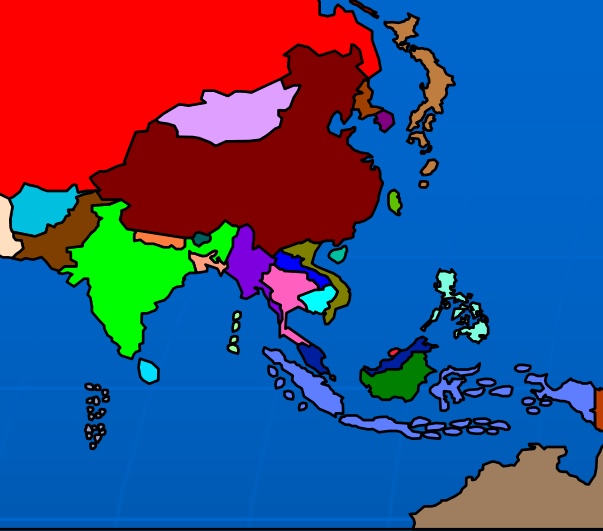


Overview of Collective Management of Copyright in Asia & the Pacific

Trading Ideas Symposium
Sydney 29 January 2007



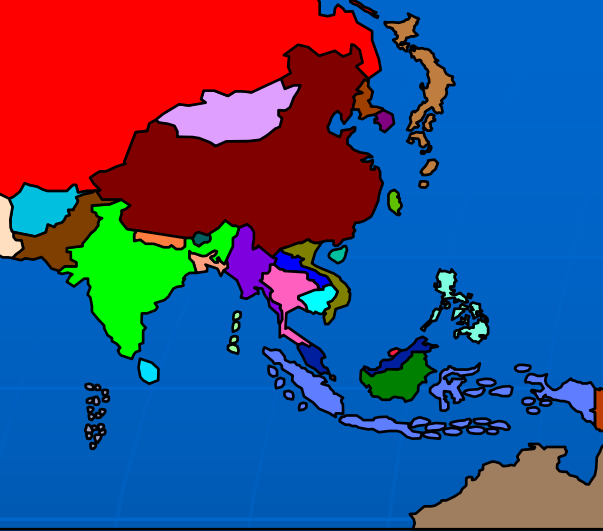


ASIA & THE PACIFIC

Extremely diverse
ethnic,
cultural, social,
economic
and political
conditions

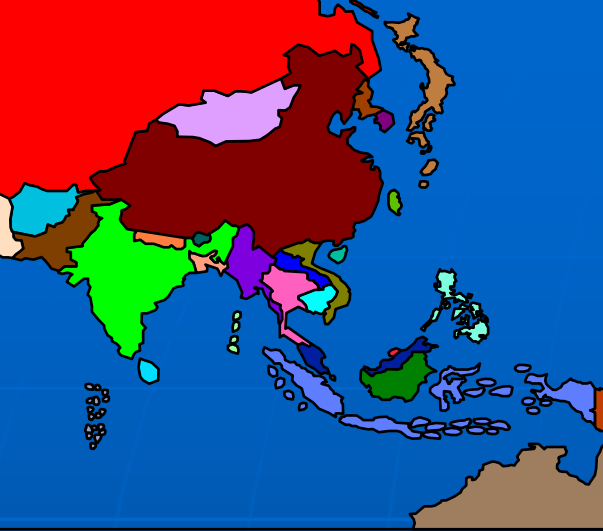


Demographics

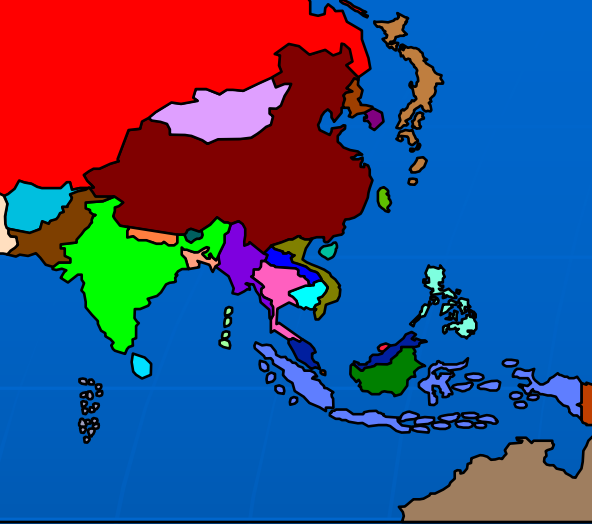


- **APEC 21 economies include Pacific Rim countries - Russian Federation, Canada, USA, Mexico, Chile, Peru.**
- **Asia Pacific (above map) 3.4 billion people (60% of world's population)**
- **85.6% found in 6 countries**
 - China, India, Indonesia, Japan, Pakistan, Bangladesh
- **Pacific Nations -10,000 to 1m population**

