



17 October 2011

Audiovisual Sector Position Paper on the Proposed Orphan Works Directive

Introduction

Audiovisual works such as films and TV programmes are made to be seen by the widest possible audience. Creators, talent, crew, producers, financiers, distributors and publishers join together in the creation, production, financing and distribution of films and audiovisual content because they have a story to tell and want to communicate a certain message or view of the world, and because this is their chosen occupation in life. In the case of orphan works¹, we cannot know what their authors and other rightholders would have wanted for their works, but their colleagues in this sector support balanced solutions that can help facilitate the opportunity for contemporary audiences to enjoy the works concerned. Moreover, we welcome the recognition of copyright works as being in the public interest and – a source of knowledge, inspiration and entertainment for our societies. This also incentivizes the creation of new works.

¹ I.e. works for which the author and other rightholders are unknown and cannot be located despite a diligent, good faith search.

The Commission's recent IPR Strategy pronouncement² states that the Commission "will table proposals to establish clear rules for orphan works, while respecting the rights of their creators." The audiovisual sector signatories³ to this paper are not convinced that the "Proposal for a Directive on certain permitted uses of orphan works" (the "Proposal") adequately respects the rights of their - unknown (assuming a good faith diligent search) – rightholders.

The audiovisual sector has long questioned the scope of the largely undocumented problem of orphan works in our sector. We therefore opposed the inclusion of cinematographic and audiovisual works within the scope of the Proposal. We still do.

It is clear that audiovisual works were added to the Impact Assessment as an afterthought at the very end of the process to justify their late inclusion in the Proposal. This late inclusion of audiovisual content has resulted in a Proposal that is not adapted to the specificities of the sector with regard to terminology, methods of exploitation as well as the fact that films and audiovisual works are the result of collaborative efforts from a wide range of participants, including creative, production, financial, promotional and distribution. As a result, **we continue to believe that audiovisual works should be excluded from the scope of the Proposal.** However, if audiovisual works are to be included in the Proposal, **substantial modifications** are required to ensure proportionality and legal certainty in the application of the Directive to the specific and unique characteristics of audiovisual content.

I. PRELIMINARY REMARKS

Before commenting on the Proposal Article by Article with the purpose of adapting it to the audiovisual environment, **some preliminary remarks need to be made:**

1. The Proposal prescribes an insufficient level of harmonization of the criteria constituting diligent search at the EU level.

The signatories to this paper support the legitimate goals of this Proposal, intended to establish a **balanced** approach to the issue of orphan works at the EU level, based on the principle of mutual recognition, and requiring a sufficient level of harmonization in certain key areas. However, a closer analysis of the Proposal demonstrates that it fails to deliver an adequate degree of harmonization, whilst pursuing other objectives.

The **lax definition of diligent search** and the potential for arbitrary uses established by Article 7 of the Proposal leads the signatories of this paper to the conclusion that the Proposal is not only driven by the intention to solve unique and marginal orphan works incidents, but also by a broader agenda related to mass digitization and exploitation of

² "A Single Market for Intellectual Property Rights Boosting creativity and innovation to provide economic growth, high quality jobs and first class products and services in Europe"

³ CEPI, EGEDA, Eurocinema, FERA, EuroFIA, FIAD, FIAP, IVF, MPA, UNI-MEI - see contact details at the end of the document.

works that was not addressed by the Impact Assessment and in advance of the review of the Copyright Directive⁴.

2. The Proposal includes beneficiaries that are inconsistent with its own scope

The Proposal would include **public service broadcasters** (whose archives include a massive stock of copyright works) as **beneficiaries of the Proposal although they are themselves rightholders** - as broadcasters and in some cases also as producers. This puts them in a unique position to identify and clarify the status of the works stored in their archives.

