Copyright is often associated with artists. It is well known that musicians or writers generally enjoy a certain control over the distribution or sale of their works thanks to copyright laws.

Nevertheless, not only artists should keep copyright issues in mind. Copyright is relevant to every company, big or small, especially since, in recent years, digital technologies are developing fast and becoming an essential part of almost every business in some way or another.

In this new Bulletin issue, you will find several articles touching upon different aspects of copyright regulations and management that every company should be aware of.

As an introduction, an article on copyright protection at international level reveals the essentials relating to authors’ and performers’ rights and the importance of copyright for business.

Next, a contribution by Mario Cistaro PhD, an IP lawyer based in Rome, provides a general view of the copyright legal framework at European Union (EU) level that will assist the reader in understanding what has been harmonised at EU level and what remains subject to national legislation.

Furthermore, an article provided by the European Union Intellectual Property Office (EUIPO), summarising the conclusions of the 15 Frequently Asked Questions on copyright formulated by the European Observatory on Infringements of Intellectual Property Rights, offers a comprehensive look at the issues that concern users the most and of the differences of copyright protection among the different Member States.

Additionally, Marius Røe Nåvik, a violinist from Norway, answers our questions in an interview that will help our readers understand the legal issues often faced by performers and the way they are managed.

Did you miss the last Search Matters event at the European Patent Office? The European IPR Helpdesk Ambassadors attended this must-see event for patent professionals, and we tell you all about it in this new issue of our Bulletin.

As per usual, we give you the chance to test your knowledge on patent searching as well as the lessons learned while reading our Bulletin with our patent and copyright quizzes.

Wishing you an inspiring read!

Your Editorial Team
Copyright Protection at International Level

The European IPR Helpdesk

The protection afforded by copyright law encourages the production of original artistic and literary works, stimulating innovation and competition among creators for the ultimate benefit of society.

Most companies have aspects of their business protected by copyright. Examples include: computer programs or software; content on websites; product catalogues; newsletters; instruction sheets or operating manuals for machines or consumer products; user, repair or maintenance manuals for various types of equipment; artwork and text on product literature, labels or packaging; and marketing and advertising materials on paper, billboards, websites, and so on. In most countries, copyright also protects sketches, drawings or designs of manufactured products.¹

What is copyright?

Copyright laws grant authors, artists and other creators protection for their literary and artistic creations, generally referred to as “works”.

Works covered by copyright include, but are not limited to: novels, poems, plays, reference works, newspapers, advertisements, computer programs, databases, films, musical compositions, choreography, paintings, drawings, photographs, sculpture, architecture, maps and technical drawings.²

What are related rights?

“Related rights” or “rights related to copyright” are fields closely associated to copyright that encompass rights similar or identical to those of copyright, although sometimes more limited and of shorter duration.

The beneficiaries of related rights are: performers (such as actors and musicians) in their performances; producers of phonograms (for example, compact discs) in their sound recordings; and broadcasting organisations in their radio and television programmes.

Why is copyright important for business?

Fostering human creativity and innovation.

Copyright and related rights protection is an essential factor in fostering human creativity and innovation.

Giving authors, artists and creators incentives in the form of recognition and fair economic reward enhances literary and artistic activity and improves the quality of the results.

By ensuring the existence and enforceability of rights, individuals and companies can more easily invest in the creation, development and global dissemination of their works. This, in turn, helps to increase access to and enhance the enjoyment of culture, knowledge and entertainment the world over.

Copyright is used and produced in many sectors

Both core copyright industries³ and non-core copyright industries⁴ create their own copyrighted content and use others’ copyrighted works. Copyright is present in the life of almost every business, from the publishing company who publishes literary works to a hairdresser who plays a CD in their salon.

Furthermore, the technological developments of recent decades have had a great impact on the expansion of copyright and related rights which are now present in many more sectors than before.

Copyright plays an essential role in promoting economic growth and development

Copyright industries have a significant economic contribution often exceeding the contribution of traditional sectors of the

³ Some examples of core copyright industries are press and literature; music, theatrical productions, operas; motion picture and video; radio and television; software and database; visual and graphic arts; advertising services; copyright collective societies.
⁴ Non-core copyright industries are those in which part of their products or services are directly related to the creation and exploitation of copyrighted works.
The European IPR Helpdesk

The contribution of copyright industries to GDP varies significantly across countries, from over 11% in the USA to under 2% for Brunei. Countries that have experienced rapid economic growth typically have above-average share of GDP attributed to copyright industries. Copyright industries also contribute to national employment, which is the most important indicator for the socio-economic importance of the copyright sector.

