



2016

ANNUAL ACTIVITY REPORT





2016

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Welcome to our yearly Annual Activity Report 2016

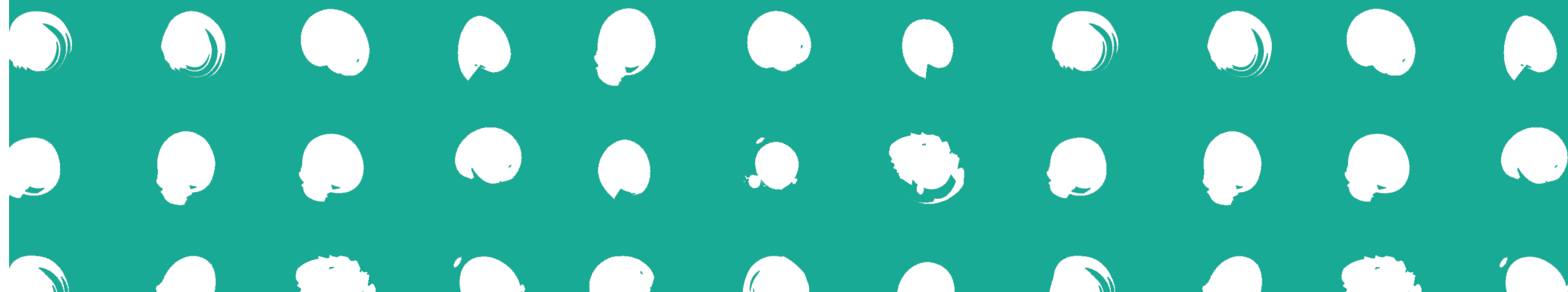
Annual Activity Report Table of Contents

INTRODUCTION

MAIN FOCUS

ACHIEVING OBJECTIVES

GESAC INTERNAL FUNCTIONING





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Christophe Depreter

President of GESAC



2016 was the year that the European Commission put into practice the actions announced in its December 2015 Communication « Towards a Modern, More European Copyright Framework ». The timetable was delayed mainly due to the comprehensive, sensitive and complex nature of the issues at hand, which required more in-depth examinations and consultations than foreseen. For instance, two new public consultations were launched on the status of publishers and on the exception of panorama, which were originally not foreseen. The first legislative proposal to come out was the draft Regulation on Portability, also issued by the Commission on 9 December 2015. Yet the rest of the so-called copyright package (the Broadcasting regulation, the Copyright Directive and the proposals to implement the Marrakesh Treaty in EU law) were published only in September 2016.

With the strong support of its members, GESAC developed a proactive strategy, launched an ambitious communication plan involving authors, organised several events, and funded studies. This strategy provided the roots for the firm implantation of transfer of value in the proposal, and helped turn away attention from potentially negative additions.

The success of this strategy and the results booked in 2016 are encouraging, but the battle is far from over. GESAC will play an incremental role in Brussels to ensure the right decisions are taken within the copyright package, and member involvement will remain of the utmost importance.



Véronique Desbrosses

General Manager of GESAC



© De Ribaucourt



Overall, the copyright package tabled by the European Commission on 14 September 2016 is rather balanced, especially compared to the mood when the Commission first launched the consultation on the reform of copyright. Indeed, the Commission's perception of copyright has changed considerably over the past few years. The value of copyright, which was presented as an obstacle to the development of the single market barely three years ago, is now recognised. GESAC and the other rights holders' organisations based in Brussels have been central in this change of attitude.

The copyright package is a major project and the legislative process will take several years. It is likely to attract a lot of attention and debate and will mobilise a large spectrum of stakeholders. The input of GESAC members over the years has been both

essential and effective, and as we expect 2017 to be a pivotal year in the copyright reform, it is crucial for them to have all hands on deck and work together in a coordinated manner to ensure the best possible outcome for the reform.



01

Main Focus of GESAC



Copyright
reform



National
transposition of
CRM
directive



Some other
issues

COPYRIGHT REFORM

As a prerequisite to issuing a legislative proposal, the EU Commission first prepares an internal economic and legal assessment of the problems and of the options to address them. This process includes launching a public consultation and often commissioning external studies.

During this preparatory period, and for each of the five texts of the copyright package, GESAC was in close contact with DG Connect's Copyright Unit as well as the other services and Cabinets that have a say in the file. Facts and figures and concrete solutions were communicated to the European Commission, MEPs, Permanent Representations, and external consultants in charge of the studies requested by the Commission. GESAC contributed to several public consultations: on online platforms, enforcement, the

satellite and cable directive, the status of publishers and possible introduction of a neighbouring right, and the panorama exception.

Whenever needed and whenever possible, GESAC worked on alliances—e.g. on transfer of value and the panorama exception—with other rights holder's organisations.



DigitalSingleMarket
@DSMeu

"We have to empower artists & creators to protect their work" @JunckerEU bit.ly/2borcSC
#SOTEU #copyright

STATE
OF
THE
UNION
2016



As the world goes digital, we have to empower our artists and creators and protect their works. The overhaul of copyright rules that we are proposing today does exactly that.

#SOTEU

#DigitalSingleMarket





Proposal for a Directive on Copyright in the Digital Single Market

The draft Copyright Directive is fairly balanced and contains only limited changes to the exceptions despite the strong pressure exerted on the Commission by the industry to include provisions on private copy and the panorama exception. A major achievement for GESAC is that the transfer of value is addressed in the draft Copyright Directive despite it being one of the most sensitive issues in the package.