The signatories to this paper also question the inclusion of film archives in the Proposal. We believe that the combination of the current legal framework (the catalogue of exceptions in the Copyright Directive) and the self regulatory approach agreed in the **Memorandum of Understanding on Diligent Search Guidelines for Orphan Works (2008)**⁵ are sufficient to address the issue of orphan works and are more adapted to deal with cinematographic and other audiovisual works.

3. The Proposal must not exceed its own precisely defined purpose by attempting to address issues pertaining to mass digitization

The purpose of the Proposal is to find solutions to the specific issue of orphan works. **It must be recalled that the issue of mass digitization and archive exploitation (with national arrangements in place or under development in several instances) is a very different and separate matter. Therefore, the Proposal should remain limited to providing a solution to orphan works as required.**

4. The Proposal must not create uncertainty regarding specific national arrangements on the management of rights (e.g., extended collective licensing arrangements)

Regarding the relationship with extended collective licensing, the signatories to this paper support the principle enshrined in the Proposal which would be “without prejudice” to national arrangements concerning the management of rights (cf., Recital 20). Extended collective licensing may work satisfactorily in some countries where it is of some utility in the audiovisual sector and **we believe that Member States should be able to continue to fashion such solutions.** Nothing in the Proposal should prevent

⁴ Directive 2001/29/EC on Copyright and related rights in the information society

⁵ Memorandum of Understanding on Diligent Search Guidelines for Orphan Works – 4 June 2008 – was signed by representatives of libraries, archives, audiovisual archives and rightholders in the presence of Commissioner Viviane Reding. In Annex to the MoU were sector specific guidelines including for the audiovisual sector. See: http://ec.europa.eu/information_society/activities/digital_libraries/doc/hleg/orphan/mou.pdf and http://ec.europa.eu/information_society/activities/digital_libraries/doc/hleg/orphan/appendix.pdf

them from doing so. We would however oppose any new measures that would **impose** the use in the audiovisual sector of extended collective licensing at the EU level.

5. The Proposal is not intended to amend the Copyright Directive, and should not be treated as an exception or limitation to copyright or related rights.

We want to contribute to finding solutions – so long as there is respect for the basic principles of the European and international copyright system.⁶ **Where authorization cannot be given by unknown and un-locatable rightholders, basic copyright principles must nevertheless be upheld, including respect for exclusive rights and appropriate remuneration. It is vital that the proposal operates in conformity with the three-step test where applicable.**

We believe that public interest is best served in the long term when those who come together to create, produce, finance and distribute films and audiovisual works are considered as valuable to society as the works in which they have contributed creatively and financially.

II. SUBSTANTIVE COMMENTS/PROPOSALS

The signatories to this paper have the **following substantive comments and proposals.**

Article 1 – Scope/Subject Matter

- During the preparatory work on the Proposal, the signatories argued that audiovisual and cinematographic works **should not be covered by the Proposal and this appeared to be the direction in which the draftsmen were indeed headed.**

The field of cinematographic and audiovisual works requires **appropriate examination** in order to define more specifically the means to find solutions, if necessary, to the issue of orphan works in this sector.

It should be noted that the Impact Assessment conducted in 2010 by the European Commission in preparation of the Proposal was essentially limited to literary works, which of course were the sole category of works initially intended for inclusion within the scope of the Proposal.

In this regard, we continue to strongly object to the inclusion of audiovisual works in the absence of a detailed study on the issue of orphan works in the audiovisual and cinematographic sectors. We believe that such a study is essential prior to an inclusion of cinematographic and audiovisual works in a legislative initiative.

⁶ The EU Charter on Fundamental Rights (Article 17.2) and recent decisions of the Court of Justice of the European Union in the *Promusicae* and *Laserdisken* decisions confirm that copyright is a fundamental right.

- The scope of Article 1 of the Proposal establishes two categories of cinematographic and audiovisual works (and two categories of beneficiaries) that are covered by the Proposal:
 - Works that are held in the film heritage archives (in this case cinematheques and film museums), and
 - Cinematographic or audiovisual works "produced" by public service broadcasters (PSBs). This concept includes works commissioned by PSBs.

