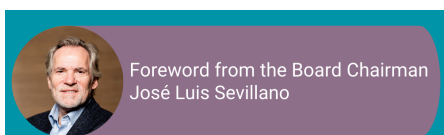




SOCIETIES' COUNCIL FOR THE COLLECTIVE MANAGEMENT OF PERFORMERS' RIGHTS



NEWSLETTER

Third Quarter 2023

Dear Colleagues,

I would like to start this preamble by thanking GVL for the impeccable organisation of our last in-person Working Group sessions in Berlin, where quality and necessary work was carried out by our members. Also, at this meeting we had the opportunity to work together, the Board with the convenors of the four working groups, and the result was an excellent exchange of information and coordination of activities for the next period. I would like to thank the convenors and, of course the working groups members, for their amazing work and the impeccable planning of the tasks carried out. From the Board, we agree on the enormous leap in quality that these groups have made in the last few years.

On another note, Ghent was also an important city for SCAPR in recent months as the host city for the second edition of our Actors' Summit, which is becoming a necessary forum to discuss strategic AV issues. Audiovisual is increasingly important in rights management and requires a focus on all the sensitivities of the artists, musicians and actors, who participate in these works and fixations.

Dear SCAPR members,

Welcome to the 2023 third quarter edition of the SCAPR newsletter. As always, the aim of this newsletter is to give you a quick and concise update on all the past and future activities of SCAPR as well as ongoing developments in key issues.

We will logically start with a wrap-up of our Berlin Working Group in-person meetings, followed with an overview of the upcoming events.

The numerous cooperation and development activities in which SCAPR is involved at the moment will be mentioned. Other topics will be explored, such as the welcoming of a new provisional member within our ranks, the work done by the AI subgroup of the LWG or even the new SCAPR communication plan.

Since the Databases Bulletin is taking over that part, you will notice that very few articles will have a technical focus. If you are not a recipient of this Bulletin and want to know more about the recent technical developments, reach out to Secretariat and we will make sure that the latest edition is sent to you.

As an expression of the community's dedication to meet and find solutions together, other locations will play an important role in SCAPR activities in the coming months, such as Madrid, Bucharest, Singapore, Tokyo or, obviously, Johannesburg.

While SCAPR appears to be a well-oiled machine at the moment, providing quality information systems to its community for the benefit of the remuneration of performers' rights, further progress needs to be made in the management areas in which the organisation carries out its work. There are new challenges that need to be addressed, and we at the Board are aware of this, which is why important conversations are taking place between the different sensitivities to achieve the level of representation and coverage that performers need today. How we are currently dealing with some of them is well documented in this newsletter: the implications of the new AI-driven paradigm, the dissemination of the IPN, collaboration with other federations and third parties,... And, last but not least, the work we need to do to increase the visibility, scope, expansion, and relevance of performing artists and their rights, while strengthening the organizations that support them, represents one of the future challenges for our organization. This is of crucial importance given the prevailing uncertainty in the current environment and is an essential demand from our members to ensure their importance and impact in the future.

I look forward to working with all of you on these complex and vital issues.

Best regards,

José Luis Sevillano

This newsletter, documenting the huge amount of work done by our community in the last few months, should and must also be interpreted as a thank you note to all the members involved in a way or another.

Don't forget that this newsletter is also a platform for our members, for you, to share important work done inside and outside SCAPR. In that sense, feel free to submit articles and ideas for the next editions to the Secretariat.

We wish you a very pleasant read!

SCAPR Secretariat

Events



Auf wiedersehen, Berlin

The September Working Group Session took place in Berlin over the course of four days from September 25th until September 28th. A total of 14 meetings were held which allowed for key discussions and topics to be tackled, covering the full SCAPR spectrum, from business and strategic to technical and legal issues.

More than 100 representatives of 40 different CMOs, originating from 28 countries, attended the event in person.

Those in-person meetings were first and foremost an opportunity to report on specific issues and have necessary discussions, but they are also a formidable opportunity for the members to gather up and foment even further the sense of community within SCAPR.

We must thank all the members involved in those working groups for their hard work, their dedication and their "communityship".

Last but not least, we must close this wrap-up by mentioning the flawless organisation job done by GVL. Setting-up a quality event on such short notice was not an easy task. Danke Schön, GVL!



GA 2024: Save the date (addendum)

In our previous newsletter we already mentioned the 2024 South-African General Assembly and said it would take place on the week of May 20th. To avoid some overlapping with other key events and allow for more attendees to join us, we chose to move the event up one week. The official date is now the week of May 27th of May 2024! Save the (new) date! Additional detailed information will be circulated in due time.



January 2024 Working Groups to be held in Madrid

The next in-person Working Group meetings will be held in Madrid on the week of the 29th of January. The event will be jointly organised by the AISGE and AIE and will most likely be spread-out over 4 days (from Monday to Thursday). More information regarding the schedule and the registration will be shared shortly with the community.