How can copyright protection be obtained and enforced?

Automatic protection

Copyrights and related rights protection is obtained automatically from the moment of the work’s creation without the need for registration or other formalities.

However, many countries provide for a national system of optional registration and deposit of works. Therefore, registration is usually not essential to the right but can be useful in some situations such as in the context of disputes over ownership or creation, financial transactions, sales, assignments and transfer of rights.

Copyright notice

While no formalities are required to obtain copyright protection, it is a common practice to attach a copyright notice to the work, such as the symbol © or the mention “all rights reserved” to inform others of the existence of copyright and therefore to reduce the likelihood of infringement.

The role of CMOs

Collective management organisations (CMOs) or “societies” support authors and performers in pursuing the legal and administrative enforcement of their copyright and related rights. They provide their members with efficient administrative and legal support in, for example, collecting, managing and disbursing royalties gained from the national and international use of a work or performance.

The importance of these societies has grown considerably as a result of the increasingly global use of literary, music and performance rights together with the lack of ability or means of many authors and performers to enforce their rights.

Minimum standards

• What is protected?
  “Every production in the literary, scientific and artistic domain, whatever the mode or form of its expression”.

• What are the rights of the right holder and/or the author?
  (i) Economic rights: subject to certain allowed reservations, limitations or exceptions, the right holder has certain exclusive economic rights over their work - such as the right to translate, the right to make adaptations and arrangements, the right to communicate to the public or the right to make reproductions.
  (ii) Moral rights: these protect the author’s right to claim authorship of the work and the right to object to any mutilation, deformation or other modification of, or other derogatory action in relation to, the work that would be prejudicial to the author’s honour or reputation.

• What is the duration of the rights?
  Subject to certain exceptions, copyright protection lasts for 50 years after the author’s death.

DID YOU KNOW?

The author is usually authorised under national laws to transfer his economic rights to third parties.

As for moral rights, many national laws do not allow their transfer to third parties, so, even when the holder of the economic rights of a certain work is a film producer or a publisher, the author remains the owner of his moral rights.

The Berne Convention

The Berne Convention, adopted in 1886, is an international treaty administered by the World Intellectual Property Organization (WIPO) which deals with the protection of works and the rights of their authors.

It is based on three basic principles and contains a series of provisions determining the minimum protection to be granted.

Basic principles

• National treatment: works whose author is a national of one of the Contracting States of the Berne Convention or which were first published in such a State must be given the same protection in each of the other Contracting States as the latter grants to the works of its own nationals (i.e. a novel of an English author in France will receive the same protection as the novels of French authors).

• Automatic protection: no formalities are required for a work to receive protection.

• Independence of protection: protection is independent of the existence of protection in the country of origin of the work (i.e. even if the novel of an Argentinian author is not protected in Argentina, it would still be protected in Italy if it complies with the requirements for protection under Italian law).

The Rome Convention

The Rome Convention, adopted in 1961, is an international treaty administered by

5 WIPO studies on the economic contribution of the copyright industries, WIPO, 2014, available here.
6 Understanding Copyright and Related Rights, WIPO, 2017, available here.
8 Article 2(1) of the Convention.
WIPO, which deals with the protection of the rights of performers, the producers of phonograms and broadcasting organisations regarding, respectively, their performances, sound recordings and television and radio broadcasts.

On the basis of the convention, right holders enjoy similar rights to those enjoyed by copyright owners over, among others, the fixation (recording) and reproduction of their works.

The convention establishes the principle of national treatment as well as a minimum term of protection of 20 years computed from the end of the year in which (a) the fixation was made, for phonograms and for performances incorporated therein; (b) the performance took place, for performances not incorporated in phonograms; (c) the broadcast took place.

**Final thoughts...**

Copyright has become essential both for SMEs and bigger companies. The field of copyright and related rights has expanded enormously during the last several decades with the spectacular progress of technological development that has, in turn, yielded new ways of disseminating creations.

An efficient and equitable copyright system can serve as a catalyst for economic development and social and cultural well-being, providing an environment in which creativity can flourish for the benefit of all.

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**Key benefits of the Berne and the Rome Conventions in today’s digital era:**

- **Legal certainty:** The principle of national treatment is especially reassuring in the digital era, when the distinction between domestic and foreign markets is blurring.
- **Encouragement of investment:** Providing greater certainty to businesses that their property can be safely disseminated in a foreign country encourages economic investments in opening to new markets.
- **Benefits for developing countries:** Protection of copyright and related rights is a necessary precondition for participation in the system of international trade and investment. Developing countries that become contracting parties of the Conventions can benefit from the rapidly expanding international trade in goods and services protected by copyright and related rights.

