Table of Contents

Ack	nowledgments	xvii
Intr	oduction	xix
Par	t I	1
The	pter I Changing Role of Copyright Collectives f. Dr. Daniel Gervais	3
	Introduction The Challenges 2.1. The Copyright Paradox 2.2. The Internet 2.3. Fragmentation	3 4 4 7 10
	Ways Forward 3.1. Collective Management in Historical Perspective 3.2. Collective Licensing and the Internet 3.3. Defragmentation and Simplification 3.4. The Extended Repertoire System Conclusion	15 15 19 22 28 35
Coll Dig Ext	npter II lective Management of Copyright and Related Rights in the ital, Networked Environment: Voluntary, Presumption-Based, ended, Mandatory, Possible, Inevitable? Mihály Ficsor	37
	Introduction Mandatory Collective Management	37 40

3. 4.		mption-Based and Extended Collective Management 'Making Available' Right and the Right of Communication	47
		Public: The Relative Freedom of Legal Characterization of	
		Covered by Copyright	50
	4.1.	Preparatory Work; the Emergence of the "Umbrella Solution"	50
	4.2.	Application of the "Umbrella Solution" in Article 8 of the WCT	52
	4.3.	The Effect of the Recognition of a Comprehensive Right of Communication to the Public Beyond the Extension of its Coverage to Interactive Transmissions; the Second Sentence of the Agreed Statement Concerning Article 8 of the WCT	54
	4.4.		56
	4.5.	The Rights of "Making Available" and Communication to the Public Under the WPPT	56
	4.6.	No Mandatory Collective Management of the Right of Making Available to the Public	57
	4.7.	No Mandatory Collective Management Either for Non-interactive Communications to the Public	
		Through the Internet	58
5.	Privat	te Copying in the Digital Networked Environment: Individual	
	Exerc	ise of Rights Through DRM – Or Collective Management of	50
	•	based Rights to Remuneration	39
	5.1.	The Application of the "Three-Step Test"; Introductory	<i>_</i>
		Remarks	59
	5.2.	First Step: The Meaning of "Special Cases"	61
	5.3.	Second Step: The Meaning of "[Conflict with] Normal Exploitation"	61
	5.4.	Third Step: The Meaning of "Unreasonable Prejudice to the	
		Legitimate Interests of Authors"	62
	5.5.	Private Reproduction is Covered by Article 9(1) and (2)	62
	5.6.	Article 13 of the TRIPS Agreement on Limitations and Exceptions	63
	5.7.	The WCT and the WPPT on Exceptions and Limitations	
		in the Digital, Networked Environment; The Preamble	
	*	of the WCT	64
	5.8.	Article 10 of the WCT and the Agreed Statement	UT
	J.O.	Related to It	65
	5.9.	The Impact of Article 10(2) of the WCT on the	UJ
	J.J.	Application of the Provisions of the Berne Convention	
		Concerning Exceptions and Limitations as Incorporated,	66
		by Reference, into the WCT	OO

	5.10.	Article 1(4) of the WCT and the Agreed Statement Related to It: Application of Article 9 of the Berne Convention in	
		the Digital Environment	67
	5.11.	The WPPT on Exceptions and Limitations	68
	5.12.	Application of the "Three-Step Test" for Private Copying as	
		a Result of Digital Delivery Through Interactive Networks Adaptation of the Right of Reproduction to the Digital,	69
		Networked Environment in Respect of Private Copying at National and Regional Level – Case Law Solution	70
	5.14.	Adaptation of the Right of Reproduction to the Digital, Networked Environment in Respect of Private Copying	72
	5.15.	Conflicts of Interests Concerning the Choice Between Individual Exercise of the Exclusive Right of	
		Reproduction in Respect of Private Copying and the Collective Management of a Right to Remuneration	
		for Such Copying	72
6.	Concl	usions	81
Col An	Uneasy	Management of Copyright and Human Rights: Alliance ence R. Helfer	85
1.	Introd	luction	85
0.00		lucing A Human Rights Framework for Intellectual Property	89
		The ICESCR Committee's General Comment Developing a Distinctive Human Rights Framework for	92
3.	Huma	Authors' Rights and the Collective Administration of Copyright:	94
		liminary Assessment CMO Activities that Enhance the Human Rights of Authors	98
	3.1.	and Users CMO Activities that Detract from the Human Rights of	98
1	J.Z.	Authors and Users	101