Economics



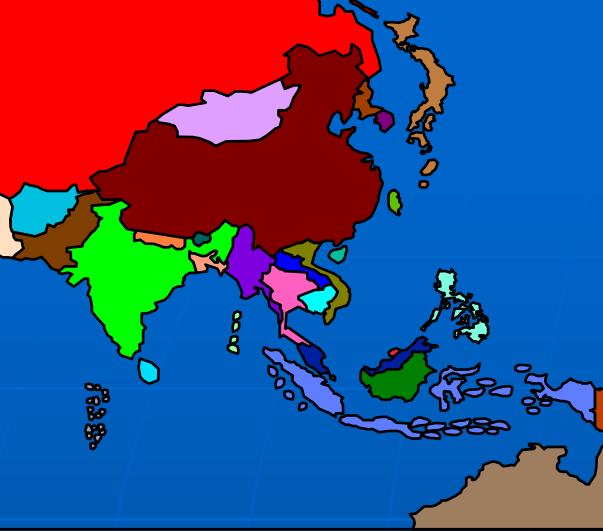
- 88.6% (3.015 billion) with per capita GNI of below US\$960 (*formerly per capita GNP*)
- Approximately half or 1.43 billion people with per capita GNI of below US\$470
- 4.7% has per capita GNI in excess of US\$20,000



Impact of Level of Economic Development on Collective Administration of Rights

- Correlation between level of economic development and the viability and success of a collective administration organization
- Need for longer term plans in establishment of viable collective administration organization where per capita GNI is low

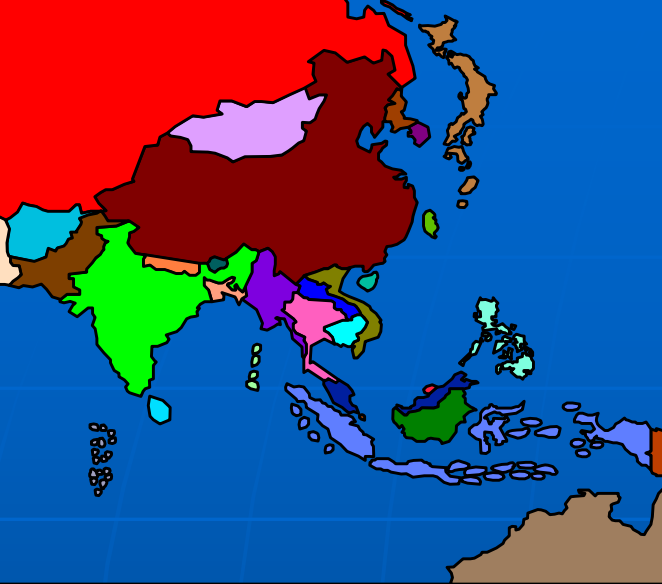
Political Factors



■ Historical, Cultural and Ideological factors

- British— imported common law and UK Copyright law to colonies
- Dutch introduced its copyright system to Indonesia
- French influence may be perceived in Cambodia, Vietnam
- American copyright system exerts itself in the Philippines
- China and other communist States do not have any history or cultural references to protecting individual authors' rights

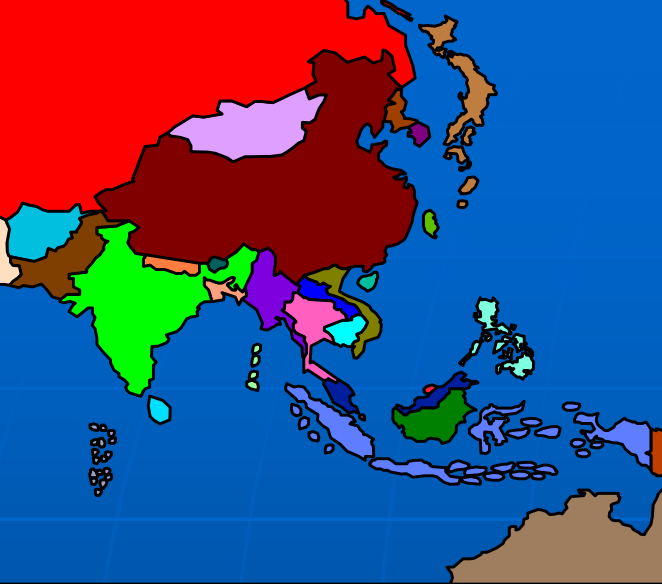
Industry Infrastructure



- Non-existent/nascent publishing industry
- Creators deal directly with recording companies, often lump sum, buyout contracts, no mechanical rights
- Economic and political strength of producers and broadcasters
- **Impact on government support for Collective Management of Rights - crucial**

WTO - TRIPS

Trade Related Aspects of Intellectual Property



- Major legislative revisions to copyright law in the region
- Implementation Requirements, timeframes for developing countries, especially Pacific nations
- Sets framework for introduction of CMOs, which is the first step in establishing a copyright system and cultural industries
- Trade agreements – impetus to adopt WIPO Copyright Treaties