WIPO’s international copyright legal framework establishes some general principles applicable in more than 170 countries around the world. Such a broad worldwide coverage constitutes an enormous opportunity for business to become global players.

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**The Current State of EU Copyright Law**

**Avv. Mario Cistaro, PhD**

Copyright law has a territorial nature, meaning that copyright is governed by national laws. Therefore, when the issue of a cross-border use of copyrighted works arises, a license/assignment from the right owner is required in each Member State of the European Union (EU) where the copyrighted work is to be used. However, since the 1980s, the EU has gradually passed legislation with the objective of harmonising the law of copyright and related or neighbouring rights in order to remove disparities between the different laws of Member States and to foster the internal market by eliminating the barriers to the free movement of goods and services. This initiative has resulted in 11 directives, the “acquis communautaire”, that have created a certain degree of uniformity at the EU level in the field of copyright law.

**The EU copyright law subject matter**

As regards the subject matter protected by copyright, there is no definition at the EU level, except in a few cases, of what constitutes a “copyright work”. The few cases where EU copyright law defines the copyright subject matter are found in the **Software Directive**, the **Database Directive** and the **Term Directive** (regarding photographs). According to the provisions of these directives, computer programs, databases and photographs are works protected by copyright when original, in the sense that these works are the author’s own intellectual creation.

Besides, the decisions of the Court of Justice of the European Union have clarified the meaning of what constitutes the author’s own intellectual creation: the work is original when reflecting the author’s personality or when the work is stamped by the author’s personal touch, achieved by expressing free and creative choices in the production of the work.
Exclusive rights, exceptions and limitations in EU copyright law

As explained above, EU legislation on copyright subject matter takes into account only computer programs, databases and photographs with the result that there exists a uniform definition throughout the EU only for these specific types of works. Despite the fragmented framework for the definition of copyright work, EU copyright law has, on the contrary, been completely harmonised with regard to the exclusive economic rights granted to copyright owners. This is a result of the adoption of the InfoSoc Directive that concerns the author’s rights of reproduction, communication to the public and distribution of works (in respect of all copyright works, not just limited to computer programs, databases or photographs, as regarding the definition of copyright) as well as the exceptions and limitations to these exclusive rights.

The reproduction right is the classic economic exclusive right of the copyright owner. For example, a poster or a photograph made from a painting without permission may be considered an infringement of the reproduction right.

The distribution right is the exclusive right to control the marketing and circulation of tangible works. It is defined as the right to control “any form of distribution to the public by sale or otherwise”. Thus, this right is particularly important in licensing by allowing the copyright owner to choose, to a certain degree, the distribution channels. It is said to a certain degree given that this is the only economic right of the copyright owner to be subject to the exhaustion rule. Therefore, after the first sale of a tangible copy or the original of the work, the copyright owner cannot control any further circulation of that copy or the original of the work.

Lastly, the communication to the public right refers to the display of the work to a public not physically present, for example the upload and display of a protected image, video or sound on a website. It is a corresponding version of the distribution right of physical copies in the digital world, with the substantial difference that the communication right is not subject to exhaustion and results in the copyright owner having total control of the online dissemination of copies of his work.

As regards exceptions and limitations to exclusive rights, the directive makes a distinction between the mandatory exceptions to the reproduction right regarding temporary acts of reproduction and a list of optional exceptions applicable to all exclusive rights. This option allows for the Member States to decide which exceptions and limitations to adopt in national legislation, with the result of a potential lack of uniformity between the Member States.

Collective right management in EU copyright law

Exclusive rights may be managed by individual right holders themselves or by collective management organisations, such as SACEM (Société des auteurs, compositeurs et éditeurs de musique) in France or SGAE (Sociedad General de Autores y Editores) in Spain. The latter act as intermediaries between copyright owners and a variety of industries intending to use copyright works, such as the hospitality or advertising industries. They license rights and collect and distribute royalties in circumstances where negotiating licences with individual creators would be impractical and entail high transaction costs. By enabling copyright owners to be remunerated for uses which they would not be in a position to control or enforce themselves, including non-domestic markets, collective management organisations play an essential role in licensing especially for online service providers that want to cover multiple territories. In the EU legislation on copyright, the CRM Directive harmonises national rules concerning access to the activity of managing copyright and related rights by collective management organisations and it includes provisions regarding cross-border activities, though limited to online use of musical works.