AV-FORUM VRDB AV in-person Workshop in AISGE's

Headquarters

SCAPR has always embraced the philosophy of great work can be done online but even greater work can be achieved via in-person meetings. Following this principle, an in-person AV FORUM & VRDB AV WORKSHOP will take place in Madrid, in AISGE's headquarters, on the 16th and 17th of November. Should you be interested in participating, please get in touch with Secretariat to obtain further details. Thanks to AISGE for hosting this very valuable event and opportunity.



New edition of the Actors' Summit in Ghent (Belgium)

The second edition of the Actors' Summit took place in Ghent beginning of September. The opportunity to follow up discussions started in the 1st meeting of this forum, held in Bled in April 2023.

The participants, CMOs that represent actors and alike on-screen performers, have appointed a convenor, Christophe Van Vaerenbergh (PLAYRIGHT) and defined their scope of discussion and the priority topics to tackle together. Artificial intelligence, retransmission and digital rights, Beijing Treaty, visibility of actors...the discussions were rich and fruitful.

We thank PLAYRIGHT for their marvelous hosting.
A new meeting is to be organized to follow upon the discussions.

Cooperation and Development



International Conference on “Perspective of Intellectual Property Law” (Bucharest)

On 25th and 26th of October 2023, CREDIDAM is holding a conference about IP rights, along with the Bucharest University of Economic Studies. SCAPR and AEPO ARTIS are invited to present about performers' rights and the work of our organisations.

Aside Ioan Kaes (AEPO ARTIS) and Inès de Nervo (SCAPR), we are grateful to count in Marion Argiolas, from SPEDIDAM, who will present the French Public performance Collective Management structure, Sara Lopez from AISGE who will share the Spanish experience about digital rights and Aleksandar Cvetkovic, from PI, who will highlight the importance of the data sharing and databases.

We thank CREDIDAM for their kind invitation and our Experts for their commitment.



WIPO-ASEAN Event in Singapore beginning of November 2023

WIPO and ASEAN have conducted a study about collective management practice in the ASEAN countries. They have sent questionnaires to IPOs, CMOs and Members' States. With those, they have written a study report, evidencing the answers of the respondents and the main trends to draft a resource document gathering international good practices and case studies about collective management topics in the ASEAN countries and in other countries of the world (type of CMOs, governance, tariffs settings etc.).

SCAPR, together with other international federations (CISAC, IFPI and IFRRO), was invited to be part of the advisory board as well as to review and comment both the study report and resource document. Meetings were organized on a regular basis (every month). SCAPR attended those meetings and sent comments to all the submitted versions.

The project is in a final phase, as WIPO and ASEAN plan to present the documents during an official meeting in Singapore beginning of November 2023 in front of the ASEAN members states and their respective IPOs. International federations are requested to take part in the presentation notably by moderating round tables with all participants. Kyoko Kojima (CPRA) has kindly accepted to represent SCAPR together with Remy Desrosiers (SCAPR).

The study report will be very useful for the cooperation and development activities in the ASEAN countries as it details the challenges that the local CMOs are facing.

Regional CMOs forum organized by CPRA in November 2023



Our Japanese member CPRA has organized a training program for the practical management of rights, inviting a CMO from Asian countries since 2010. While in-person sessions were put on hold for three years due to COVID, they are now resuming their activity with a 3-day training in November 2023. CMOs from 8 countries have been invited to attend. SCAPR has been also requested to present its role, activities and tools. We thank CPRA for this initiative.

The next WIPO SCCR in Geneva Beginning of November 2023



The WIPO Standing Committee for Copyrights and Related Rights will have its next meetings between the 6th and 8th of November 2023, within the WIPO Offices in Geneva. As we informed you, SCAPR was accepted as permanent observer in March this year. During this coming meeting, the discussion will continue on the remuneration of performers when their recordings are made available online through streaming or download. SCAPR and other international federations (AEPO-ARTIS, FILAIE, FIM) are working together on a common position and joint actions.

Save the date: The WIPO for Creators project will go live on November 17th 2023



As a reminder, the aim of this project launched by WIPO and the Music Awareness Foundation (established by Bjorn Ulvaeus, ABBA member) is to support creators worldwide by providing them a rights' awareness platform. The goal being to increase knowledge around creators' intellectual property rights and related management practices. They have decided to start first with music rights but plan to include AV works in the second step.

From the start of this project, SCAPR has been part of the Advisory Board and took part in the content review. We would like to thank the SCAPR members who contributed to the review.

WIPO has officially announced the launching date. It will be the 17th of November in Geneva. It will take the form of a hybrid event as the launch will be live-streamed with

interpretation in all UN official languages. As soon as made available, we will provide you with some additional insights and how to participate.

Members' news

Reassuring news from our Israeli colleagues



Following the recent terrorist attacks last week in Israel, our colleagues from ESHKOLOT have informed us that fortunately, and despite several missiles that fell near their houses, there were no casualties within ESHKOLOT staff and relatives. However, they are receiving information on performing artists that have been kidnapped, murdered or injured.