4.		Human Rights Concerns of Collective Administration:	103
	4.1.	atory Membership and Promoting National Culture Should Membership in CMOs be Mandatory or	103
	T. 1.	Voluntary?	103
	4.2.	Should CMOs Promote National Culture?	108
5.		usion: The Practical Consequences of a Human Rights	
		ework for Collective Management of Copyright	111

Management 3.1. The Resolution of the European Parliament 130 3.2. The Communication from the Commission 132 3.3. The Commission Work Programme 2005 133 3.4. The Study on Cross-border Collective Management of Copyright 134 4. Towards a Harmonization in Respect of Collective Management Societies 136 4.1. Actual Need for Harmonization 136 4.1.1. Multi-territorial Licensing 137 4.1.2. Principles of Good Governance and Supervision 138 4.2. The Harmonization through Legislative Action 140 4.2.1. The Attribution Principle 141 4.2.2. The Subsidiarity Principle 144 4.2.3. The Proportionality Principle 145 4.3. Alternatives to Legislative Action 147 5. Conclusion 150 Chapter V Collective Management in France 153 Nathalie Piaskowski 1. Introduction 153 2. History and Nature of Collective Management in France 154	Par	t II	115
1. Introduction 1.			
1. Introduction 1.			
Dr. Lucie Guibault and Stef van Gompel 1. Introduction 117 2. Current Regulation of Collective Management Societies 120 2.1. Regulation at Community Level 120 2.1.1. The Relationship with Members 121 2.1.2. The Relationship with Users 122 2.1.3. The Reciprocal Relationship Between Collective Management Societies 123 2.2. Regulation at Member State Level 125 2.2.1. Strict Supervision 127 2.2.2. Intermediate Supervision 128 2.2.1. Strict Supervision 129 3. Intended Community Framework on Collective Rights Management 130 3.1. The Resolution of the European Parliament 130 3.2. The Communication from the Commission 132 3.3. The Communication from the Commission 132 3.4. The Study on Cross-border Collective Management of Copyright 134 4. Towards a Harmonization in Respect of Collective Management Societies 136 4.1. Multi-territorial Licensing 137 4.1. Principles of Good Governance and Supervision 138 4.2. The Attribution Principle 14 4.2.1. The Attribution Principle		AL.	117
1. Introduction 117 2. Current Regulation of Collective Management Societies 120 2.1. Regulation at Community Level 120 2.1.1. The Relationship with Members 121 2.1.2. The Relationship with Users 122 2.1.3. The Reciprocal Relationship Between Collective Management Societies 123 2.2. Regulation at Member State Level 125 2.2.1. Strict Supervision 127 2.2.2. Intermediate Supervision 129 3. Intended Community Framework on Collective Rights Management 130 3.1. The Resolution of the European Parliament 130 3.2. The Communication from the Commission 132 3.3. The Commission Work Programme 2005 133 3.4. The Study on Cross-border Collective Management of Copyright 134 4. Towards a Harmonization in Respect of Collective Management Societies 136 4.1. Actual Need for Harmonization 136 4.2. Principles of Good Governance and Supervision 136 4.2. The Harmonization through Legislative Action 140 4.2.1. The Attribution Principle 141 4.2.2. The Subsidiarity Principle 144 4.2.3. The Proportionality Principle 145 <td></td> <td></td> <td></td>			
2. Current Regulation of Collective Management Societies 120	101.	Lacie Galbani ana Siej van Gompei	
2.1. Regulation at Community Level 120 2.1.1. The Relationship with Members 121 2.1.2. The Relationship with Users 122 2.1.3. The Reciprocal Relationship Between Collective Management Societies 123 2.2. Regulation at Member State Level 125 2.2.1. Strict Supervision 127 2.2.2. Intermediate Supervision 128 2.2.3. De minimis Supervision 129 3. Intended Community Framework on Collective Rights Management 130 3.1. The Resolution of the European Parliament 130 3.2. The Communication from the Commission 132 3.3. The Commission Work Programme 2005 133 3.4. The Study on Cross-border Collective Management Societies 4.1. Actual Need for Harmonization 136 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 138 4.2.1. The Attribution Principle 4.4.2.1. The Attribution Principle 4.4.2.2. The Subsidiarity Principle 4.4.2.3. The Proportionality Principle 4.4.3. Alternatives to Legislative Action 140 4.2.2. The Subsidiarity Principle 145 4.3. Alternatives to Legislative Action 147 5. Conclusion 150 153 153 154 154 155 154 155 154 155	1.	Introduction	117