TRANSFER OF VALUE PROVISIONS

Throughout the process of drafting the Directive, GESAC was present to explain the transfer of value and request a solution to the issue. GESAC did so not only with the different Commission services, but also with the European Parliament and Permanent Representations ahead of the proposal. This was to ensure a general understanding of the issue and the solutions proposed, and to act as a counterweight to the fierce industry opposition. Supporting GESAC’s position, an open letter co-signed by 58 MEPs calling without ambiguity for a clarification of the status of platforms as regards copyright was sent to the Commission.

Lobby documents setting the narrative on the transfer of value problem and including some of the main findings of the Roland Berger Study were widely used in GESAC and its members’ contacts with EU decision makers and national authorities.

Despite public statements by Commissioners showing their political commitment, the first options put forward by DG CNECT were not viable options against the problem faced by authors, and were therefore entirely unacceptable. Over the summer, GESAC and its allies had to campaign to better reflect the creators’ interests in a meaningful legal solution in the copyright proposals.



Pervenche Berès
@PervencheBeres

La @EU_Commission doit nous entendre : les plates-formes ne peuvent pas capter toute la création de valeur #2c2i
[pervencheberes.fr/2016/06/21/un- ...](http://pervencheberes.fr/2016/06/21/un-...)

Pervenche Berès · 21 Jun 2016
Replying to @PervencheBeres
The @EU_Commission must listen : plates-forms can not capture value creation #2c2i pervencheberes.fr/2016/06/21/un-...



DigitalSingleMarket
@DSMeu

"I want authors to be paid fairly for their work"
[@JunckerEU](https://twitter.com/JunckerEU) europa.eu/!xU48PR #copyright #SOTEU



The Madrid Group worked extensively on how to concretely address the issue. It developed arguments and solutions to answer consumer and platform concerns which helped GESAC convince, one by one, the various services and cabinets through written arguments and direct contacts.

A joint letter co-signed by 16 umbrella organisations representing authors, performers in all artistic fields as well as music producers and publishers, photo agencies and press publishers, was also sent to the Commission.

To put maximum pressure at high political level, with creators at the forefront, a letter co-signed by more than 1,000 creators called the attention of President Juncker to the harm caused by transfer of value.

Over the summer, the letter became a petition and was signed by Pedro Almodóvar, Charles Aznavour, Imogen Heap, Agnieszka Holland, Hooverphonic, Ennio Morricone, Mikis Theodorakis, and another 20,000+ creators from all creative horizons (composers, authors, directors, screenwriters, photographers, sculptors, painters, etc.) and all over the European Union and beyond.

This petition, presented to Commission Vice-President Ansip by a delegation of creators was one of many signals to the European institutions that the current state of play is unacceptable.

During this critical period, the GESAC network proved to be particularly efficient. Member societies were instrumental in mobilising creators and convincing their MEPs and national authorities as well as Commissioners and services.

Thanks to the mass mobilisation by GESAC, its members' societies, and other rights holders' organisations, the minimalist options suggested by DG CNECT were challenged by several Commissioners, Cabinets and services and the proposal was revised.

As the year went by, lobbying activities towards MEPs intensified. Transfer of value is fairly easy to understand and there is a political will to act. However, there were also opposing arguments and strong attacks against the GESAC position which argued that the proposed solutions would be a considerable burden on operators, and that they would be against consumers' interests. Transfer of value is one of the most debated points because it is new and it affects major economic interests : those of platforms.

+ 22 000 CREATORS

signed a petition that called the attention of President Juncker to the harm caused by transfer of value.



From left to right: French architect Aymeric Zulena, Belgian painter Paul De Gobert, French street artist C215, Commission Vice-President Andrus Ansip and French visual artist Daniel Buren.



Andrus Ansip
@Ansip_EU

Artists, inventors, creators & entrepreneurs are Europe's natural resource & future - [#telecoms](#) and [#copyright](#) reforms made 4 them [#SOTEU](#)

The transfer of value issue requires elaboration on current misleading interpretations of the E-Commerce Directive by a number of national courts and therefore will have an impact on the functioning of several internet giants or new services that wrongfully claim safe harbour to avoid their copyright liability. One can expect that discussions surrounding the transfer of value provisions will be particularly difficult. Despite a general acknowledgment that transfer of value should be rebalanced, opinions differ as to how to achieve this.

Towards the end of 2016, only France, Italy and Spain had already adopted a positive position regarding the transfer of value issue, whereas most Member States had not yet adopted a clear position on the copyright package or on the transfer of value issue and were consulting stakeholders nationally. GESAC member actions aimed at national authorities are therefore crucial.

PANORAMA EXCEPTION

An unexpected public consultation on the panorama exception was launched by the European Commission in March 2016. The aim was to seek views as to whether the current legislative framework on the “panorama exception” gave rise to specific problems in the context of the Digital Single Market. In solidarity with the visual arts sector, all GESAC members including societies that do not manage visual rights, were invited to answer the consultation and to ask their members to do so as well. GESAC provided guidelines for the answers, arguing that legislative intervention was neither justified nor desirable, that it would penalise rights holders, and that it would not serve the purpose of enhancing the development of the Digital Single Market.

On 5 September, a delegation of visual authors —architects, sculptors, street artists— from different countries (joint EVA/GESAC initiative) met with the Vice-President of the European Commission, Mr Ansip and argued that it would be very unfair for creators to be deprived of remuneration to the benefit of commercial companies who get richer thanks to their works. This would be against the international legal obligations of the European Union (WIPO Treaties and the TRIPS agreement in particular) and ultimately a major attack on the very principle of copyright.