Use of Copyright in the digital economy

In the digital world, copyright is a central part of the business activities of market players, whether as creators of content that may be protected by copyright law or as users of copyrighted works. Traditional businesses as well as more innovative business activities face copyright-related issues. Such issues, for example, may encompass the use of software for daily activities with a company computer, the use of databases to access relevant information or the use of images, words and sounds on a website for marketing products or the provision of internet-based services.

The first and foremost thing to know when dealing with software, databases, photos, sounds and other forms of digital information is whether or not such works are protected by copyright. In the case where a work is not protected, it can be used freely, without any authorisation from the right owner. If it is protected and third parties would like to use it, here are some issues that need to be clarified: firstly, it has to be determined whether or not a licence or assignment from the right owner is required; secondly, in the case of cross-border activities, it has to be established whether a licence/assignment from the right owner is required in each interested Member State; thirdly, it should be found out whether the copyright owner rights are administered by a collective management organisation, etc.

Before launching ourselves into a digital business adventure, we must be aware of what third-party owned copyright we will be using in order to adopt the appropriate measures so as not to infringe anyone’s copyright.
15 Frequently Asked Questions from Consumers on Copyright in a Digital Context: An Overview of Answers for 28 EU Member States

European Union Intellectual Property Office (EUIPO)

The EUIPO, responsible for managing the EU trade mark and the registered Community design, is entrusted with operating the European Observatory on Infringements of Intellectual Property Rights (“the Observatory”). The Observatory is a network of experts and specialist stakeholders. Its objectives include, among other things, the provision of evidence-based contributions for policymakers, tools to fight against IP infringement as well as awareness raising on the value of IP and the negative consequences of counterfeiting and piracy.

In the context of providing information as well as raising awareness, a project was created gathering 15 frequently asked questions (FAQs) that consumers have on what they can and cannot do online in relation to the rules of copyright. The answers for 28 EU Member States were made available on the Observatory’s website in autumn 2016 both in the language of the respective country and in English. In addition, a Summary Report was created, which provides an overview of the differences and similarities between the national copyright laws with regard to questions dealt with in the FAQs.

15 FAQs on copyright: a guide for EU consumers

The FAQs section on the Observatory’s website is a guide. It provides consumer-friendly information about what is legal and what is not as far as the usage of copyright and related rights-protected content on the internet is concerned. To this end, the Observatory, in cooperation with representatives of consumer interest groups, formulated 15 FAQs that an average consumer might have in relation to copyright. The FAQs range from general questions such as “Who owns copyright?” or “What does infringement mean?” to issues such as streaming or use of content protected by copyright on social media platforms.

National copyright laws have only been partially harmonised through EU Law. For that reason, 28 renowned national copyright experts, in coordination with representatives of competent national authorities in each of the Member States, responded to the FAQs against the background of their respective jurisdiction.

The answers to the FAQs throughout the EU - Summary Report

The Summary Report on the FAQs provides a horizontal synthesis of the answers to the FAQs. It highlights the main differences and similarities between the national copyright laws with regard to the 15 questions.

The overall picture: common basic principles, differences in the details

The analysis of the replies revealed that there are nuances and at times different approaches within the respective traditions.

The issues addressed in the 15 FAQs can be grouped into three categories, demonstrating that there is: a degree of convergence on certain basic principles of copyright law, but some divergence as to their implementation (1); a relatively high degree of divergence on specific copyright rules (2); lack of a clear answer to a number of questions, in particular around uses in the digital and online environment (3).

Common basic principles (category 1)

Several of the 15 FAQs relate to basic principles of copyright protection or to aspects that have largely been harmonised. Answers to these aspects in general converge, although exceptions to the principles remain. Certain common rules can easily be identified, such as the automatic character of copyright protection, protection of exclusive rights of creators, protection against circumvention of technical protection measures (although some exceptions still exist), or free use of quotation (differences exist as to the specific requirements). Even in areas where national laws still diverge, some common, very basic principles can be singled out.
A common basic principle is, for example, that the creator is the initial author and owner of the work. However, exceptions to that principle exist, and these exceptions, as well as rules relating to transfers of ownership, diverge within the EU.

Another basic principle is that right(s) holders may exploit their work, for example, through licences, and take actions against infringers. Nevertheless, rules relating to contracts as well as to the scope and modalities of the sanctions available in the Member States diverge. And finally, as a principle, Member States allow certain uses without the authorisation of the right(s) holder. However, the scope and conditions of such uses, which are commonly known as "exceptions and limitations", can be different, depending on the jurisdiction.