The second category is very problematic also in light of a diligent search mechanism that is particularly lax and insufficient harmonization across the EU. There are a wide range of cinematographic and other audiovisual works held in PSBs' archives that include many works covered by intellectual property rights which do not necessarily or solely belong to the PSBs. The Impact Assessment gives no indication of the extent to which the works held in PSBs' archives might be considered as **orphans**. As a result, we object to the introduction by way of the Proposal of a solution to a problem that has yet to be proven. Whether the works belong to somebody else or were produced by or for them, PSBs should obtain the appropriate copyright clearance and be held to normal standards of prior authorization before use, like any other user or producing organization. Rights clearance is part of the daily business for the wide range of companies and professionals that our associations represent. The purpose of the Proposal is to resolve the issue of orphan works – works for which the authors and rightholders are unknown and/or cannot be located. **Issues related to mass digitization and archive use are another matter altogether.** In most cases, PSBs have access to information about the rightholders in these works, but unlike other companies, including SMEs, that are active in this sector, they appear unwilling to invest the necessary time and money to clear the rights. Until there is a clear understanding of the scope of the problem, including in particular the potential economic and cultural impact on the audiovisual sector, we cannot support the inclusion of PSBs, and indeed any other broadcasting organization, as beneficiaries under the Proposal.

- Public Service Broadcaster Archives

The signatories to this paper believe that if the cinematographic and audiovisual works entrusted to the "custodians of the film heritage" are to be covered by the Proposal, then a number of substantial modifications and improvements to its general provisions are required, as detailed more fully below. In addition, Article 1, paragraph 2, sub-paragraph 3 should be removed, pending a proper review of the needs of PSBs in the context of their use of audiovisual archives (see above).

- **Amendment 1**

- Article 1 – Subject matter and scope

- *Paragraph 1: Delete after "film heritage institutions"*

- "1. This Directive concerns certain uses of orphan works undertaken by publicly accessible libraries, educational establishments or museums as well as by archives, film heritage institutions ~~and public service broadcasting organizations.."~~

▪ **Amendment 2**

Article 1 – Subject matter and scope

- *Delete Article 1 – paragraph 2, sub-paragraph 3*

~~“Cinematographic, audio or audiovisual works produced by public service broadcasting organisations before the 31 December 2002 and contained in their archives.”~~

- The Proposal should provide more specific details on the conditions pursuant to which institutions as listed in Article 1(2) will qualify as beneficiaries. Beneficiary institutions must be **completely publicly funded**, their activity must be **purely non-commercial** and they should not be owned or controlled by profit-making entities. These conditions are vital to ensure legal certainty and a level-playing field across the EU in accordance with the EU copyright *acquis*.

While it is important to leave Member States a certain room to manoeuvre, the Directive should provide a more **significant degree of harmonisation in order to ensure as consistent an application of its norms as possible**, particularly if a work deemed an orphan in one EU Member State is to be granted similar status by all other Member States.

The Proposal should include harmonised definitions of its intended beneficiaries to avoid a patchwork application. For example, Recital 17 notes that “film heritage institutions”⁷ are to be designated by Member States. The Proposal should define the conditions under which an entity qualifies as a film heritage institution in the context of the Proposal. Those conditions would ensure that such institutions are exclusively publicly funded, purely non-commercial and not controlled by profit-making entities. Their main activities are related to the pursuit of general museological objectives from conservation to providing access for cultural, educational and research purposes. These institutions are able to properly carry out the tasks of preservation and restoration on the basis of standards developed by organizations such as the Association of European Cinemathèques⁸.

The connecting factor between a cinematographic or audiovisual work and the Member State where diligent search must be undertaken needs precision. Where a work is first published or broadcast may have little or no relation with the Member State that has the closest connection with its creation, financing, and production, etc. and where thorough information regarding right holders is likely to be available. In this regard, Recital 15 stating that “a diligent search should be conducted only in the Member State where the work was first published or broadcast” could in fact render the “diligent search requirement” a nullity.