As a result of the consultation and lobbying actions, the Commission considered that there was no need to further harmonise the panorama exception since there was no evidence of cross-border problems or obstacles to the internal market that would justify an EU intervention.

The draft Copyright Directive does not contain any provisions relating to a mandatory panorama exception, despite strong pressure by some operators to force a change in EU legislation that would align it with their user terms and conditions that allow any commercial use or modification of works, including of protected works, without authorisation.

On a national level, it should be noted that in 2016, panorama exceptions were implemented in France for non-commercial use only, and in Belgium for a larger use.

Marie-Anne Ferry-Fall

CEO of ADAGP, President of EVA



© Gilles Delacuvellerie

“

The Panorama exception being left out of the Commission's proposal is a great example of the importance of solidarity between rights holders.

GESAC members, irrespective of whether they represented visual arts, contributed to the consultation which undoubtedly had a positive impact on the Commission's final decision.

”

Proposal for a Regulation on certain online transmissions of broadcasting organisations and retransmission of TV and radio programmes

One of the main objectives of the Online Broadcasting Regulation is to facilitate wider cross-border access to online ancillary services of broadcasting organisations.

GESAC's meetings with the Commission ahead of the proposal helped limit the country of origin extension that was being pushed by EBU, BEUC (consumers), and part of the tech industry led by Google. In the final version of the proposal, the Commission limited the extension of the country of origin principle to "ancillary services", as narrowly defined in the CRM Directive art 32, and an earlier GESAC/EBU/ICMP/ECSA Recommendation. The principle of country of origin is however deemed unacceptable, which is why GESAC requested its deletion, or at least the minimisation of its potential adverse effect.

The draft Regulation nevertheless contained several positive developments supported by GESAC, such as the extension of the mandatory collective management scheme for retransmissions on closed networks.

The legislative proposal was transferred to Council in November 2016. At time of print, several Parliament Committees were working on their reports and GESAC was proposing amendments, in particular to address the "direct injection" issue to avoid circumvention of responsibility either by the broadcasters or the operators/distributors; to extend the retransmission licensing regime to similar services operating on open internet; and to delete the principle of the country of origin.

Proposal for a Regulation on cross-border portability of online content services

The objective of the proposal for a Regulation on portability is to provide consumers with access to online services to which they have subscribed when they are abroad.

Portability has been the market reality for a long time in the music sector and Directive 2014/26/EU (CRM Directive) recently set the rules for cross-border online licensing by authors' societies of musical works in order to achieve easier and more streamlined licensing for online services and wider access to musical works for consumers across the EU. Therefore, as a point of principle, GESAC argued that the rights holders who already provide pan-European licences should clearly be excluded from the scope of the Regulation on ensuring the cross-border portability of online content services in the internal market. However, this point was not taken on board at the Council level, since the Commission believed that it would not add clarity to exclude the music sector from the scope of the regulation and that the application of the legal fiction would not harm rights holders since it had been drafted carefully and in very targeted manner. The Commission therefore opposed any exclusion and none of the Member States made this their priority.

GESAC did receive some support in EP and the report adopted by the Parliament recognised that the problems associated with cross-border portability of online content services differ from one sector to another. It also specified that Directive 2014/26/EU Council addressed the music sector and allowed for multi-territorial licenses and pan-European licences. Trialogue started on 8 December 2016.

Copyright enforcement

Enforcement is not part of the “copyright package”, but in its Digital Single Market strategy, the Commission indicated it was committed to modernising the enforcement of IPR, focusing on commercial-scale infringements (the ‘follow the money’ approach) as well as its cross-border applicability.

GESAC’s contribution to the public consultation on the evaluation and modernisation of the legal framework for the enforcement of intellectual property rights was limited to general considerations and to the role of Internet intermediaries, and referred to its individual members’ answers for more detailed information on their actual practices.

GESAC is a member of one of the European Observatory on Infringements of Intellectual Property Right’s working groups. As such, GESAC members are regularly updated on the Observatory’s activities and are invited to contribute to studies it commissions and provide data to enable EU policymakers to shape effective IP enforcement policies.

NATIONAL TRANSPOSITION OF CRM DIRECTIVE

10 April 2016 marked the deadline for national transposition of the CRM Directive. Due to the short period of time provided in the directive and the complexity of transposing a number of issues into national laws in a meaningful manner, most Member States did not meet this deadline.

At the end of 2016, fourteen Member States had adopted the CRM Directive, one adopted it in early 2017, and at the time of print, three were in the process of transposing it. The other Member States were at various stages. The European Commission sent automatic notifications to those who had not provided any information, warning about possible infringements.

The transposition raised a lot of questions, confusion, concerns and issues. The most discussed measures included electronic voting, proxy, declaration of Board members’ copyright revenues, non-commercial licensing, and independent management entities.

GESAC and its Madrid Group were the main sources of information and guidance for European CMOs during this process and devoted considerable time to the issue (webinars, physical meetings, sending of questionnaires to members, meetings with the EC, smaller working groups on certain issues, letters to some Member States). Work continues with regular updates on the available information and exchanges of views on the various models of implementation.

Tobias Holzmüller

General Counsel of GEMA, Chair of the Madrid Group



© Florian Jaenicke

“

A considerable amount of work went into the collection of data on the implementation of the CRM Directive in the different Member States.