CMOs pre 1960

KTRWA (1957)

JASRAC (1939)

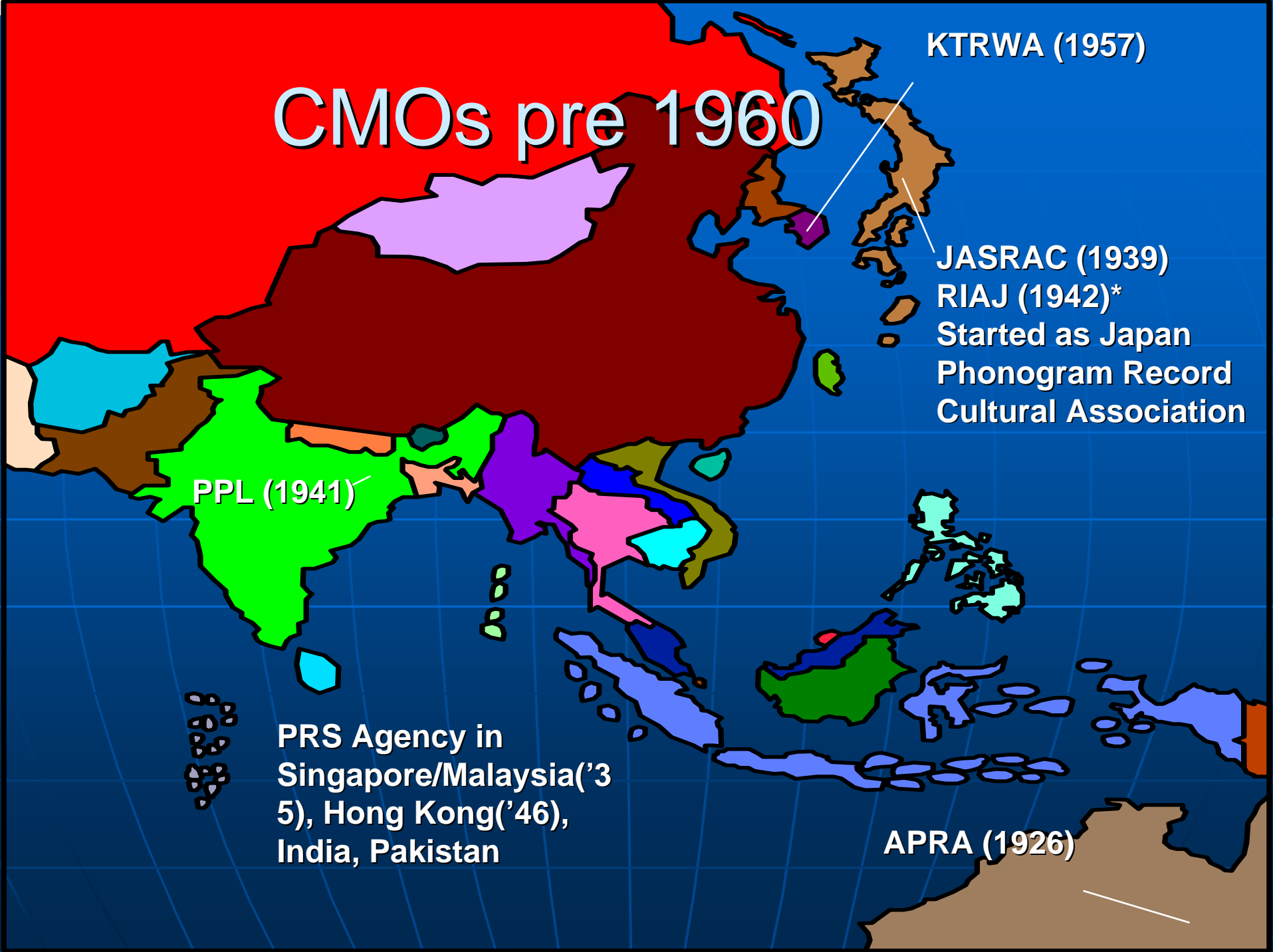
RIAJ (1942)*

Started as Japan
Phonogram Record
Cultural Association

PPL (1941)

PRS Agency in
Singapore/Malaysia('35),
Hong Kong('46),
India, Pakistan

APRA (1926)



CMOs 1960 -70

KOMCA (1965),
KTRWA (1957)