⁷ See <http://ec.europa.eu/avpolicy/docs/reg/cinema/institutions.pdf>

⁸ <http://www.ace-film.eu/>

- Ownership (*Titularité*).

In Article 2, it is noted that diligent search shall be undertaken with regard to the identity and location of rightholders.

The concept of rightholders is sufficiently established in the copyright *acquis* to cover authors and the other relevant categories of rightholders that should be subject to a diligent search by beneficiaries included in this Proposal.

However, to ensure consistency in the Proposal, modifications are required to Recitals 3, 4, 12 and 16, where the term “author” is used.

- **Amendment 3:**

- In Recitals 3, 4, 12, 14 and 16: *replace “author” by “rightholder”*

Article 2 – Definition of Orphan Works

- We would like to stress the importance of good faith diligent search for each individual work, including those which are incorporated into a collective work such as an audiovisual work. In a manner consistent with the 2008 MoU (mentioned above), we propose that the language, “good faith” be included in Article 2 (and Article 3). Search should not be limited to sources identified by Member States and those in the Annex. In particular, the list for audiovisual works, included in the MoU on diligent search guidelines should be included in the Annex to the Proposal (see below).

- As noted above, the Proposal was not prepared in a manner consistent with the treatment of cinematographic and audiovisual works under EU and international copyright norms. As a result, if audiovisual works are to be retained in the Proposal important modifications are required and any safeguards in Article 2 must be considered in light of the different types of works that are covered. Indeed, Article 2(2) comprises an important safeguard given the nature of audiovisual works. We recognise the issue of so-called “orphan rights” and are open to pragmatic solutions that do not undermine the interests of rightholders in collective works. This concept also applies to the principle of de-orphaning a work.

- **Amendment 4**

- Article 2, paragraph 1 should read as follows:

- “A work shall be considered an orphan work if the rightholder in the work is not identified or, even if identified, is not located after a **good faith** diligent search for the rightholder has been carried out and recorded in accordance with Article 3.”

Article 3 – Diligent Search

- The importance of good faith diligent search for each work cannot be overstated. Search should not be limited to sources identified by Member States and as mentioned above, the Annex should include the list included in the 2008 MoU on diligent search guidelines.⁹ For audiovisual works, the MoU presents a harmonized list of sources developed by a wide range of stakeholders.
- By limiting the scope of search to the Member State of first publication or broadcast, the Proposal potentially condemns a work to orphan status when relevant information may be available in another Member State. The country of first publication or broadcast may not, for historical reasons (e.g., resources, armed conflict, tradition, etc), have the best information available. Given that records and information are easily accessible across borders, the limitation of the search to the Member State of first publication or broadcast is unwarranted and illogical in the audiovisual sector. This is particularly true in the case of co-productions.
- There is a risk that the concept of diligent search rather than being harmonized will actually function quite differently from Member State to Member State given the language of Article 3.2. We believe that the definition of diligent search should be harmonized to the maximum extent possible and that certain minimal criteria should be set forth, as to which anything less would not be deemed diligent.
- The rightholders in a film or TV programme (and the author or publisher of a literary work) are generally identifiable in the work itself. Efforts to contact rightholders identified in the work itself should be part of a diligent search.
- More clarity on the “publicly accessible database” and the nature of Member State involvement is required. These above details are still not sufficient. Indeed, co-productions in the audiovisual and film sector are frequent in view of the significant investment required. Diligent search should be undertaken in all the EU Member States involved in the co-production in order to protect the investment and property rights of all producers and other relevant rightholders.
- Audiovisual works include other copyright works for which appropriate licenses are secured to enable their incorporation in the work at issue. If, after good faith diligent search, the overall work is found to be an orphan, permitted use of that work should be limited to the work in its entirety, and not also comprise other uses such as “clips”, which would clearly extend to facilitating the use of a particular work beyond that for which its rightholders had intended.