This work shows the importance of sharing information between societies: the data forms the basis for members’ efforts to line up with the Directive.

”

SOME OTHER ISSUES

Private copying

Although the private copy file is not in the EU’s copyright agenda, it is expected to be challenged again. The idea of regulating this area could be revived due to industry and consumer lobby pressure. Therefore, continuing information from members for constant mapping efforts on the application of levies to new usages and updates on new national rules are extremely important.

At EU level, major ECJ cases on private copying can be mentioned. The 2015 Reprobel decision of the CJEU pushed the Commission into looking at the status of publishers. As a result, it launched a public consultation on the status of publishers in 2016. GESAC gave its contribution since the consultation touched on payments of private copying remuneration to publishers under EU law. The issue is addressed in a useful way in the proposal for a Directive on Copyright.

Two other major CJEU cases on private copying are the EGEDA and the Nokia Italia cases. In the EGEDA case, the Court concluded that the current Spanish private copying system was against EU law. It also decided that the Spanish government would have to change this legislation that was implemented under pressure from the tech industry. In the Nokia Italia

v. SIAE case, the content was not too problematic but the Opinion of the AG was very negative and included a number of problematic political views and assumptions regarding the existence and legitimacy of a private copying system covering end users in today’s digital environment. Although SIAE had already addressed most of the operational issues regarding the case, it has nevertheless negatively affected PCR debates in Italy.

Discussions within the Madrid Group and gathering of information also took place on the issues of cloud locker services, n-PVR services (networked personal video recorder) and their relation with private copying remuneration.

Author’s right/Copyright in EU and third countries

Irish music case


In 2000, a WTO panel ruled that Section 110(5) B of the US Copyright Act which exempts most US bars, restaurants and retail stores from paying royalties when playing music on their premises through radio or TV was in breach of the TRIPS Agreements and that the US would have to amend their copyright law to comply with their international copyright obligations. To this day, this US Copyright exemption remains unchanged.

To help revive the question, in light of the TTIP negotiations, GESAC commissioned an economic study aimed at updating the existing ten-year-old figures on the losses resulting from the US exemption for EU rights holders. In total, losses incurred by EU and US rights holders amount to \$153m (about \$44m for European rights holders and \$109m for US rights holders).

The study undertaken by PMP Conseil was released on the occasion of the CIAM Meeting in London on 8 November and presented to EU officials from DG Trade. The latter confirmed that the TTIP negotiations were on hold, and that nothing could be expected on WTO front. However, even though the US seemed to be trying to slowly let the issue

die down, they are uncomfortable about it and the only leverage the Commission has is a reputational one.

The US may have an interest in having the issue taken off the agenda but due to changes following the Presidential elections, now is perhaps not the right time to do something vis à vis the US administration. GESAC will have to wait for government staffers to be appointed and in place, which can take several months. This period of time will be used to prepare the ground and to discuss potential political actions with the Trade Commissioner.

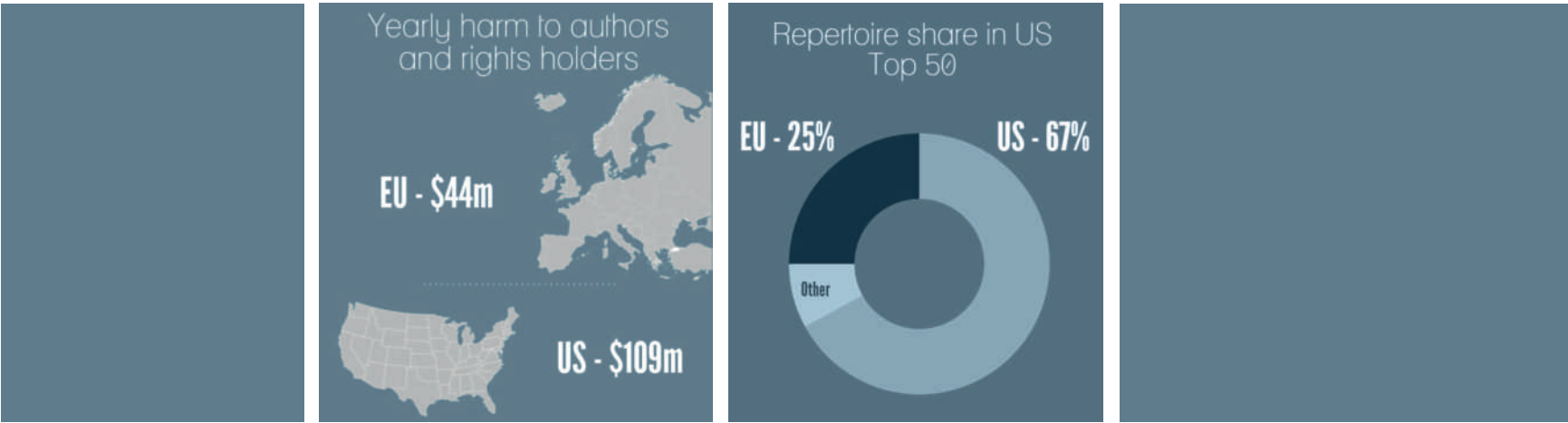


billboardbiz
@billboardbiz

U.S. Copyright Act's Public Performance Exception Costs Composers More Than \$150 Million: Study



U.S. Copyright Act's Public Performance Exception Costs Composers...
The part of the U.S. Copyright Act that exempts some small restaurants and bars from paying public performance fees to collecting societies could be costing right...
billboard.com





Victor Finn

IMRO CEO

“

GESAC's support of the quest to end the unlawful US copyright exemption, despite the currently unpredictable nature of future free trade agreements with the US, is essential to keep focus on this topic. I'm confident that the study will provide ample content to push this issue as long as needed.