**Divergence on specific copyright rules (category 2)**

Aspects that have been less harmonised, or specific copyright rules, reveal a higher degree of divergence. Specific exceptions and limitations such as the private copying exception, as well as remuneration systems for uses that are lawful even without the right(s) holder’s authorisation, differ significantly. Five Member States have no levy system; two of them do not provide an exception for private copying. Regarding the other Member States, differences exist as to the operation of the “levy” systems and the remuneration provided. Copyright contracts are a matter of national law, and rules vary significantly.

**Open questions (category 3)**

When it comes to the adaptation of copyright rules to changing user behaviour in the online environment, some of the FAQs cannot be answered with certainty. In many Member States, legislation or jurisprudence case-law provide no or at least insufficient guidance on issues such as streaming, users’ liability for “automatic” uploads to social media platforms, or avatars and virtual worlds. As to linking and embedding, the conditions established by the Court of Justice of the European Union (CJEU) appear to offer at least some guidance. However, there is so far no guidance as to how a user can determine whether a work has been uploaded lawfully.

The full Summary Report is available on the EUIPO website.

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**Your IPR Queries Matter to Us: Ask the Helpline**

The European IPR Helpdesk Helpline answers your questions concerning intellectual property (IP) within three working days. You get practical, first-line support directly from our IP experts, and free of charge.

If you are curious about the type of IP queries that the Helpline has recently been dealing with, these are shown in this illustration.

If you would like to talk to one of the IP experts of our helpline, please dial +352 - 25 22 33 – 333

www.iprhelpdesk.eu/helpline
FREQUENTLY ASKED QUESTIONS

We’re considering participation in an SME instrument as a subcontractor. By doing so, is it mandatory that all the IPR generated in the project (foreground) be transferred to the subcontracting SME? Or can this be somehow negotiated?

To begin with, we would like to highlight that SME Instrument actions are part of the H2020 funding scheme. However, as you can see in the Model Grant Agreement for SME instrument phase 2, specific rules are applicable. To explain further, in Horizon 2020 projects, subcontractors do not sign the grant agreement and consequently are not project beneficiaries – for this reason, they do not have any “automatic” rights to the results developed under the action. The most common solution is that the beneficiary keeps the ownership over the results. Since the subcontractor gets paid for the work he had done, he is usually not expected to keep the ownership of the results.

Furthermore, when resorting to subcontractors to carry out tasks under the action, and in case these are entitled to claim rights over the results, the beneficiary concerned should make sure that it complies with its own obligations under the grant agreement. For SME Instrument actions, article 26.3 stipulates that the SME keeps, no matter what, the right to commercial exploitation of the results. This is a very important clause in the context of the SME Instrument. The beneficiaries have an obligation to safeguard their freedom to operate.

This means getting all the necessary rights from the subcontractors beforehand. This can be done by way of a transfer (assignment agreement) from the subcontractor to the beneficiary. Alternatively, this can also be done by way of a licence granted to this beneficiary over the subcontracted work. In this case the licence has to be broad enough to allow the beneficiary to perform its tasks (implementation - and in particular nothing should block possibilities of commercial exploitation). Such arrangements (transfer or licence) have to be made upon the signature of the subcontracting agreement. Nonetheless, we would like to highlight that this is a less common solution.

The grant agreement therefore allows some flexibility on this topic. That is to say, the ownership of certain project results can be left to the subcontractor, as long as the beneficiary is granted all the rights necessary for the implementation of the project and the exploitation of the results, in line with the grant agreement.

This week we will launch our own online magazine. We have registered our name and logo within the Benelux countries, but I am not sure if we should protect the magazine as a product. Could you give me some advice on this matter?

No single intellectual property right exists covering the whole product (in your case an online magazine). However, and provided certain conditions are met, different aspects of your magazine can be protected by different types of intellectual property rights.

The creative content of the articles, provided it is original, will be protected by copyright. As you probably know, intellectual property rights will not protect ideas behind the literary and/or graphical works. Copyright protection will thus extend to any element expressing the creativity of its author (text in the form written by the author, pictures), but not to the storyline.

Copyright arises automatically and is free of charge - there is no need to register it. As soon as a work is created in any country which is a signatory to the Berne Convention for the Protection of Literary and Artistic Works, copyright protection automatically arises in every other country which is also a party to the Convention. There are currently 172 member countries of the Berne Convention, which includes all EU Member States.

As the copyright holder, you will be able to prevent acts such as the copying or distribution of the articles (text / pictures) published in your online magazine, made without your prior authorisation.

