

IFRRO statement on Piracy

Adopted by the IFRRO Board April 2005

The role of Reproduction Rights Organisations (RROs) is to encourage respect for copyright, and to fight piracy, through awareness raising, licensing, and assisting in the enforcement of intellectual property rights worldwide.

1) COPYRIGHT INDUSTRIES AND PIRACY

Copyright industries – a significant contributor to economic growth and cultural independence

'Copyright industries' consist of authors, artists and other creators of literary and artistic works such as books, journals, music, artwork and films, as well as the enterprises which invest in the production, reproduction, marketing and distribution of those creations. It is the rubric for a number of different industries that have one thing in common: their products and services are of a dual nature as they are both commercial and cultural in nature.

The 'copyright industries' are among the most important contributors to the cultural independence and economic growth of nations. No distinctive culture can be created or kept alive without them. Intellectual development and growth would be put at risk if they are not allowed to evolve properly.

Copyright industries contribute significantly to GDP, generally 4-6% in developed nations. They remain among the main growth areas and are also major contributors to the creation of new jobs. In several countries, these industries are growing at speeds substantially higher than those of other industries, and have over the past decades been the only sector showing a steady and unbroken growth in employment rates.

Within the cultural industries, the print industry (including writing, associated image-making, and paper/electronic publishing) – i.e. literature, sheet music and press/periodicals from daily newspapers through trade publishing to scientific publishing – is among the most important contributors to a society's overall well-being. If a nation wishes to benefit from its potential to stimulate cultural and economic development, it needs to ensure that these industries have market conditions that guarantee a fair reward for their products. Governments must ensure adequate copyright protection *inter alia* to enable authors and publishers to collect revenues for the use of their works.

Unauthorised reproduction – a threat to copyright industries

The single most important obstacle to a healthy development of a local creative and publishing industry in many parts of the world is the infringement of their copyrights. Copyright infringement includes all forms of unauthorised reproduction: commercial piracy and counterfeiting, as well as other forms of illegal uses, such as unauthorised photocopying and digital dissemination of copyright works.

Of all the forms of copyright infringement, piracy is the biggest single threat to copyright industries and therefore also to the evolution of cultural expressions. Piracy can be defined as the mass, for-profit reproduction of others' works without authorization or compensation. Yearly, it represents billions of Dollars and Euros in financial loss to rights holders. Piracy is a threat to all copyright-based industries and creators because piracy is the trafficking in content created by others. IFRRO strongly and unequivocally supports efforts to combat piracy of all forms of intellectual property in order to maintain the advantages of a functioning copyright-based industry and culture at large. IFRRO encourages governments to place high priority on combating piracy to avert the very serious threat posed to economic and cultural development, innovation and employment.

Combating piracy requires adequate protection

In order to ensure that creators and the copyright industries are motivated to continue to create and add to the existing body of intellectual property, and in order to ensure the flow of old and new creations to users and audiences in all countries, the protection of existing and future content from piracy must be maintained in legislation and in practice. There is a clear link between the legal protection of the rights of creators and related rights holders and the state of copyright-based industries. Protection of such industries by protecting the content they provide from piracy in combination with a working and fully implemented copyright system is therefore of utmost importance.

2) WHAT ARE RROs?

RROs (Reproduction Rights Organisations) are collective management organisations in the field of reprography and related areas. They assist rights holders in dealing with wide-scale uses of their works in that they act as an intermediary between the rights holders and the user of their content whenever it is impractical or impossible for the rights holder to act individually. This is typically the case when a user needs to reproduce excerpts of the works, often of several rights holders in multiple copies for internal use. RROs provide access to copyright works through licensing mechanisms: copying from books, journals, newspapers, sheet music and other printed publications is authorised up to a certain limit so as not to interfere with the primary market of selling the work itself. RROs exist all over the world and operate under various systems depending *inter alia* on the legislative culture of their country.

Reproduction Rights Organisations (RROs) assist rights holders to combat piracy.

The establishment and operation of RROs and the fight against commercial piracy should be seen as complementary. It is not the role of the RROs to legitimise the actions of pirates. Instead, they assist in regulating reproduction and ensure that it operates within reasonable and balanced limits that are acceptable to creators, publishers and users.

A key aspect of RRO work is the introduction of licences. Licensing mechanisms not only represent an important element in providing legal access to copyright works, but also establish the conditions for the successful combating of commercial piracy. They enable regularisation of reproduction of copyright material, make it more difficult to distribute pirate copies, and facilitate the securing of evidence when copyright infringement occurs, as they clarify and simplify the boundaries between lawful and unlawful copying. Licensing also leads to a reduction in the needs for pirated products, by making it legal to copy from copyright works within reasonable limits, such that the primary market for those works is safeguarded.

3) HOW DO RROs CONTRIBUTE TO THE FIGHT AGAINST PIRACY?

Awareness – Licensing – Enforcement –three facets of the role of RROs worldwide.

Awareness

RROs organise conferences, training and information activities, publish various information and education materials and host other activities, all with the intention of raising public awareness of the need to respect copyright as any other proprietary right. RROs also strive to bring awareness to governments, corporations, academia, and other organizations as well as to the public of the detrimental effect of piracy on the economic and cultural development of nations. Only when there is general public knowledge and understanding of why copyright must be protected and the harm that unauthorised reproduction in general, and piracy in particular, may cause publishers and creators, can one hope to create a culture of compliance.

Licensing

RROs' core-business includes the licensing of users for specifically defined uses of published works. RRO licences typically grant authorisation to copy publications that are limited (e.g., to a portion of a work, to a maximum number of copies, to a limited set of recipients, for a limited time), in order not to interfere with, but rather complement, the ability of the creators and rights holders to exploit their own works. In countries with functioning RROs and well-established licensing schemes, substantial parts of the reproduction of printed material in education, public administration, and private corporations are authorised through RROs. The offering of a legal alternative in itself effectively contributes to fighting piracy by providing a legal alternative to infringing activities, especially piracy. Book, journal, newspaper and sheet music piracy is much less of a threat in countries with a working RRO than in those without one.

Enforcement

RROs assist in the enforcement of intellectual property rights. Through licensing the activities of a large number of users of copyright material, they acquire a comprehensive overview of the market. By putting this knowledge to use to identify infringements and gather evidence, they can be of great value to authors and publishers in their fight against piracy and other illegitimate use of their works. Subject to the mandates provided, RROs can become active in pursuing pirates themselves, both directly through actions on behalf of their members or indirectly by assisting rights holders individually. Although RROs do not normally own or control rights themselves, when granted specific permission to do so they can also litigate on behalf of rights holders and enforce their rights.