2.1.1. The Relationship with Members 121 2.1.2. The Relationship with Users 122 2.1.3. The Reciprocal Relationship Between Collective Management Societies 123 2.2.1. Strict Supervision 127 2.2.1. Strict Supervision 127 2.2.2. Intermediate Supervision 128 2.2.3. De minimis Supervision 129 2.3. De minimis Supervision 129 3.1. The Resolution of the European Parliament 130 3.2. The Communication from the Commission 132 3.3. The Commission Work Programme 2005 133 3.4. The Study on Cross-border Collective Management 134 4. Towards a Harmonization in Respect of Collective Management Societies 4.1. Actual Need for Harmonization 136 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2.1. The Harmonization through Legislative Action 4.2.2. The Subsidiarity Principle 4.4.2.3. The Proportionality Principle 4.4.3. Alternatives to Legislative Action 147 4.5. Conclusion 150 153 153 153 154 154 154 155 154 155	2.	Current Regulation of Collective Management Societies	120
2.1.2. The Relationship with Users 2.1.3. The Reciprocal Relationship Between Collective Management Societies 123			120
2.1.2. The Relationship with Users 2.1.3. The Reciprocal Relationship Between Collective Management Societies 123		2.1.1. The Relationship with Members	121
2.1.3. The Reciprocal Relationship Between Collective Management Societies 123			122
2.2. Regulation at Member State Level 125 2.2.1. Strict Supervision 127 2.2.2. Intermediate Supervision 128 2.2.3. De minimis Supervision 129 3. Intended Community Framework on Collective Rights 130 Management 130 3.1. The Resolution of the European Parliament 130 3.2. The Communication from the Commission 132 3.3. The Commission Work Programme 2005 133 3.4. The Study on Cross-border Collective Management of Copyright 134 4. Towards a Harmonization in Respect of Collective Management 136 4.1. Actual Need for Harmonization 136 4.1.1. Multi-territorial Licensing 137 4.1.2. Principles of Good Governance and Supervision 138 4.2. The Harmonization through Legislative Action 140 4.2.1. The Attribution Principle 141 4.2.2. The Subsidiarity Principle 144 4.3. Alternatives to Legislative Action 147 5. Conclusion 153 Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153			
2.2.1. Strict Supervision 127 2.2.2. Intermediate Supervision 128 2.2.3. De minimis Supervision 129 3. Intended Community Framework on Collective Rights 130 3.1. The Resolution of the European Parliament 130 3.2. The Communication from the Commission 132 3.3. The Commission Work Programme 2005 133 3.4. The Study on Cross-border Collective Management of Copyright 134 4. Towards a Harmonization in Respect of Collective Management Societies 136 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 138 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 141 4.2.2. The Subsidiarity Principle 144 4.2.3. The Proportionality Principle 145 4.3. Alternatives to Legislative Action 147 5. Conclusion 150 150 Chapter V		Management Societies	123
2.2.2. Intermediate Supervision 128 2.2.3. De minimis Supervision 129 3. Intended Community Framework on Collective Rights Management 3.1. The Resolution of the European Parliament 3.2. The Communication from the Commission 3.3. The Commission Work Programme 2005 3.4. The Study on Cross-border Collective Management of Copyright 4.1. Towards a Harmonization in Respect of Collective Management Societies 4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 147 5. Conclusion 153 Chapter V Collective Management in France 153 Nathalie Piaskowski 153 Introduction 153 History and Nature of Collective Management in France 154		2.2. Regulation at Member State Level	125