⁹ See above

▪ **Amendment 5:**

Article 3 - Diligent search

Sub-paragraph 1 should read as follows:

“For the purposes of establishing whether a work is an orphan work, the organisations referred to in Article 1(1) shall ensure that a *good faith* diligent search is carried out for each work, by consulting the appropriate sources for the category of works in question.”

▪ **Amendment 6:**

After sub-paragraph 3, insert a new paragraph as follows:

"In the event that the cinematographic and audiovisual work subject to a good faith diligent search is known to be a co-production, the good faith diligent search must be carried out in each of the Member States involved in the co-production.”

Article 4 – Mutual Recognition of Orphan work Status

- We recognize that mutual recognition is meant to be the cornerstone of the Proposal. We see the merit in taking such an approach but, given the potentially far-reaching impact, we believe that it is necessary to tighten up Articles 1 to 3 (as suggested above) and to impose further limitations on Articles 6 and 7 (described below). This is necessary to ensure a sufficient degree of harmonization of some key aspects of the Proposal. In order to avoid varying approaches to definitions, diligent search, procedures for ending orphan status and uses of orphan works, the Proposal needs several modifications.

Article 5 – End of orphan work status

- The procedure for ending the orphan status of copyright protected works should be uniform across the EU. Rightholders, who come forward, must be able to rely on a single procedure established at the EU level as the determination of a single Member State is proposed for determining “orphan work” status across the EU. As a result, the Proposal itself must provide more clarity on how the ending of orphan status would work in practice (e.g., what are the roles of governmental authorities and rightholder(s)). For example, it is not clear whether the exploitation should automatically cease once the work is de-orphaned or if the rightholder(s) need to take specific steps in this regard and where.
- While in many cases the relevant rightholders will come from the country of first publication or broadcast, it is quite possible that rightholders coming from different Member States will also be implicated (and indeed this is a factor to be considered with respect to Article 3(3) – i.e. the requirement that diligent search be carried out only in the Member State of first publication.
- This is particularly the case in the audiovisual sector. Indeed, in the EU, film and TV productions are quite often co-productions and involve rightholders and contributors of many different nationalities.

▪ **Amendment 7:**

Article 5 should read as follows:

“The European Commission shall issue a Recommendation setting forth a uniform method to ensure that a rightholder in a work considered to be orphan has, at any time, the possibility of putting an end to the orphan status across the EU and that the end of such status is duly recorded in a publicly accessible data base.”

Article 6 – Permitted Uses of Orphan Works by Beneficiaries

- Given the cross-border element of the Proposal and potentially broad impact, it is vital that the list of permitted uses be proportionate – in other words, drawn as narrowly as possible to achieve its aims.
- As a result, the list of permitted/authorized uses must be exhaustively enumerated in the Proposal itself. Article 6(2) opens the door via Article 7 to a wide range of varying authorized uses which are to be determined by the Member States (see below). This approach risks severely undermining the goal of harmonization and the copyright *acquis*.
- Article 6(3) read in conjunction with Recital 18, appears designed to enable beneficiaries to work with commercial partners to exploit orphan works. While it is vital to protect the freedom of contract, the Proposal should clarify the conditions under which commercial entities can become involved in the exploitation of orphan works, and that this involvement is in the public interest. The recent experience in the United States in the Google Books Settlement matter underlines the importance of such clarifications.
- **The Proposal is not intended to amend the Copyright Directive, and should not be treated as an exception or limitation to copyright or related rights. However, it is vital that it operates in conformity with the three-step test where applicable.**
- The Proposal should include a reference to voluntary agreements¹⁰ between stakeholders which may already provide solutions.
- Article 7 sets forth a number of important conditions and safeguards that should apply in the context of Article 6, including remuneration. The right to authorise or prohibit the use of one’s works and the principle that remuneration is due are two of the main pillars of