”



EU Commission's IPR dialogue with EU and third countries

GESAC was in contact with DG Trade regarding the European Commission's IPR dialogue with third countries and sent a joint BIEM/CISAC/GESAC contribution regarding the Partnership and Cooperation Agreement with Azerbaijan, and a CISAC/GESAC joint submission in view of the EU-Turkey IPR Dialogue.

When necessary, GESAC joins CISAC and BIEM to alert the European Commission concerning certain worrying copyright or copyright management issues in EU or third countries. In 2016, this was the case for Greece, Macedonia, Moldova and Romania.



Resale right

The EVA/CISAC/GESAC campaign for worldwide resale right recognition held its course, in particular with WIPO, where a number of Member States gave a positive answer to its proposal to make resale right compulsory. Although the European Commission already promotes visual artists' resale right in its bilateral relations, it is yet to take the issue to a multilateral level. A letter co-signed by GESAC, CISAC and EVA was sent to the European Commission requesting support for promoting the worldwide recognition of visual artists' right. At the second WIPO Standing Committee on Copyright and Related Rights (SCCR), the EU welcomed the presentation of the Prof. Ricketson study "Proposed International Treaty on Droit de Suite/Resale Right for Visual Artists", as forming a good basis for further discussion. The SCCR approved the proposals from some delegations to consider the introduction of resale right to the committee's agenda and to hold a one-day-conference on the resale right in May 2017.



Geo-blocking

The draft Geo-blocking Regulation intends to remove discrimination based on customers' nationality, place of residence, or place of establishment, and to boost e-commerce. The question whether or not to include copyright in the text is a controversial matter.

The draft regulation initially excluded the audiovisual sector and copyright protected content from its scope and included a review clause regarding online services that provide access to copyright protected works. In its agreement reached on 28 November 2016, the Council made the provisions regarding the exclusion of copyright-related services clearer and stronger. This agreement will serve as the Council's common position to start negotiations with the European Parliament under the EU's ordinary legislative procedure.





02

ACHIEVING OBJECTIVES

Providing constant and updated information

GESAC members were regularly informed about EU policy and debates conducted on the various topics of interest like the copyright package, geo-blocking, CRM Directive implementation, E-Commerce, EU funding opportunities, TTIP, etc.

GESAC OUTPUT – analyses, updates

+100

emails, memos, questionnaires and documents on current affairs.

38

position papers, letters or common letters, and answers to consultations.

Consensus building and voicing GESAC's positions

IN 2016, GESAC ATTENDED OVER 260 MEETINGS INCLUDING:



- **Internal meetings** aimed at finding common views between GESAC member societies: Board Meetings, General Meetings, Madrid Group meetings that gather legal experts, Public Affairs Committees (PAC) that gather Brussels-focused public affairs and communications experts, Local Communications Committees, that gather GESAC members' communications Directors, a Financial Experts Group, Steering Committees set up for specific issues such as the collection of data on GESAC members and the study on losses due to the US bars and grills exemption.



- **Meetings with officials of the Commission, the Permanent Representations and the European Parliament** to present and explain our positions.

- **Meetings with stakeholder organisations** to share information and develop common positions on certain issues, including a monthly meeting of the alliance of performers and authors' umbrella organisations, at the initiative of GESAC.

- **EU meetings, hearings, conferences and various other events** to collect information and share GESAC positions.

- In addition to the many one-to-one meetings, **more than 40 MEPs, assistants or administrators, EU Commission and Permanent representations officials** were reached out to during the various gatherings organised by GESAC in Brussels and Strasbourg.

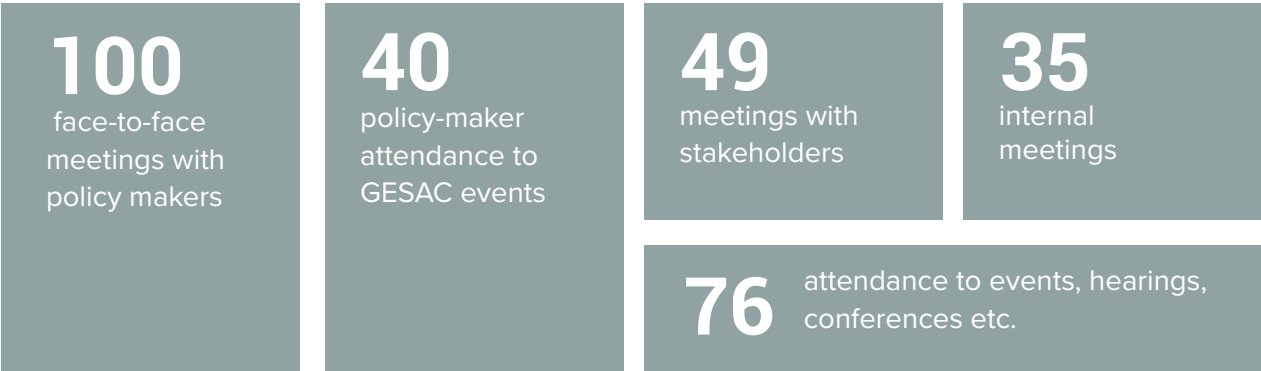


-GESAC-
@authorsocieties

Our President [@ChDepreter](#) is speaking at the [#IPSummit](#) today on the EU [#Copyright](#) framework reform



GESAC OUTPUT – more than 260 meetings



The key involvement and contribution of GESAC members

With their key influence, not only in the European capitals and national authorities in Brussels, but also with the European Parliament and Commission, members were decisive in their contributions to GESAC efforts. The effective network of experts and influential lobbyists all over the EU gave GESAC extra weight, and a megaphone effect when needed.