Despite the automatic nature of copyright, it is common practice to include a copyright notice on one’s homepage and/or at the end of each article, in order to inform third parties of the existence of such rights. A copyright notice for a website can for instance take the following form:

© [name of copyright holder] [year of creation – current year]

The outward appearance of your magazine - its visible elements, graphic symbols, screen displays or graphical user interfaces may be moreover protected by industrial design law, provided they are new and they possess so-called individual character. Design protection covers the physical appearance of a product - it will not protect the content of your magazine. You can also read more about design protection in our recent Bulletin.

Some publishers decide at the same time to protect their distinctive titles and/or logos, as trade marks – you already did this. Registering a trade mark will of course not protect the magazine as such, but it will enable you to prevent competitors from providing similar products, under an identical or similar name or logo.

Trade mark protection can, therefore, be complementary to copyright and/or design protection as it will cover a different aspect of your product, and help you build a distinctive image on the market.
As a classical musician, why is intellectual property (IP) relevant for you?

My job mostly consists of playing live concerts or doing studio recordings. In terms of IP, classical musicians are covered by the wider term ‘performing artist’. Performing artists in Norway are granted certain rights under copyright laws. Therefore, IP is relevant for me as a classical musician. The rights consist of an exclusive right to the performer’s performance, and in broad terms to the exploitation of the recording of it. This means that someone who wishes to record a concert I perform in cannot do this without my consent. Furthermore, when a recording has been made, it cannot, as a basic rule, be sold or otherwise exploited without my consent. My rights under copyright laws can in practice generate income from the public playing of a recording of my performance. In addition, I have moral rights including protection of the integrity of my performances and the right to attribution, which means my right to be identified as the performer of a certain work.

How are your rights as a performer regulated?

My rights as a performer are usually regulated in my contract with the orchestra that employs me. The contract typically contains a clause stating that my fee/salary includes any potential audio or audiovisual recordings and/or radio or TV broadcasting of my performances. This means that I, to a certain extent, waive my performer’s rights vis-à-vis the orchestra, which will be allowed, without any further consent on my side, to record, broadcast, or otherwise make my performance available to the public. This is an easy solution because if the musician’s performance of works on radio and TV was not regulated, the orchestra would have to make individual agreements with the musicians every time a work is played. For an orchestra of around 100 musicians, this would have been quite an impractical solution.

What are the mechanisms in Norway to receive the revenues collected by collecting societies?

The relevant collecting society for me as a performer in Norway is called Gramo. As a member, I register all my recordings on their online system. Gramo claims money (on my behalf) for recordal played in the public sphere, e.g. radio channels, coffee shops, hairdressers, shops and others who play my music for their customers. The collected money is annually divided between the members according to how much time their recordings have been played on the radio during that year.

Has any of your performances ever been misappropriated by a third party? If yes, how did you handle the issue? If not, do you have any agreement with the orchestras that employ you on the basis of which the orchestra handles infringements on behalf of its musicians?

So far, I am happily unaware of any misappropriation of any of my performances. My agreements with an orchestra or other music group have, as far as I have noticed, never included anything regarding the orchestra handling infringement on behalf of its musicians. However, some musicians’ unions in Europe provide legal support to its members, and may accordingly handle infringements on behalf of its members.

In relation to the previous question, do you (or the orchestra on your behalf) make use of any internet monitoring service to monitor your music online and potential copyright infringements?

I use different services to monitor my music online. This is mostly due to my interest of keeping some kind of overview of what is out there of the music I have recorded. In addition, this will make me aware of whether the uploaded music entails a copyright infringement or not, and will give me the option to decide whether to take action. When it comes to orchestras, my understanding is that having a monitoring system in place is not common, which can be interpreted as the problem being too small to justify monitoring efforts, or simply lack of awareness. However, I know that one of the string groups I regularly play with, Oslo Strings, does have a monitoring system in place. Having said this, it can be difficult to monitor music, compared to e.g. text-based works, and one is dependent on keywords added by the person making the recording available online or searchable metadata.

What advice would you give to young musicians regarding the management of their IP rights?

Firstly, it is important to become aware of your IP rights. Getting in touch with collecting societies and musicians’ unions can be a good starting point, and they often have information available online. Secondly, do register everything that can be registered and utilise the services offered by the collecting societies. When it comes to your performer’s rights not managed by a collecting society, you would need to set or negotiate the terms for your performance yourself. In Norway, this could be regarding e.g. royalties for audio or video streaming, synchronised music (music in audiovisual media), and from CD sales.