2.2.3. De minimis Supervision Intended Community Framework on Collective Rights Management 3.1. The Resolution of the European Parliament 3.2. The Communication from the Commission 3.3. The Commission Work Programme 2005 3.4. The Study on Cross-border Collective Management of Copyright 4. Towards a Harmonization in Respect of Collective Management Societies 4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski Introduction 153 History and Nature of Collective Management in France 154		2.2.1. Strict Supervision	127
3. Intended Community Framework on Collective Rights Management 3.1. The Resolution of the European Parliament 3.2. The Communication from the Commission 3.3. The Commission Work Programme 2005 3.4. The Study on Cross-border Collective Management of Copyright 4. Towards a Harmonization in Respect of Collective Management Societies 4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski Introduction 153 History and Nature of Collective Management in France 154		2.2.2. Intermediate Supervision	128
Management 3.1. The Resolution of the European Parliament 3.2. The Communication from the Commission 3.3. The Commission Work Programme 2005 3.4. The Study on Cross-border Collective Management of Copyright 4. Towards a Harmonization in Respect of Collective Management Societies 4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2.1 The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 154			129
3.1. The Resolution of the European Parliament 3.2. The Communication from the Commission 3.3. The Commission Work Programme 2005 3.4. The Study on Cross-border Collective Management of Copyright 4. Towards a Harmonization in Respect of Collective Management Societies 4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 154	3.	Intended Community Framework on Collective Rights	
3.2. The Communication from the Commission 3.3. The Commission Work Programme 2005 3.4. The Study on Cross-border Collective Management of Copyright 4. Towards a Harmonization in Respect of Collective Management Societies 4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 154			150
3.3. The Commission Work Programme 2005 3.4. The Study on Cross-border Collective Management of Copyright 4. Towards a Harmonization in Respect of Collective Management Societies 4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 History and Nature of Collective Management in France 154			
3.4. The Study on Cross-border Collective Management of Copyright 4. Towards a Harmonization in Respect of Collective Management Societies 4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion 150 Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 1. Introduction 1. Introduction 1. Introduction 2. History and Nature of Collective Management in France			
Copyright 4. Towards a Harmonization in Respect of Collective Management Societies 4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2.1. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 History and Nature of Collective Management in France 154			133
4. Towards a Harmonization in Respect of Collective Management Societies 4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 History and Nature of Collective Management in France 154			101
Societies 4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 2. History and Nature of Collective Management in France 153	4		134
4.1. Actual Need for Harmonization 4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 154	4.		100
4.1.1. Multi-territorial Licensing 4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 154			136
4.1.2. Principles of Good Governance and Supervision 4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 154			
4.2. The Harmonization through Legislative Action 4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 History and Nature of Collective Management in France 154			
4.2.1. The Attribution Principle 4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 2. History and Nature of Collective Management in France 154		A .	
4.2.2. The Subsidiarity Principle 4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 2. History and Nature of Collective Management in France 154			