The input of GESAC members proved to be key for many actions in particular:

- members of the Board for their constant mobilisation, notably on the transfer of value issue;
- experts from the Madrid Group for actions on the copyright package and the CRM Directive transposition;
- communications directors and lobbyists for the success of the petition on the transfer of value issue;
- lobbyists from PAC for mobilising authors and bringing them to Strasbourg;
- financial experts for issues related to the transposition of the CRM Directive;
- members of the steerco that monitored the study on losses due to the US bars and grills exemption;
- members of the steerco that monitored the collection of data on GESAC members for the yearly figures.



-GESAC-
@authorsocieties

#TransferOfValue boiled down to less than 200 words:
[authorsocieties.eu/uploads/GESAC% ...](https://authorsocieties.eu/uploads/GESAC%20TransferOfValue.pdf)
#copyright #PayFair #PlayFair #authors



Advocacy tools

In order to make complex issues more accessible and to further promote GESAC positions, a number of studies were funded and tools were developed. These tools enabled GESAC to shed light on the necessity to address the transfer of value issue and the negative impact of the US Copyright Act exemption 110(5) (B) on European authors. They were also incremental in ensuring a basic understanding of the issues at stake for GESAC and its members' contacts in the European Institutions.



-GESAC-
@authorsocieties

Find out what authors' societies really do: facts & figures here bit.ly/1OyfC3V #copyright #CollectiveMgmt



-GESAC-
@authorsocieties

GESAC in 2015 = 33 authors' societies with 1 million members & €4 bn paid out. Find out more: bit.ly/2hLDFa3 #copyright



GESAC OUTPUT – studies

An “Economic research into losses incurred by European copyright holders due to the U.S. bars, restaurants and retail establishments’ exemption”

The PMP study (data on CMOs that are members of GESAC)

GESAC OUTPUT

- Brochure “Use of cultural content online: from transfer of value to a fair ecosystem”
- Infographic on transfer of value
- Toolkit for GESAC members on the copyright package with 3 infographics on transfer of value, copyright directive and broadcasting regulation and a Q&A document on the copyright directive
- Brochure “EU authors’ societies in numbers – 2015”
- GESAC position on Broadcasting Regulation and Copyright Directive infographics and Q&A for external use
- Lobby sprint event where altogether 28 MEPs and assistants were reached out to in the space of 24 hours

Communication actions

The “Meet the Authors” (MTA) event was postponed to 2017, although many other actions were conducted to ensure the visibility of GESAC’s priorities for EU policy makers and to maintain pressure regarding transfer of value.

The main target audiences were the European Commission and the European Parliament. MEPs and their assistants were approached in a less formal manner in Strasbourg or during a “Copyright chat over lunch” (informative sessions on Copyright issues for MEPs assistants or European Parliament policy advisers).

Regular contact was maintained with the other rights holders’ organisations, the press, the European Institutions and the Permanent Representations. In particular the press became a larger point of focus, and GESAC worked together with outlets like Politico, Euractiv, Billboard, MLex and Contexte, etc. with exclusives, interviews, press packages on specific issues, etc.

Another priority for GESAC is enhancing the training of a new generation of IP experts and students on authors’ rights. Discussion with ALAI started regarding a possible joint annual European Authors’ Right Prize to reward post-graduate students/researchers for the best articles on copyright and collective management related subjects.



-GESAC-

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20.000creators say #TransferOfValue must be fixed!
More: [authorsocieties.eu/uploads/GESAC% ...](https://authorsocieties.eu/uploads/GESAC%20position%20on%20Broadcasting%20Regulation%20and%20Copyright%20Directive.pdf) & [authorsocieties.eu/mediaroom/261/ ...](https://authorsocieties.eu/mediaroom/261/) #copyright



@POLITICOEU on @google's claim to be fighting piracy: authors=not impressed #copyright politico.eu/pro/heres-goog...

That's not enough for GESAC, an association for authors.

"YouTube's Content ID is based on recordings provided by record labels. We represent authors, who do compositions, lyrics, choreography, etc., all of which remain undetected by Content ID if the song has not been recorded yet and provided by a label," said Aurelia Leeuw, the organization's spokesperson.

"Merely identifying the scale of works being used on these sites does not mean we can enforce a 'pay per stream' rate or better yet, a 'share of value,'" Leeuw added.

GESAC OUTPUT

Meet the Authors event in Strasbourg attended by 7 MEPs, 10 MEP assistants and 6 policy officers

Light website update to highlight what CMOs are and provide a clearer understanding of GESAC's mission

Multilingual website creation to host the transfer of value petition that gathered over 22.000 creator signatures

Sponsorship and participation to the Creators Conference organised by ECSA

8 press releases

37 news items on website

9K average monthly twitter outreach

Dialogue and cooperation with rights holder/ stakeholder organisations

For the purpose of finding allies, developing synergies, exchanging views and undertaking joint actions when appropriate, GESAC had contacts and meetings with other cultural and creative sector organisations in the context of various informal structures and alliances.