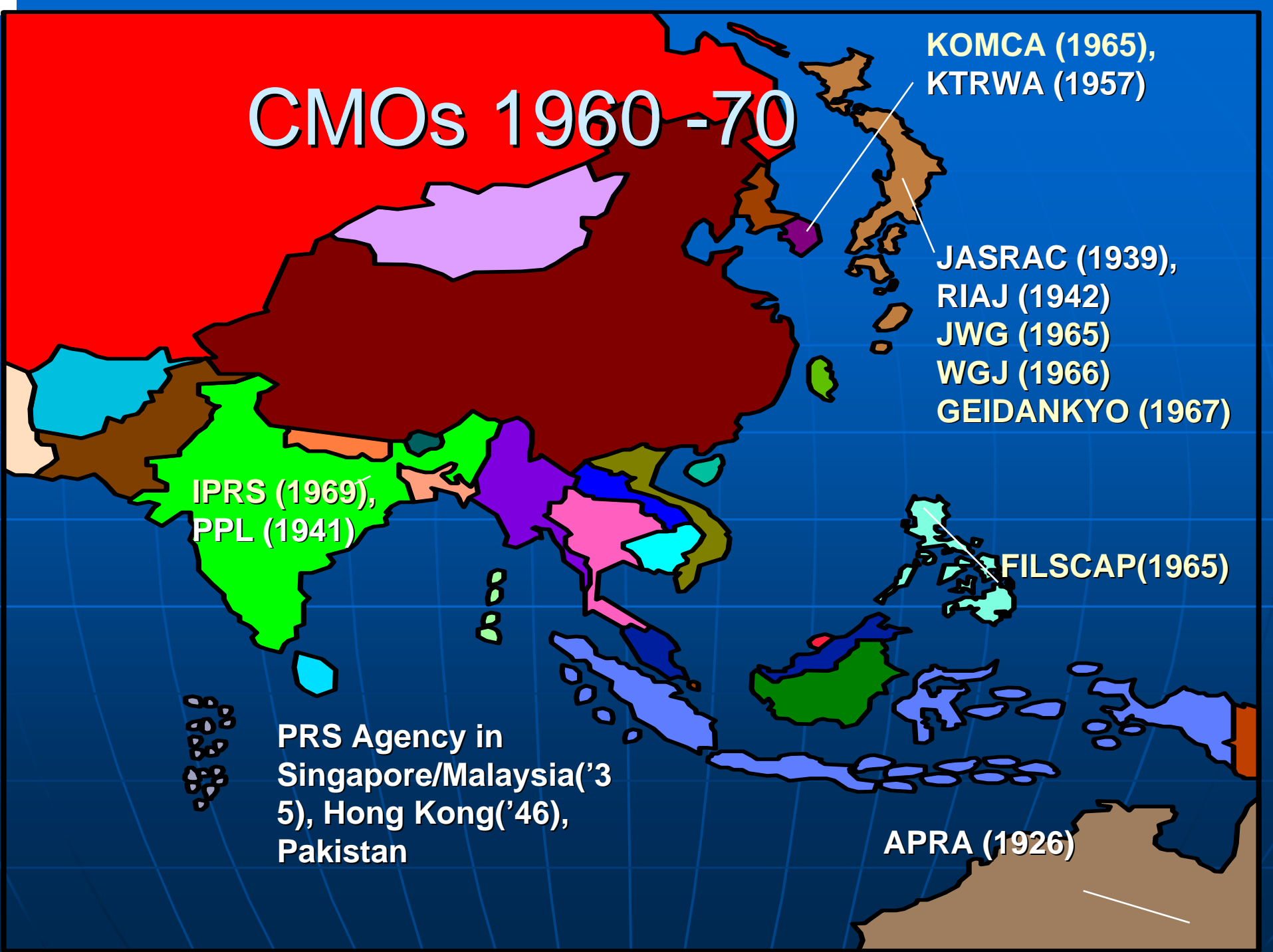
JASRAC (1939),
RIAJ (1942)
JWG (1965)
WGJ (1966)
GEIDANKYO (1967)

IPRS (1969),
PPL (1941)

FILSCAP(1965)

PRS Agency in
Singapore/Malaysia('3
5), Hong Kong('46),
Pakistan

APRA (1926)



Up to 1980

KOMCA (1965),
KTRWA (1957),

JASRAC (1939)

RIAJ (1942)

JWG (1965)

WGJ (1966)

GEIDANKYO (1967)