4.2.3. The Proportionality Principle 4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 2. History and Nature of Collective Management in France 154			
4.3. Alternatives to Legislative Action 5. Conclusion Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 153 2. History and Nature of Collective Management in France 154			
 Chapter V Collective Management in France Nathalie Piaskowski Introduction History and Nature of Collective Management in France 153 History and Nature of Collective Management in France 			N 2 23
Chapter V Collective Management in France Nathalie Piaskowski 1. Introduction 2. History and Nature of Collective Management in France 153	5		
 Collective Management in France Nathalie Piaskowski 1. Introduction 2. History and Nature of Collective Management in France 154 	J.	Conclusion	130
 Collective Management in France Nathalie Piaskowski 1. Introduction 2. History and Nature of Collective Management in France 154 			
 Collective Management in France Nathalie Piaskowski 1. Introduction 2. History and Nature of Collective Management in France 154 	Cha	nter V	
 Nathalie Piaskowski 1. Introduction 2. History and Nature of Collective Management in France 153 154 			153
 Introduction History and Nature of Collective Management in France 153 History and Nature of Collective Management in France 			
2. History and Nature of Collective Management in France 154	1 1000		
2. History and Nature of Collective Management in France 154	1.	Introduction	153
	2.		154
2.1. Instory of Concentre Societies in France		2.1. History of Collective Societies in France	154

				154
			Rights	156
	2.2.		g Collective Societies	157
			Primary Management Collective Societies	158
			Intermediary Collective Societies	163
3.	Collect	tive Ma	nagement and Oversight of Collective Societies	
	in Fran			165
	3.1.	Consti	tution and Status of Royalty Collection and	
		Distrib	oution Societies	165
		3.1.1.	Legal Form	166
		3.1.2.	Legal Bases for Activity	166
	3.2.	Collect	tion of Remuneration	170
		3.2.1.	Collection of Copyright Royalties	170
			Collection of Neighbouring Rights	171
	3.3.		oution of Remuneration	174
		3.3.1.	Sums Distributed	174
		3.3.2.	Sums that It Was Not Possible to Distribute	176
			Prescription of Actions in Payment	178
	3.4.		ght of Collective Societies	179
			Internal Oversight	179
			Mechanisms for External Audit	183
4	Challe		d Issues for Collective Management in France	187
1 .		_	itiatives	188
	1.1.		Project Harmony/ORS (Open Right System)	188
			Attempts to Institute World Licences	189
			CSPLA's Work in Collective Management	190
5	Conclu		Coi Liis work in Concentre ivianagement	191
٥.	COHOIC			
	pter VI		Tanagament in Carmany	193
		örg Rein	Janagement in Germany https://doi.org/10.00016/journal.com	173
1.	Introd	uction		193
			f Copyright Collecting Societies in Germany	194
		The O		194
	2.2.		evelopments from 1903 to 1965	196
	2.3.		evelopments after 1965	197
	4. J.		Collective Rights Management in the German	
			Copyright Reform of 1965	197
			Existing Collecting Societies in Germany	199
3.	Today 3.1.		atory Framework for Collecting Societies eneral Principles enshrined in the German Law on	201
	J. 1.		tive Rights Management (LACNR)	201

	3.2.	The Pr	rovisions of the LACNR	202
		3.2.1.	Chapter 1: The Authorization/Establishment of	
			Collecting Societies (Articles 1 to 5 of the	
			LACNR)	202
		3.2.2.		
			of Collecting Societies (Articles 6 to 13b of the	
		0 0 0	LACNR)	204
		3.2.3.	Chapter 2 (Second Part): The Arbitration Board	
			and Access to the Courts (Articles 14 to 17 of the	21/
		2 2 1	LACNR) Chapter 2: The Control over Callecting Societies	216
		5.2.4.	Chapter 3: The Control over Collecting Societies (Articles 18 to 20 of the LACNR)	221
		3 2 5	Chapter 4: The Transitional and Final Provisions	221
		J. Z. J.	(Articles 21 to 28 of the LACNR)	222
	3.3.	Conclu	,	223
4.			ectives for Collective Rights Management	
	in Ger	_		224
Cha	apter VI	I		
		0	ement in the United Kingdom (and Ireland)	227
Pro	of. Dr. P	aul L.C.	. Torremans	
1	T., 4., - 1	4:		227
	Introd		Tature of Callastina Management	227