GESAC OUTPUT

- Joint letter on the Status of online platforms in relation to copyright, co-signed by 16 organisations CEPIC, ECSA EFJ, EPC, EVA, EWC, FIA, FIM FSE, GESAC, IAO, ICMP, IFPI, IMPALA SAA, UNI-MEI and sent to President Juncker, Vice-Presidents Ansip and Timmermans, and Commissioners Oettinger, Navracsics, Bienkowska and Vestager.
- Joint letter signed by GESAC, IFPI, IMPALA, ICMP, CEPIC, EPC and CISAC to President Juncker on the positions taken by the Commission’s Legal Service on the interpretation of European copyright rules.
- Participation with IFPI and IMPALA to an initiative, which resulted in a letter to President Juncker on the transfer of value co-signed by more than 1,100 recorded artists and songwriters.
- EVA/GESAC meeting with Vice-President Ansip

Support to GESAC members

GESAC provided support to its members whenever requested, and worked on actions at national level relating to specific issues (like writing letters to European or national authorities, or collecting information for example). In 2016, GESAC gave its support to AEPI, as regards the transposition of the CRM Directive into Greek national law.



03 GESAC INTERNAL FUNCTIONING



PRESIDENCY OF THE GROUPING AND BOARD

The Board composed of MM. Christophe Depreter (President), Robert Ashcroft (Vice-President), Anders Lassen (Vice-President), Jean-Noël Tronc (Vice-President), Gernot Graninger, Harald Hecker, José Jorge Letria, Enrique Gomez Piñeiro (represented by Janine Lorente), and András Szinger was re-elected by unanimous vote for the period 2016 – 2018 at the General Meeting of 11 May 2016.

In 2016, the Board held quarterly meetings to discuss the development of the EU dossiers, to review the grouping’s strategy, and to make recommendations for the General Meeting.

GENERAL MEETINGS

GESAC holds two general meetings each year where the main lines of the GESAC strategy as defined by the secretariat, together with its Board, are approved. It also serves as an opportunity to share information between societies. In general, a member of the European Commission DG CNECT Copyright Unit gives a presentation to provide an update on the latest in terms of the European vision on copyright. Three members are usually invited to do a presentation on a specific subject with a focus on their country.

INTERNAL WORKING GROUPS

Madrid Group

The Madrid Group is a working group that is open to any society that wishes to take part. It is currently chaired by Tobias Holzmüller from GEMA. The vice-chair was Adriana Moscoso from SGAE, who has since been replaced by Caroline Bonin from SACEM. Legal experts that were active in 2016 represented AKM, ARTISJUS, BUMA, GEMA, KODA, OSA, PRS, SABAM, SACEM, SGAE, SIAE, SOZA, STIM, TEOSTO, TONO and ZAIKS. It is a think-tank composed of legal experts who examine ongoing files. Its work results in position papers and contributions to the Commission's consultations. CISAC attends the meetings in the capacity of an observer.

In 2016, the Madrid Group met 6 times and did crucial work for the drafting of GESAC position papers on major issues such as the transfer of value, the proposal for a directive on copyright, the broadcasting regulation, the geo-blocking regulation, etc.

ComCom

Local Communication Committee

The Local Communication Committee gives an opportunity to all GESAC members' Communications Directors to meet once a year in order to exchange best practices, create one-to-one links for further cooperation, and specifically get to know more about the hosting member's communications department and activities.

In 2016, the ComCom met in Amsterdam with a focus on Buma's communication activities. Discussions also took place about raising awareness about copyright, specifically among the younger generation, and on "creating" ambassadors among the membership that are willing and able to speak on copyright matters on the behalf of societies.

The ComCom also provides assistance to GESAC on files that necessitate a coordinate communications approach, such as the transfer of value petition over the summer of 2016.

Steering Committee in charge of monitoring the study on the US bars and grills exception

The study on losses incurred by rights holders due to Section 110 (5)b of the US Copyright Act was conducted by the external consultancy firm PMP partners, with the help of US academics and under the close monitoring of a GESAC Steering Committee composed of representatives of IMRO, PRS, SACEM, SGAE and ZAIKS. They met in Paris 3 times.

PAC

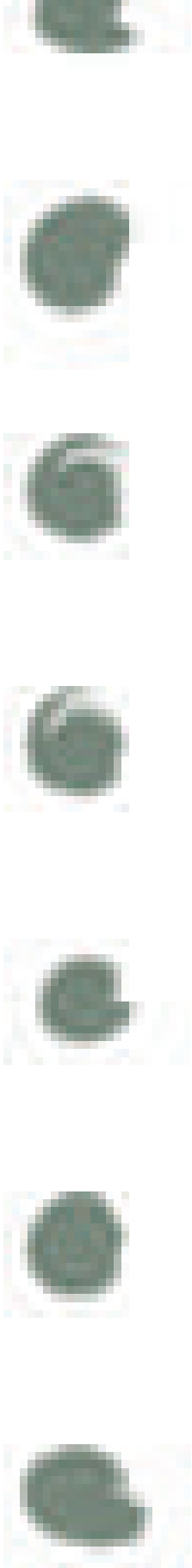
Public Affairs Committee

The Public Affairs Committee gathers the persons specifically appointed to work on Brussels advocacy, if any. Participation is open to any members with an interest. It is chaired by Héloïse Fontanel from SACEM. The vice-chair is Robbert Baruch from BUMA. In 2016, lobbyists for the following members actively attended the Committee meetings: BUMA, GEMA, KODA, PRS, SACEM, SGAE, TEOSTO and ZAIKS. On occasion, other societies have joined in a PAC meeting, either by phone or in person. PAC met 8 times in 2016.

