



Standing Committee on **Copyright**

2017



Date: 29th September 2017

REPORT Standing Committee on Copyright

Chair: Jan Bernd NORDEMANN
Responsible Reporter: Anne Marie Verschuur

- 1) Report on the activities of your Standing Committee during the reporting period

Please provide a general overview of the activities of your Standing Committee over the last 12 months, including at least:

- a) Internal meetings of the Standing Committee during the reporting period (whether by telephone, video conference or in person);

The Committee consists of copyright specialists from more than 15 different countries with different backgrounds and expertise in copyright law. With its divergent membership, the Committee will be able to follow copyright developments at an international and regional level. In the last months, more experienced copyright lawyers from all over the world joined the Committee: Elisa Huusko (Finland), Melis Abacioglu Viskusenko (Turkey), Mine Guner (Turkey), and Valeri A. Penev (Bulgaria).

The Committee is focussed on studying and reporting on, among other things:

- The current status of international copyright and related rights, and
- Internationally important developments and international copyright and related rights in jurisdictions of AIPPI's membership.

The main activity of the Standing Committee on Copyright remained to discuss and propose copyright related "study questions" and topics for workshops to AIPPI. In this respect, several members of the Committee such as Sanna Wolk (Sweden) and Jan Bernd Nordemann (Germany) were involved in drafting the "study guidelines" for the Study Question "Protection of graphical user interfaces" authored by the responsible Reporter General Team. The Study will be discussed at the Sydney 2017 Congress. The Committee was furthermore involved in proposing topics for copyright Study Questions for AIPPI's Congress in Cancun 2018 to the Programme Committee.

- b) any external representation on behalf of AIPPI by any member of your Standing Committee;

The Committee followed and participated in international copyright and related rights treaty negotiations. The Committee is represented at WIPO's Standing Committee on Copyright and Related Rights (SCCR) in Geneva and has held a seminar for WIPO staff in Geneva. See in more detail below no.2.

Finally, the Committee followed the latest developments for copyright and related rights at the EUIPO, in particular how to use Bitcoins to protect IPR and infringement online. Sanna Wolk (Sweden) has been attending sessions at the EUIPO on a regular basis.

- c) any contribution by your Standing Committee to any external consultations; and

not responded

- d) any studies or analyses undertaken or position papers prepared by your Standing Committee, with a brief summary of the outcome(s).

not responded

- 2) Key issues/developments during the reporting period

Please include any significant case law, legislative or regulatory developments, or policy initiatives, including their relevance and/or any implications for the work of your Standing Committee or for AIPPI more generally.

The Committee followed and participated in international copyright and related rights treaty negotiations. This is in particular true for WIPO activities in this area. At the Milano Congress 2016, the Committee decided that Shiri Kasher-Hitin (Israel) will be the representative in the future to follow sessions of WIPO's Standing Committee on Copyright and Related Rights (SCCR) in Geneva. Shiri Kasher-Hitin represented AIPPI and the Committee in SCCR sessions in late 2016 and spring 2017, and she has already registered to go to the SCCR session in Geneva in November 2017. Currently, the SCCR discusses, for example, a possible WIPO agreement on broadcaster's rights. Furthermore, limitations and exceptions for libraries and archives and exceptions and limitations for educational and research institutions were debated at the SCCR in Geneva.

Also, the Committee has presented AIPPI's Resolution on the Study Question "Q246 "Exceptions and Limitations to Copyright Protection for Libraries, Archives and Educational and Research Institutions" to Michelle Woods, who is the director of the Copyright Law Division at WIPO. Also other responsible copyright staff of WIPO was present. AIPPI's study work on Q246 was meant to provide input to WIPO. Our Committee was represented by Giorgio Mondini (Italy), Diana Ivanova (Belarus), Matthias Gottschalk (Switzerland) and Jan Bernd Nordemann (Germany). The meeting took place in September 2016.