¹⁰ The audiovisual sector is deeply committed to the preservation of Europe’s film heritage and to providing access thereto for cultural, educational and research purposes. Many individual members deposit film and film materials in all EU Member States either by way of legal (mandatory) deposit rules or under voluntary deposit arrangements with film heritage institutions. In this connection, we would like to draw attention to the framework agreement on voluntary deposit with film heritage institutions which FIAPF entered into already in 1972 and which was recently updated to take into account the digital environment. See: http://ec.europa.eu/avpolicy/reg/cinema/index_en.htm.

copyright and must be recognized by the Proposal in a manner consistent with the EU copyright *acquis*.

▪ **Amendment 8:**

Article 6, paragraph 1 should read as follows:

“1. Member States shall ensure that the organisations referred to in Article 1(1) are permitted to use an orphan work in the following ways ***where voluntary agreements between relevant stakeholders are not available:***

(a) by making the orphan work available, within the meaning of Article 3 of Directive 2001/29/EC;

(b) by acts of reproduction, within the meaning of Article 2 of Directive 2001/29/EC, for the purposes of digitization, making available, indexing, cataloguing, preservation or restoration.”

▪ **Amendment 9:**

Article 6, paragraph 2 should read as follows:

“2. However, ~~unless otherwise provided in Article 7,~~ the organisations referred to in Article 1(1) may not use orphan works in order to achieve aims other than their public interest missions, notably preservation, restoration and the provision of cultural, ***research*** and educational access to works contained in their collections.”

▪ **Amendment 10:**

Article 6, paragraph 4 should read as follows:

“4. Member States shall ensure that: ~~the organisations referred to in Article 1(1), when using orphan works in accordance with paragraph 1, maintain records of their diligent search and publicly accessible records of use~~

(1) the organisations referred to in Article 1(1) maintain records of their diligent search and publicly accessible records of use;

(2) the organisations maintain publicly accessible records of their use of orphan works;

(3) in the case of an orphan work where a rightholder has been identified but not located, the name of the rightholder is indicated in any use of the work;

(4) rightholders which put an end to the orphan status of the work, within the meaning of Article 5, are remunerated for the use that has been made of the work by the organisations referred to in Article 1(1);

(5) rightholders may claim their remuneration under point (4) within a period fixed by Member States and which shall not be less than five years from the date of the act giving rise to the claim.”

Article 7 – Authorised Uses of Orphan Works

- Member States may authorize the beneficiaries to use orphan works for other purposes than those mentioned above subject to a number of conditions. It is the view of the undersigned organizations that additional, authorized uses of orphan works across the EU are unjustified and would go beyond the need to allow a balanced use of orphan works in the public interest. Furthermore, any acknowledgement of the ability for PSBs to use orphan works for purposes which go beyond their public interest mission (i.e., making those works available to the public through their online services or using clips to produce other works for their own programming) would grant them a competitive advantage over all other broadcasters that are clearly excluded from the Proposal and should continue to be so. As we understand it, commercial broadcasters do not seek inclusion in this Proposal as they do not consider that they are confronted with issues related to orphan works
- Member States retain significant latitude in choosing “the means for authorising use” and “remain free to decide on the use of any revenues which are unclaimed after the expiry of the period fixed”. Recital 21 contains an incomplete reference to the three-step test.
- Article 6, subject to the comments above, appears to constitute a framework that is sufficiently permissive to allow beneficiaries defined by Article 1(2)(2), to carry out their "public interest" missions.
- In its current form, Article 7 risks fragmenting the internal market by allowing Member States to authorize varying uses beyond those listed in Article 6 and to take differing approaches to the use of unclaimed revenues. The goal of the Proposal should be harmonization.
- Moreover, the concept of "other purposes" established by Article 7 is problematic and even appears arbitrary. As a result, the Proposal is not balanced. In particular, it even creates inconsistencies with Article 6. The impact of this provision is not sufficiently clear. Audiovisual and cinematographic works should not be covered.
- As noted above, the Proposal is not intended to amend the Copyright Directive. However, to the extent that it opens the door to a wide range of potentially commercial uses of copyright-protected works, it is vital that it operates in conformity with the three-step test.
- Article 7(5)-(6) relates to remuneration for rightholders who come forward. The criteria for such remuneration should be clearly enunciated in the Proposal itself.
 - **Amendment 11:**
Delete Article 7