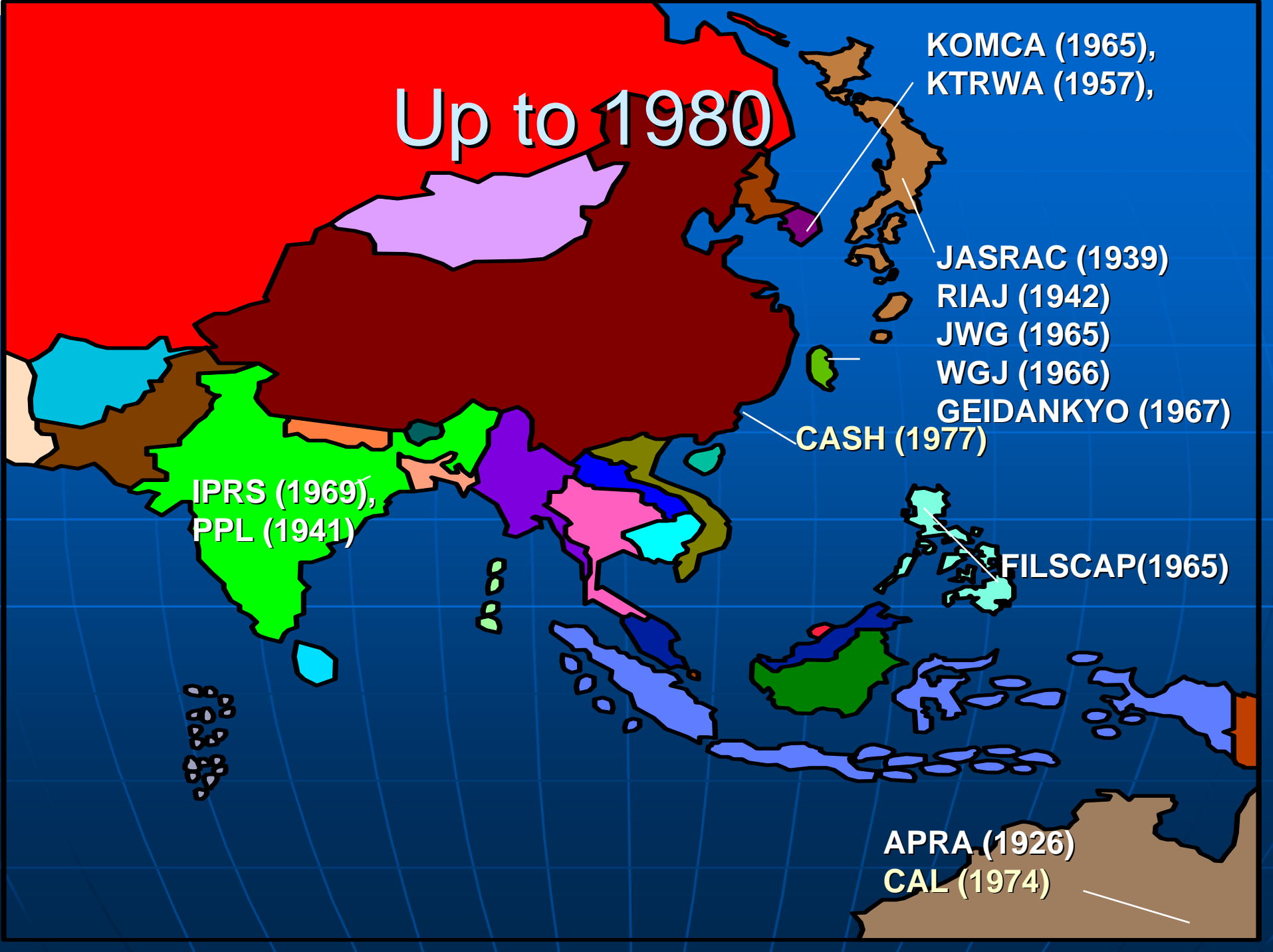
CASH (1977)

IPRS (1969),
PPL (1941)

FILSCAP (1965)

APRA (1926)

CAL (1974)



Up to 1990

KOMCA (1965), KOSA (1984), KTRWA (1957), PAK (1988)

JASRAC (1939)

RIAJ (1942)

JWG (1965)

WGJ (1966)

GEIDANKYO (1967)

ARCO (1989)

CASH (1977)

PP(SEA)

(1984)

FILSCAP(1965)

IPRS (1969),
PPL (1941)

MACP (1989), PPM
(1988)

KCI (1990)