It may feel uncomfortable to initiate or demand a contract, but if done in a tidy and professional manner, I think most people would find your initiative okay. Remember, you never know whether the recording you played on is going to be the next number one hit. Advice on contracts can also be sought with musicians’ unions. If presented with a contract you do not understand, I would not hesitate asking for advice. There will always be inequality between the big institutions and the sole musician, so making sure you exercise and protect your performer’s rights as well as you can is probably the easiest step to alleviate this inequality, while concurrently creating another income stream.
Search Matters 2017: A Must-See Event for Patent Search Professionals

The European IPR Helpdesk Ambassadors at the EPO’s Search Matters

The European IPR Helpdesk

The “Search Matters 2017” event, organised by the European Patent Office (EPO), took place at the EPO Headquarters in Munich on 29-31 March. The main goal of the event was to share with patent search professionals the latest developments in the broad spectrum of the services offered as well as to provide an insight into the working strategies of examiners.

The two-day conference agenda included an extensive workshop programme together with lectures of keynote speakers on different themes ranging from efficient use of Espacenet, to patent classification systems and making patents universally accessible.

The conference workshops covered more than 20 topics on a broad range of issues, for example how patent search professionals
- go about their searches (e.g. on functional features),
- use internet sources,
- decide when to stop searching,
- search in different technical fields (e.g. medicine, mechanical fields, etc.),
- develop different search structures,
- evaluate and deal with different circumstances in patent applications (e.g. lack of unity, unclear applications, divisional applications, etc.)

The event attracted more than 150 participants coming from all over the world including the European IPR Helpdesk Ambassadors.

Invited by the EPO, our Ambassadors participated in the Search Matters event this year, where they focused on patent searching and they interacted with examiners and search specialists in order to be able to support SMEs better in the future.

Furthermore, before the conference, the Ambassadors were delivered a dedicated one-day training session containing presentations on fundamentals of patent searching, hands-on exercises and a series of pre-conference workshop on IP trends. The Ambassadors then followed the Search Matters programme and participated to the conference workshops.

The European IPR Helpdesk Ambassadors

The European IPR Helpdesk Ambassador Scheme is a collaboration scheme between the European IPR Helpdesk and the Enterprise Europe Network, the world’s largest support network for SMEs, to provide better support and advisory services to European SMEs.

With this cooperation, the Enterprise Europe Network advisors, skilled and experienced in IP, become “European IPR Helpdesk Ambassadors” and offer their clients a full proximity support thanks to their extended experience.

To reach our full list of Ambassadors, please click here.

1 The patent searching tool of the EPO including the worldwide collection of patent applications from more than 90 countries. Accessible free of charge via http://worldwide.espacenet.com.
The European IPR Helpdesk on Tour: Take a Look at a Selection of our Recent Events

In the last three months the European IPR Helpdesk Team participated in a number of IP events all over Europe, and provided several IP workshops building capacities in IP management among SMEs and researchers.

Meet us at the these upcoming conferences
- 14 June 2017: Brussels, Belgium
  European IPR Helpdesk Annual Event 2017
- 21-23 June 2017: Malta, Belgium
  EuroNanoForum 2017

Upcoming IP training events
- 20-21 April 2017: Brussels, Belgium
  StandarDays 2017
- 25 April 2017: Warsaw, Poland
  IP Rights and Open Access - Training for MSCA partners in consortia
- 27 April 2017: Brussels, Belgium
  FET-OPEN RIA Info Day
- 03 May 2017: Barcelona, Spain
  IP Management
- 05 May 2017: Brussels, Belgium
  IP and Coffee: Joint webinar session
- 18-19 May 2017: Brussels, Belgium
  WIPO seminar on mediation in R&D
- 30 May 2017: Brussels, Belgium
  IP and Coffee: Joint webinar session
- 03 May 2017: Geographical Indications
- 14 June 2017: IP in Horizon 2020
- 19 July 2017: Maximising the impact of Horizon 2020 project results

Upcoming webinars
- 05 May 2017: IP Commercialisation and Licensing
- 24 May 2017: IP Management in Horizon 2020 with a special focus on MSCA
- 30 May 2017: IP in Horizon 2020
- 19 July 2017: Maximising the impact of Horizon 2020 project results

For further information, please have a look at our online event calendar.
Fancy a Little Quiz?

As you know in every issue we include a quiz to help you develop your patent searching skills using Espacenet. Why don’t you try using Espacenet today?

PATENT QUIZ

Harvesting Energy from roads

Energy can be harvested on roads and highways using a piezoelectric generator.

