

EU CONSULTATION Creative Content Online Policy/Regulatory issues for consultation

Submission from CEPIC e.e.i.g. Coordination of European Picture Agencies Press Stock Heritage

CEPIC is an international federation of picture agencies & libraries founded in 1993 and registered in Paris in 1999 as a European Economic Group. It obtained observer status at the World Intellectual Property Organisation on 1997 and is a member of IPTC since 2005. CEPIC's membership includes over 1,000 large and smaller stock photo libraries, major news agencies, art galleries and museums in 18 European countries.

Picture agencies & libraries member of CEPIC produce their own content or distribute copyright protected material from other rights holders like photographers or museums. The image material, like photos, flash, videos or news drawings is distributed through global and easily accessible networks, either with a local, a regional or a global license, which makes it easy for the end-users or consumers.

More than any other creative fields has the advent of digital technologies revolutionised the picture market in the last 15 years. Picture libraries are highly experienced users of on-line facilities from the digitization of picture material to ordering and paying online and searching and locating material on-line. They developed innovative business models, from traditional Rights Managed models to Web Generated Content models, operating both from business to business or directly to the consumer.

Digital Rights Management

- 1) Do you agree that fostering the adoption of interoperable DRM systems should support the development of online creative content services in the Internal Market? What are the main obstacles to fully interoperable DRM systems? Which commendable practices do you identify as regards DRM interoperability?**

DRM systems are critical to the development of on-line services. In our business, the technology and the experience are there: the picture business looks back on a 15 year-old experience of distributing and selling digital images. At its own costs and close to its customer needs, it has developed global DRM systems making content available and allowing management of rights on-line. As the picture business is highly developed in this area almost all of the picture companies use DRM systems that makes it easy to make global search for content.

The high cost necessary to develop DRM systems and the lack of financing are the main obstacle for the development of interoperable DRM systems. This is particularly true for small and medium sized enterprises.

- 2) **Do you agree that consumer information with regard to interoperability and personal data protection features of DRM systems should be improved? What could be, in your opinion, the most appropriate means and procedures to improve consumers' information in respect of DRM systems? Which commendable practices would you identify as regards labelling of digital products and services?**

It is in any case necessary to improve consumer information and their security as to the use of their personal data online. The best way to improve information is to develop simple and transparent guidelines. Harmonization of personal data legislation at European level is also necessary: which data may be kept and how long, which may be released without authorization etc.

As far as commendable practices are concerned, CEPIC as a member of IPTC, International Press Telecommunication Council supports its standardisation work. It is part of its metadata working group for pictures and supports the MILE EU funded project in this area. Embedded in picture material, metadata can provide ownership and usage as well as descriptive caption information that can be used to help search and identify image subjects and facilitate tracking and rights management.

- 3) **Do you agree that reducing the complexity and enhancing the legibility of end-user licence agreements (EULAs) would support the development of online creative content services in the Internal Market? Which recommendable practices do you identify as regards EULAs? Do you identify any particular issue related to EULAs that needs to be addressed?**

We agree that easy-to-read EULAs would support the development of online creative content services. Terms & Conditions can be issued by trade associations, such as CEPIC or its Member associations, as best practice documents and as references for the users.

- 4) **Do you agree that alternative dispute resolution mechanisms in relation to the application and administration of DRM systems would enhance consumers' confidence in new products and services? Which commendable practices do you identify in that respect?**

N/A

- 5) **Do you agree that ensuring a non-discriminatory access (for instance for SMEs) to DRM solutions is needed to preserve and foster competition on the market for digital content distribution?**

This problem does not apply to our industry which developed its own systems as outlined above.

Multi-territory rights licensing

- 6) Do you agree that the issue of multi-territory rights licensing must be addressed by means of a Recommendation of the European Parliament and the Council?**

The picture industry has been working with multiple rights licensing on a global scale for the last 20 years. We have an adequate system dealing with primary rights but have some issues with collecting societies dealing with secondary rights.

- 7) What is in your view the most efficient way of fostering multi-territory rights licensing in the area of audiovisual works? Do you agree that a model of online licences based on the distinction between a primary and a secondary multi-territory market can facilitate EU-wide or multi-territory licensing for the creative content you deal with?**

N/A

- 8) Do you agree that business models based on the idea of selling less of more, as illustrated by the so-called "Long tail" theory, benefit from multi-territory rights licences for back-catalogue works (for instance works more than two years old)?**

The “long tail” theory is at the heart of the picture business and we agree with the proposition.

Legal offers and piracy

9) How can increased, effective stakeholder cooperation improve respect of copyright in the online environment?

More copyright education is necessary. This is true for picture buyers and, in view of the development of User Generated Content, for end-users alike. CEPIC supports the development of educational initiatives at EU level.

10) Do you consider the Memorandum of Understanding, recently adopted in France, as an example to followed?

The Memorandum of Understanding has been issued recently and there is no experience. It is too soon to say anything.

12) Do you consider that applying filtering measures would be an effective way to prevent online copyright infringements ?

A number of service providers in our industry have developed filtering measures and they are used by picture agencies to protect their material on-line and track copyright infringement on the internet. Although they are not sufficient to protect against copyright infringement, we have made a good experience with them.

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