Our hearts go out to the victims and their families who have suffered as a result of this senseless act of violence.

Our thoughts are with the artists, their families, and every individual touched by this unfortunate situation.

New provisional member: welcome RAYS!



Digital and Audiovisual
Broadcasting Industry

RAYS is a CMO from Azerbaijan, formed in 2021 and representing performers, producers and broadcasters. Their representative has already participated in in-person working groups meetings and in the 2023 GA in London.

During its September meeting, the Board accepted RAYS as a SCAPR provisional member until next GA, as allowed by article 4.2 of SCAPR Statutes. Their associated membership will be subject to the GA's vote in next May GA.

Thanks to this provisional status, RAYS will be entitled to access our working groups and tools.

We welcome RAYS into our community!

Martial law in Ukraine: ULCRR still entitled to distribute international performers' revenue

As previously reported, due to the Martial Law effective as of last May, all the collections of related rights can only be performed by the authors' CMO, UACRR. They will thus collect performers' rights on behalf of our member ULCRR (a.k.a. ULASP) for a period of time extending to 12 months after the end of the war. This authorization is temporary, as UACRR is not accredited to represent performers. Our member ULCRR remains the accredited CMO for performers and, even during the application of the Martial Law, remains entitled to receive the share pertaining to performers and to pay the foreign organizations. All the signed representation agreements signed with ULCRR remain valid, until further notice.

SCAPR and IFPI sent a letter to CISAC urging them to ensure that their member, UACRR, acts diligently and transparently in order to allow proper remuneration of the related rightsholders in the interim period.

However, we have been informed that UACRR lately contacted performers' CMOs to sign representation agreements regarding the exchange of performers' rights falsely claiming that ULCRR is out of market.

In case you are contacted by UACRR, you can refer to the agreement you have with ULCRR (if any) and, in any case, refer to the above. Please also contact SCAPR Secretariat so that we can act appropriately.

Feel very welcome to contact Secretariat, should you need any further information.

Working Groups' update

Artificial Intelligence Guidelines

The AI subgroup of the legal working group has set up some very useful guidelines on how to advise the CMOs members in relation with AI. Various topics are covered like:

- Ø Contract with a record company or audiovisual production company (Questions of permissions regarding further use of performances, etc.)
- Ø Negotiation with streaming platforms
- Ø Performers' individual remedies when personality rights are involved
- Ø Heirs' control over the use of their relative performances.
- Ø General data protection regulation (GDPR)
- Ø equity.org.uk guidance summary

We warmly invite you to take a look to this document, available on [the intranet](#).

Handbook Project: status update

The Handbook project from the Business Working Group is ongoing. The SR Handbook was launched in August, and many societies have now completed the

survey. In September, two Q&A workshops were conducted to clarify doubts and facilitate the completion.

This project relies on having a complete overview of our members' practice. It is important that all societies provide their answers to the survey. Those societies that didn't have the time to complete the Smartsheet yet, please provide your answers by 20th of October.

The AV Handbook will be launched in the following weeks, and some more Q&A workshops will be planned in November. Thanks to our members that have already completed their Handbook survey and we encourage members that have not completed it to do so as soon as possible and, in any case by the 20th of October. In case of doubt do not hesitate to contact the Secretariat

MISCELLANEOUS

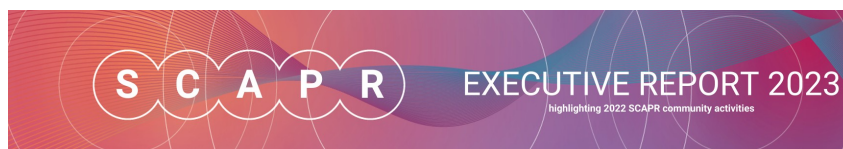
The new functionality to create IPNs without mandate information is now available in IPD



One of the goals of the IPN Creation project was to give the possibility to SCAPR members that have expressed a need for it, to create IPNs without mandate information. The related IT developments have been made and tested. Two societies have expressed their willingness to act as early adopters of this new functionality, ADAMI and PPL. They provided the Databases Committee with a formal request explaining the rationale behind their requests, confirming their capacity to maintain the same level of high data quality than for a performer from whom they have a mandate and communicating the volume they expect to create. For ADAMI, the reason is linked to the fact that a performer doesn't need to give a formal mandate to them in order to be paid. For PPL, their request is linked to the ongoing collaborative work with other SCAPR members to use IPD and VRDB for the management of the Annual Supplementary Remuneration.

All the new activity within IPD will be closely monitored and a review will be made at the end of 2023.

2023 Public Report



Earlier this month, [we published](#) the SCAPR 2023 Public Report. It allowed us to share important key figures and milestones outside of the SCAPR community, such as

the global collection finally surpassing the pre-covid numbers of 2019. Feel free to use and share this document further to showcase the remarkable work achieved by all the members of SCAPR.

That's all, folks!

We hope that the read was enjoyable and insightful. Should you have any remarks or suggestions for the next edition, please feel free to contact us via secretariat@scapr.org