2.		y and r Histor	Nature of Collective Management	227 227
			ng Collecting Societies in the UK	230
	2.2.		Reprographic Rights Societies	230
			Mechanical Rights Societies	234
			Licensing Bodies for Off-air Recording	235
			Performing Right Societies	236
			Multi-purpose Collecting Societies	238
3.	The C		Regulatory Framework	240
			ing Schemes and Licensing Bodies in General	240
	3.2.		ions on Schemes and Licenses for Reprographic	
		Copyin	ng	243
	3.3.	Reprog	graphic Copying by Educational Establishments	244
	3.4.	The Po	ower to Extend the Coverage of a Scheme	244
	3.5.	Is a Ne	ew Scheme or a New License Required?	245
	3.6.		ertification of Licensing Schemes	246
4.	Collec		nagement in the Republic of Ireland	248
	4.1.		egal Framework	248
	4.2.	The Iri	ish Music Rights Organisation	251

	4.3.	The Mechanical-Copyright Protection Society (Ireland) Ltd	253
	4.4.	The Irish Copyright Licensing Agency	253
	4.5	Phonographic Performance Ireland	254
5	Concl		254
J.	COHOL		
Cho	mtor VI		
	apter V	Management in the Nordic Countries	257
		cinen-Olsson	
	,		
		luction	257
2.	Histor	ry and Short Overview of Collective Management	258
	2.1.	Performing and Mechanical Rights in the Field of Music	258
	2.2.	Related Rights in the Field of Music	259
	2.3.	Visual Arts and Photography	260
	2.4.	Rights in Literary Works	260
	2.5.	Reprography and Certain Digital Uses	261
	2.6.	Secondary Uses of Audiovisual Works	261
	2.7.	Private Copying Remuneration	263
	2.8.	Summary of Main Nordic Collective Management	
		Organizations	263
3.	Main	Elements of an Extended Collective License	264
	3.1.	History of the System	264
	3.2.	Rationale and Basic Elements	265
	3.3.	Benefits	266
	3.4.	Alternatives to an Extended Collective License	267
4.	Exten	ded Collective Licenses and Government "Oversight"	268
	4.1.	Representativeness Criterion	268
	4.2.	Guarantees for Non-represented Rightsholders	268
	4.3.	Measures to Ensure that Collective Agreements are	
		Concluded	270
	4.4.	Authorization by Public Authorities	270
5.	Practi	cal Examples from Nordic Countries	271
	5.1.	Broadcasting in Finland	271
	5.2.	Reprography and Certain Digital Uses in Denmark	272
		5.2.1. Reproduction within Educational Activities	273
		5.2.2. Reproduction by Institutions, Organizations and	
		Business Enterprises	273
		5.2.3. Reproduction within Public Libraries	274
		5.2.4. Situation in other Nordic Countries	275
	5.3.	Retransmission of Broadcasts in Norway	276
		5.3.1. Cable Retransmission in Norway	277

6.		nt and N User N 6.1.1. 6.1.2.	Situation in other Nordic Countries New Challenges Needs and Usage Patterns Educational Establishments Libraries New Ways to Retransmit Broadcasts	278279279280280
7.	6.2. Concl	New E	Extended Collective Licenses will be Tested in Practice Lemarks on Nordic Collective Management	281 281
	apter IX			
		O	ement in Commonwealth Jurisdictions:	
			a with Australia	283
Ma	rio Bou	ichara		
1	Introd	luction		283
			ry of Collective Management in Canada and	203
4.	Austra		ly of Concentre ivialiagement in Canada and	284
3			IOs: Markets, Structures, Practices	286
J.			es of Activity	286
	J. 1.	_	Music	287
			Reprography	288
			Retransmission of Distant Radio and Television	
			Signals	289
		3.1.4.	Private Copying	289
			Audio-Visual and Multimedia	289
		3.1.6.	Off-Air Program Taping	289
			Collective Management in Other Areas	290
	3.2.	Chara	cteristics and Practices of Canadian CMOs	290
		3.2.1.	Corporate Structure and Business Practices	291
		3.2.2.	Nature and Extent of the Repertoire	291
		3.2.3.	Pricing Practices, Administrative Expenses and	
			Royalty Distributions	292
		3.2.4.	Interaction Between CMOs	293
	3.3.	Canad	lian and Australian CMOs: Some Comparisons	294
4.			Oversight of Canadian CMOs	297
			ight by Competition Law Authorities	297
	4.2.		ight by the Copyright Board	298
			The Structure of the Copyright Board	298
			Regulatory Regimes Administered by the Board	298
			Procedures Before the Copyright Board	301
			The Powers of the Board	302
		_	aring CMO Oversight in Canada and Australia	304
5.	Concl	usion		308