Piezoelectric generators are embedded in a road or airport pavement and produce electrical power when a vehicle crosses their locations.

Using ESPACENET try finding patents covering such devices.

COPYRIGHT QUIZ

To conclude this learning experience, why not strengthen your knowledge on copyright with this true or false test?

1. The term of copyright protection is 70 years after a publication of work. True ● / False ●

2. Copyright registration is not required to obtain protection. True ● / False ●

3. Shakespeare’s “Romeo and Juliet” is in the public domain. I can therefore put the image on the book’s cover of the last edition published by the publishing company “Runo” on a T-shirt and sell it in my shop? True ● / False ●

4. The decisions of the Court of Justice of the European Union (CJEU) have over the years clarified the meaning of what constitutes the author’s own intellectual creation. True ● / False ●

5. An artist who performs a musical work in the public domain owns no rights over his performance. True ● / False ●

6. Moral rights are the only rights owned by authors. True ● / False ●

7. National copyright laws have only been partially harmonised through EU Law. True ● / False ●
SOLUTION PREVIOUS PATENT QUIZ

My Shopping Robot

Check out this autonomous and self-driven shopping cart. It is designed to follow people with or without reduced mobility in shopping areas and carry their shopped items.

Watch this film to see how it works.

Try finding patents covering such devices using ESPACENET.

To find similar patents, identify the most pertinent aspects of the invention – common technical features that may be found in related patents – and for each aspect, define a comprehensive set of synonyms. To perform the search, the following concepts – groups of synonyms covering the different aspects of the invention – can be defined:

- shop*
- supermarket*
- robot*
- assist*

Several combinations can be tried. The following broad one robot* shop* yields the following list of documents. Out of which you will find:

CN205363909 (U) - A intelligent robot for market shopping guide

GB2542469 (A) - Shopping facility assistance systems, devices, and method to identify security and safety anomalies.

One can also try finding the patent relating to the described invention by looking for patents held by the company selling the product Follow Inspiration.

US2016364785 (A1) - AUTOMATED IN STORE SHOPPING SYSTEM

GB2542469 (A) - Shopping facility assistance systems, devices, and method to identify security and safety anomalies.

This basic search demonstrates that this field is heavily patented. One can pursue the search using different keywords or patent classification symbols.

One classification relates very broadly to carts is B62B. HAND-PROPELLED VEHICLES, e.g. HAND CARTS, PERAMBULATORS, SLEDGES.

Combining this symbol with the symbol G that very broadly covers physics and the keyword shop* motor* some additional documents can be retrieved like:

WO2014045225 (A1) - SELF TRACKING SYSTEM AND ITS OPERATION METHOD

The search cannot be considered as completed if one wants to know all possible patents in this field. It clearly shows that such inventions have been heavily patented and that many companies operate on that market. The proportion of Chinese patents is also quite high.
SOLUTION TRADE MARK QUIZ

Letter Soup

To conclude this learning experience, why not strengthen your knowledge on trade marks with this letter soup? The concepts in bold capital letters below are hiding in this chaotic soup, try to find them!

1. A **TRADE MARK** is a **SIGN** capable of distinguishing the **GOODS** or **SERVICES** of one enterprise from those of another.

2. The owner of a trade mark is also known as its **HOLDER**.

3. To qualify for registration trade marks must be **DISTINCTIVE** and **NON-DESCRIPTIVE**.

4. To register a trade mark we must submit an **APPLICATION**.

5. A **LOGO** can also be registered as a trade mark.

6. EU trade marks registrations are managed by the **EUIPO**.

7. International trade marks registrations are managed by **WIPO** under the **MADRID SYSTEM**.

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**Collective Management Organisations** support authors and performers in pursuing the legal and administrative enforcement of their copyright and related rights. They provide their members with efficient administrative and legal support in, for example, collecting, managing and disbursing royalties gained from the national and international use of a work or performance.

**Performer's rights** protect performers (actors, singers, musicians, dancers and those who perform literary or artistic works) against certain acts to which they have not consented, such as the broadcasting and communication to the public of a live performance; the fixation of the live performance; the reproduction of the fixation if the original fixation was made without the performer’s consent or if the reproduction was made for purposes different from those for which consent was given.

**Private copying levy** is a form of compensation for rightholders based on the premise that an act of private copying cannot be licensed for practical purposes and thus causes economic harm to the relevant rightholders. The private copying levy systems were introduced at a Member State level on the basis that there were no effective means to monitor and therefore authorise acts of home copying of, e.g. music, films or books. There is no uniform Community-wide levy system.

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