In light of the copyright reform and in order to maximise efficiency, through the PAC, members maintain a common line when approaching EU decision-makers. The PAC's objectives include:

- Exchanging information on lobbying actions & EU current affairs
- Preparing and designing new lobbying actions/events aimed specifically at Brussels/Strasbourg
- Approving the communication materials GESAC provides, based on Madrid Group work
- Coordinating lobbying efforts (dispatching amendments, exchange of information on policy-makers, etc.).

Where necessary, members of the PAC are involved in the work of other groups such as the steering committee for the annual GESAC figures. In addition, the chair and vice-chair of PAC regularly attend the Madrid Group meetings to ensure coordination between the two groups.



Steering Committee in charge of monitoring the data collection project relating to the GESAC Community

The data collection project relating to the GESAC community was handled by the external consultancy firm PMP partners which worked in close collaboration with a Steering Committee composed of representatives of AKM, ARTISJUS, GEMA, PRS, SACEM, SGAE and ZAIKS and a network of financial experts. A meeting was held in Paris. CISAC attends the meetings in the capacity of an observer.

Ad hoc financial experts group

A meeting took place between financial experts of various GESAC member societies to exchange views on the appropriate implementation of the financial provisions of the CRM Directive. This group was initiated by BUMA, and was attended by ARTISJUS, BUMA, IMRO, KODA, PRS, SABAM, SACEM, SGAE, SIAE, STIM, SUISA, TEOSTO, ZAIKS, and CISAC.

GENERAL SECRETARIAT

The General secretariat is made up of six people. From left to right are Alexia Pickard, Policy Officer; Burak Özgen, Senior Legal Advisor; Véronique Desbrosses, General Manager; Martine Rezzi, Senior Legal Advisor; Catherine Navet, Office Manager; and Aurelia Leeuw, Senior Communication and Public Affairs Officer.



TRANSPARENCY AND ACCOUNTABILITY

The General Secretariat’s daily work and actions were detailed to the CEOs of GESAC member societies in a report that was sent out on a monthly basis.

The mandate of KPMG, which is in charge of the control of the GESAC annual financial accounts, was renewed for three years (control of the accounts for 2016, 2017 and 2018).

MEMBERSHIP

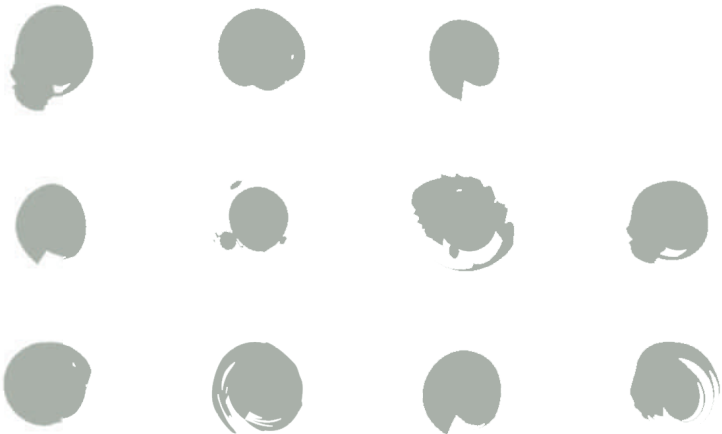
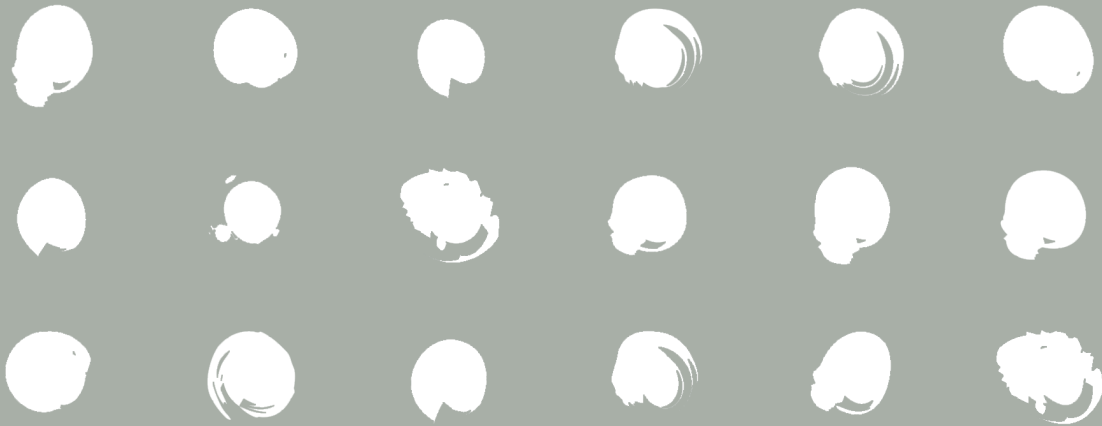
Since July 2016, LIRA and NCB are no longer GESAC members. GESAC currently comprises 32 members in the EU, Iceland, Norway and Switzerland.

A WORD FROM THE TEAM

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2016 was an eventful year and the close collaboration with members was efficient and showed concrete results. The team in Brussels would like to thank the GESAC members for their invaluable efforts and is confident that our common efforts in 2017 will prove just as effective.

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2016



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