littéraire et Artistique Internationale
BIEM	Bureau International des sociétés gérant les droits d'Enregistrement et de reproduction Mécanique
CIADLV	International Council of Dramatic, Literary and Audiovisual Creators
CIAGP	International Council of Creators of Graphic, Plastic and Photographic Arts
CIAM	International Council of Creators of Music
CIS (CISAC)	Common Information System
CISAC	International Confederation of Societies of Authors and Composers
CT-DLV	"Dramatic, Literary and Audiovisual Works" Technical Committee
CT-R	"Distribution" Technical Committee
CT-RTV	"Radio and Television Broadcasting" Technical Committee
DOI	Digital Object Identifier system
DRM	Digital Rights Management
EVA	European Visual Artists
IFRRO	International Federation of Reproduction Rights Organizations
FIAPF	Fédération International des Associations de Producteurs de Films
FILAIE	Federación Ibero-latinoamericana de Artistas Intérpretes o Ejecutantes
IFPI	International Federation of Phonographic Industry
GEDRI	Grupo de Entidades de Derechos Reprográficos de Iberoamérica
GESAC	Groupement Européen des Sociétés d'Auteurs et Compositeurs
FIM	International Federation of Musicians
WIPO	World Intellectual Property Organization