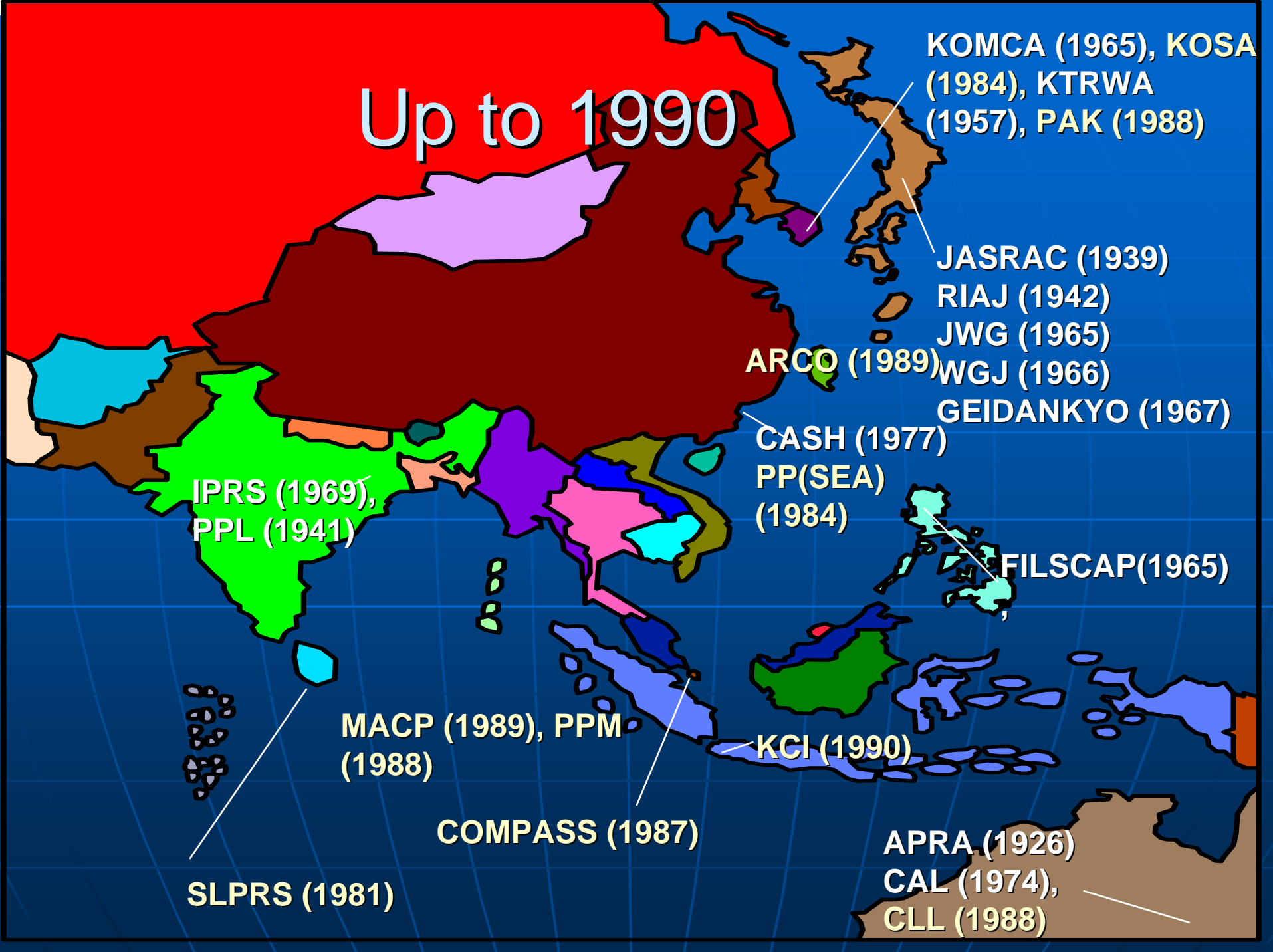
COMPASS (1987)

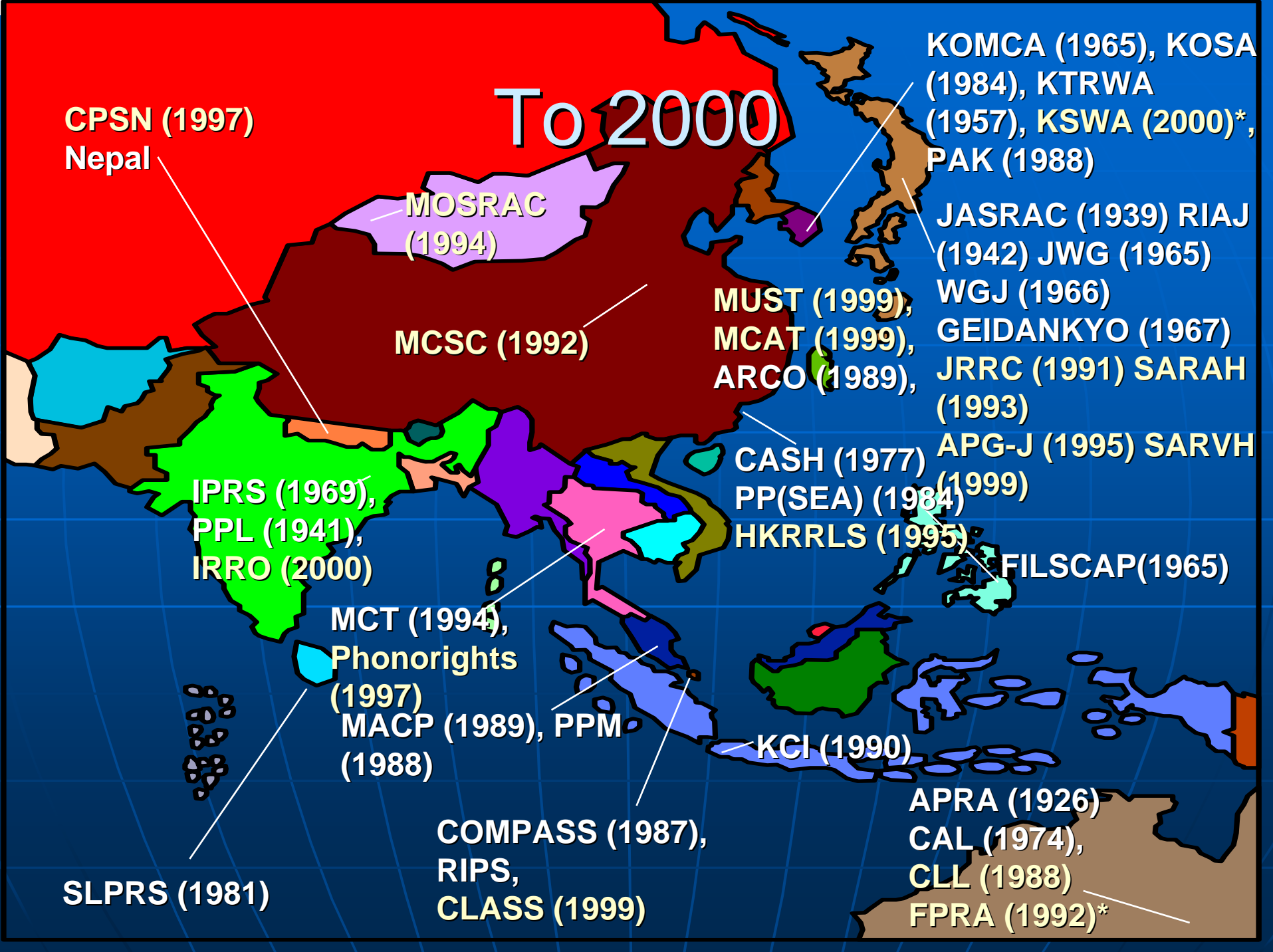
SLPRS (1981)