- 3) Any recommendations for AIPPI involvement/action for the next 12 months

This need not be limited to recommendations for your Standing Committee but can be recommendations for AIPPI more broadly. For example, please include:

In each case, please explain why such involvement/action is recommended, by whom it should be undertaken and any relevant time frames.

- a) any recommendations for involvement/action in relation to any upcoming or foreshadowed case law, legislative or regulatory developments, or policy initiatives;

The Court of Justice of the European Union (CJEU) has handed down a series of judgments concerning the right of communication to the public. All cases concerned scenarios where mere intermediaries were found to have infringed the right of communication to the public. The series started with GS Media (C-160/15; concerning link provider), FilmSpeler (C-527/15, provider of hardware with preinstalled links) and The PirateBay (C-610/15; indexing platform and search engine). In coordination with the Reporter General Team, the Standing Committee Copyright will discuss a possible AIPPI Position Paper discussing and commenting on these CJEU judgments for EU copyright law and beyond. This will also take into account the AIPPI Resolution for the Study Question "Linking and Making Available on the Internet", adopted in Milano 2016.

- b) any other recommendations for AIPPI involvement/action;

not responded

- c) any recommendations for the work programme of your Study Committee.

not responded

- 4) Outline of the work programme of your Standing Committee for the next 12 months

Please set out specific activities and priorities having regard to the matters in 1) - 3) above, including any relevant

time frames.

- The Committee will keep on following the latest developments for copyright and related rights on the WIPO level, in particular WIPO's sessions of the Standing Committee on Copyright and Related Rights (SCCR).
- The Copyright Committee is currently in discussions with WIPO to organize a so-called "lunch-time side event" at the next SCCR session in Geneva in November 2017. This event would also be devoted to "Exceptions and Limitations to Copyright Protection for Libraries, Archives and Educational and Research Institutions" and would have a similar content as the presentation to the WIPO staff in September 2016. The event would, however, be aiming at informing the delegates from the different member states about AIPPI's work on "Exceptions and Limitations to Copyright Protection for Libraries, Archives and Educational and Research Institutions".
- The Committee will be involved in proposing topics for copyright Study Questions for AIPPI's Congress 2019 to the Programme Committee. It will also, as needed, provide copyright input for the study guidelines for the Study Question to be discussed at AIPPI's Congress in Cancun 2018. The Committee will further help to organize and man Workshops for the AIPPI Cancun Congress 2018, in particular the copyright Workshops.
- The Committee will follow the latest developments for copyright and related rights at the EUIPO.
- Finally, the Committee will discuss a possible AIPPI Position Paper analyzing and commenting on recent CJEU judgments for EU copyright law and beyond. See in more detail no. 3.

Names and Functions of Committee Members

Chair	Jan Bernd NORDEMANN	Germany
Co Chair(s)	Sanna WOLK	Sweden
Secretary	Matthias GOTTSCHALK	Switzerland
Members	Melis ABACIOGLU VISKUSENKO	Turkey
	John CARSON	United States
	Remy CHAVANNES	Netherlands
	Alessandro COGO	Italy
	Micheline DON	Netherlands
	Piotr DYNOWSKI	Poland
	Alex F. FIDER	Philippines
	Attilio GORINI	Brazil
	Gill GRASSIE	United Kingdom
	Mine GUNER	Turkey
	Sophie HOLCOMBE	United Kingdom
	Elisa HUUSKO	Finland
	Kei IIDA	Japan
	Eryck IRIARTE	Peru
	Diana IVANOVA	Belarus
	Shiri KASHER-HITIN	Israel
	Eliza MALLON	Australia
	Philip MC CABE	New Zealand
	Sergio MIRALLES MIRAVET	Spain
	Giorgio MONDINI	Italy
Stefan NAUMANN	France	
Dale NELSON	United States	
Valeri A. PENEV	Bulgaria	
Andrea RUSH	Canada	
Luis SCHMIDT	Mexico	
Kevin TOTTIS	United States	
Allen Jun WANG	China	
Stefan WIDMARK	Sweden	
Thomas WIDMER	Switzerland	