Co	apter X pyright perience	Collectives and Collecting Societies: The United States	311
	L	n Lunney	
1.	The C	Copyright Collectives: ASCAP, BMI, and SESAC	314
		A Brief Description of the Collectives	315
	1010	1.1.1. ASCAP	315
*		1.1.2. BMI	316
		1.1.3. SESAC	316
	1.2.	The Legal Right at Issue: Public Performances under	
		United States' Law	317
	1.3.	The Antitrust Challenges to the Collectives and the	
		Resulting Consent Decrees	321
	1.4.	Conclusion: Trying to Cage the Beast	338
2.		opyright Collecting Society: the Copyright Clearance Center	339
	2.1.	A Brief Description of Copyright Collecting Societies	339
		2.1.1. Copyright Clearance Center	339
	2.2.	Of Chickens and Eggs, Markets and Rights	339
3.	Concl	usion: Some Normative Thoughts on Collective Rights	
	Mana	gement	342
Ch	apter X		
Col	llective	Management of Copyright and Neighbouring Rights in Japan Okumura	347
1	Introd	luction	347
		ry and Nature of Collective Management in Japan	347
		Plage-Storm	347
	2.2.	Enactment of the Law on Intermediary Business	
		of Copyright	348
	2.3.	A Brief Outline of the Law on Intermediary Business of	
		Copyright	348
		2.3.1. Regulated Business	349
		2.3.2. Governmental Authorization	349
		2.3.3. Report	349
		2.3.4. Superintendence	350
	2.4.	The Authorized Intermediaries	350
	2.5.	Review of the Law on Intermediary Business of Copyright	350
	2.6.	Final Report of the Collective Right Management	
		Subcommittee of the Copyright Council	351
	2.7.	A Brief Outline of the Law on Management Business of	
		Copyright and Neighbouring Rights	352

			Regulated Business	352
			Registration	353
			Notification	353
		2.7.4.	Other Major Regulations	353
		2.7.5.	Superintendence	354
	2.8.	After t	he Enactment of the Law of Management Business	354
3.	Gover	nment (Oversight of Collective Management Organizations	
	in Japa			354
	3.1.		e of the Focal Point of Government Regulation	354
	3.2.	_	stem of the Designated Organization and	
			nment Involvement	355
	3.3.		nt Status of Government Involvement	358
	J.J.		Designation	358
			Revocation	360
4.	Chirron		Emerging Challenges of Collective Management	500
4.			intergring Chancinges of Concentre ivianagement	360
	in Japa		r of the Morry I over	360
	4.1.		of the New Law	
	4.2.	•	d Collective Management	361
			Advantages of Collective Management	361
		4.2.2.	The Impact of Digital Technology and the Contract	0.61
			Approach	361
			Merit of the Contract Approach	362
		4.2.4.	Execution of the Contract Approach	362
		4.2.5.	Copymart	363
		4.2.6.	Copymart and Collective Management	365
5.	Concl	usion		366
	apter XI		mont in Acio	367
	g Kwee	0	ment in Asia	307
1	Introd	luction		367
			ry Infrastructure	368
	1.2.		Arrival of Collective Management of Copyright	
	1.4.	to Asia		369
2	The		e Management of Rights in Asia	369
4.	2.1.		SEAN Countries	369
	2.1.			369
			Singapore	
			Malaysia	374
			Thailand	378
			The Philippines	382
			Indonesia	387
			Brunei	389
		2.1.7.	Vietnam	389

		2.1.8. Cambodia 2.1.9. Myanmar	392
	2.2.	The East Asian Countries	393
		2.2.1. China	393
		2.2.2. Chinese Taipei	397
		2.2.3. Hong Kong	402
		2.2.4. South Korea	406
		2.2.5. North Korea	410
	2.3.	2.2.6. Mongolia The SAARC Countries	411
	2.5.	2.3.1. Bangladesh	412
		2.3.1. Bangladesh 2.3.2. Bhutan	412
		2.3.2. Diffutan 2.3.3. India	413
		2.3.4. Nepal	417
		2.3.5. Pakistan	418
		2.3.6. Sri Lanka	418
3.	Concl	uding Remarks	419
Col		Management of Copyright in Latin America rrea Pereira	421
1.	Introd	uction	421
2.	CMO:	s throughout Latin America	422
	2.1.	Brazil	422
		2.1.1. Effective Associations	424
		2.1.2. Administered Associations	425
		2.1.3. Other Associations	426
	2.2.	Argentina	426
	2.3.	Mexico	427
		Peru	429
	2.5.	Venezuela	430
	2.6.	Uruguay Chile	431
	2.7.	Conne Costa Rica	433
3		Framework and its Application	434
J.	3.1.	Brazil	435
	• • • • • • • • • • • • • • • • • • • •	Argentina	435
	J. 2.	3.2.1. The National Intellectual Property Register	436
	3.3.	Mexico	438
		3.3.1. The National Intellectual Property Register	441
		J.J.I. IIIC I TAUIOIIAI III COLCUAI I TODOI O TROCIDIO	441
	3.4.	Peru and Venezuela	441
	3.4.		