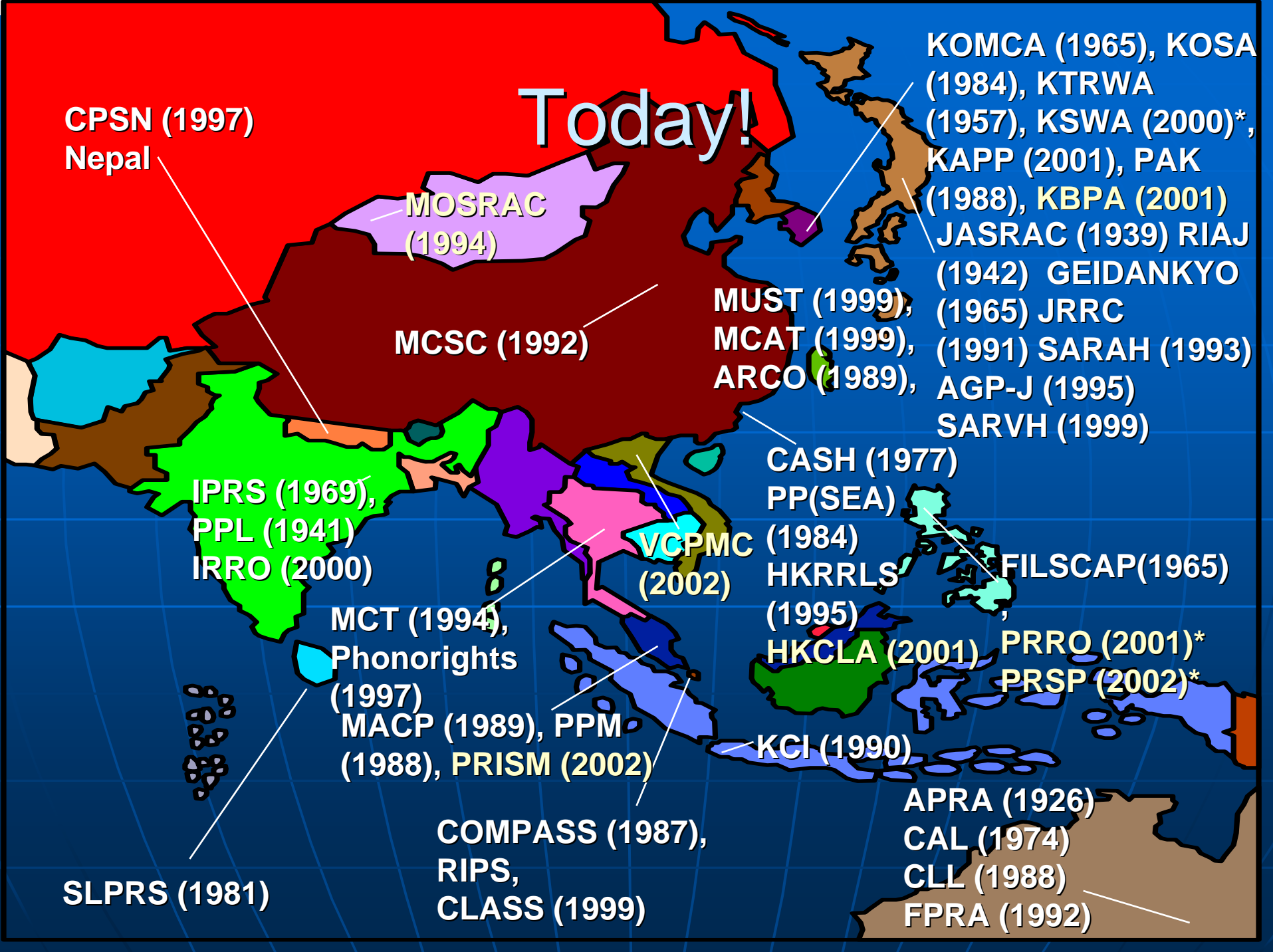
APRA (1926)