Alternatively,

Article 7(1):

Paragraph 1 should read as follows:

“1. Member States may ~~authorise~~ **allow** the organisations referred to in Article 1(1) to use an

orphan work for purposes other than those referred to in Article 6(2), **to the exclusion of works defined in Article 1(2)(2) [and (3)]¹¹**. ~~provided that:~~

~~(1) the organisations referred to in Article 1(1) maintain records of their diligent search;~~

~~(2) the organisations maintain publicly accessible records of their use of orphan works;~~

~~(3) in the case of an orphan work where a rightholder has been identified but not located, the name of the rightholder is indicated in any use of the work;~~

~~(4) rightholders which put an end to the orphan status of the work, within the meaning of Article 5, are remunerated for the use that has been made of the work by the organisations referred to in Article 1(1);~~

~~(5) rightholders may claim their remuneration under point (4) within a period fixed by Member States and which shall not be less than five years from the date of the act giving rise to the claim.~~

Article 11 - Review Clause

- As noted above, audiovisual works should be included in the Review Clause in order to address the almost complete lack of consideration by the Impact Assessment.

Annex

Amendment 12

Paragraph 5 should read as follows:

“For audiovisual works contained in the ~~collections of film heritage institutions and public service broadcasting organisations:~~

(a) Legal deposit;

(b) Databases of film heritage institutions and national libraries;

(c) Databases with relevant standards and identifiers such as ISAN for audiovisual material;

(d) The databases of the relevant collecting societies in particular for authors, performers, phonogram producers and audiovisual producers;

(e) **Sources listed in the “APPENDIX TO THE JOINT REPORT – SECTOR REPORTS: EUROPEAN DIGITAL LIBRARIES, AUDIOVISUAL WORKING GROUP, Orphan Works sector –specific guidelines for the audiovisual sector (Final Version, 4 April 2008).”¹²**

¹¹ This will not be necessary if Article 1(2)(3) is withdrawn. Cf., points 2 and 3 above.

¹² http://ec.europa.eu/information_society/activities/digital_libraries/doc/hleg/orphan/appendix.pdf

CEPI - European Coordination of Independent Producers
Elena Lai, Secretary General - cepi@europe-analytica.com

EGEDA - Audiovisual Producers' Rights Management Association
Miguel Ángel Benzal, Director General – miguelangel.benzal@egeda.com, lvilches@keanet.eu

EUROKINEMA – representing French film producers
Yvon Thiec, Director General - yvon.thiec@eurocinema.eu

FERA - Federation of European Film Directors
Elisabeth O. Sjaastad, Chief Executive Officer - elisabeth.sjaastad@filmdirectors.eu

EuroFIA – European Group of the International Federation of Actors
Dominick Luquer, Secretary General - dluquer@fia-actors.com

FIAD - International Federation of film Distributors Associations
Antoine Virenque, Secretary General – virenque@fndf.org

FIAPF - International Federation of Film Producers Associations
Benoît Ginisty, Director General – b.ginisty@fiapf.org

IVF - International Video Federation – Publishers of Audiovisual Content on Digital Media and Online
Charlotte Lund Thomsen, Director General – clthomsen@ivf-video.org

MPA - Motion Picture Association
Ted Shapiro, SVP, General Counsel and Deputy MD, EMEA - ted_shapiro@mpaa.org

Uni-Mei – Uni Global Union Media Entertainment and Arts
Johannes Studinger, Head of UNI-MEI – Johannes.studinger@uniglobalunion.org