CAL (1974),

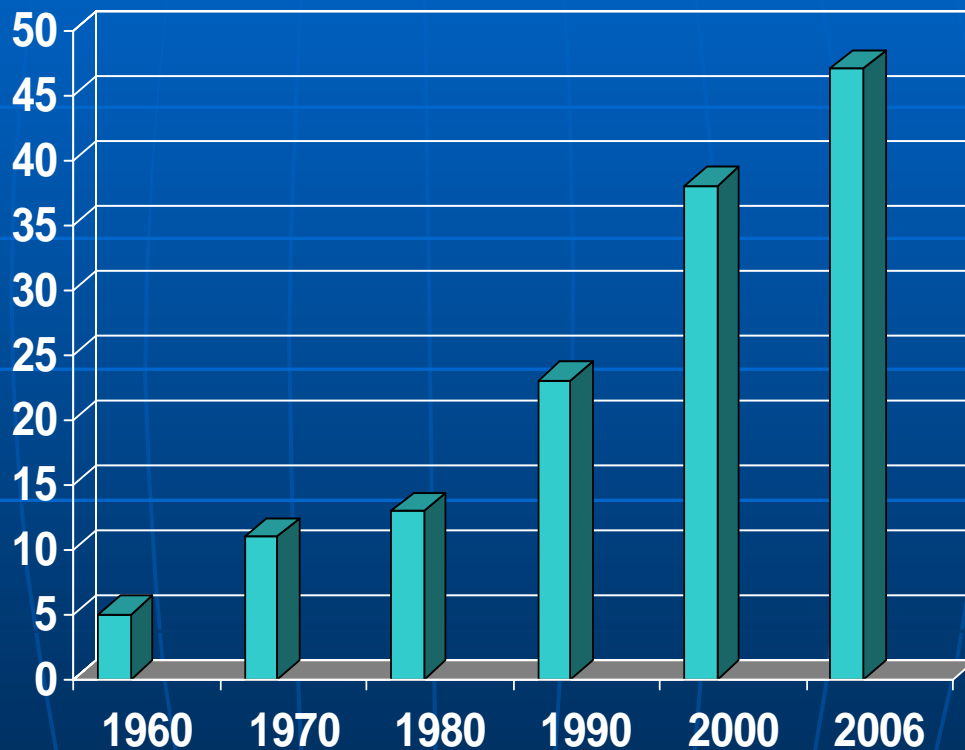
CLL (1988)







Growth in number of Collective Management Societies in Asia: 1960 - 2006



Factors in Development of CMOs in Asia Pacific Region

- Rapid growth in past 15 years in large part attributed to efforts of CISAC and regional office in Singapore.
- Many of the new societies received technical and/or financial assistance from CISAC (and/or its member societies such as APRA and/or member-publishers) in their establishment and early developmental stages

Pre-requisites for developing a CMO system

- 📖 Sound national copyright law
- 📖 Accession to international copyright conventions
- 📖 Government support
- 📖 Seed money
- 📖 Competent management
- 📖 Enforcement – test cases
- 📖 Tariff setting parameters – specialised tribunal?
- 📖 Attitude of State broadcasters
- 📖 Strong Judicial System - jj trained in IP and copyright

Challenges to copyright in digital delivery

- Internet: – communication to the public and reproduction - cross border delivery, location of servers, ISPs.
- Territories where convergence leapfrogging traditional delivery + no existing effective admin for performing/mechanical rights – eg China India.
- Reciprocal representation agreements = territorial exclusivity. EU Recommendations, Statement of Objections, AP discussions regarding regional services.
- “Long Tail” of repertoire available – comprehensive blanket licensing even more important

Challenges to copyright in digital delivery

- New 3G mobile – interactive services, IPTV, etc
- P2P copying; ineffectiveness of TPMs - but ICT industry challenges to private copying schemes.
- Commercialisation of social networking sites and user generated content, MySpace, Youtube
- Open source licensing, creative commons

THE END

