

By e-mail

Mr. Richard Bruton
copyrightreview@djei.ie
Minister for Jobs, Enterprise and
Innovation of Ireland
Copyright Review Committee

Geneva, July 14, 2011

AGICOA/ Ireland / Submissions to the Copyright Review Committee

Dear Mr. Bruton,

It has come to our attention that you have decided to conduct a review of the Irish Copyright and Related Rights Act 2000 to identify any problems that might be perceived to create barriers to innovation.

AGICOA would like to make a submission concerning article 175 (7) (e) and (f) of the Irish Copyright Act about the registration requirements for Licensing bodies. According to the above mentioned article, licensing bodies are required to provide “details of the scheme” (e) and “details of the scales of charges or proposed charges to be levied by the applicant” (f).

AGICOA is the “Association of International Collective Management of Audiovisual Works”. It is an international collecting society with headquarters in Geneva, Switzerland, created by independent producers of audiovisual works. AGICOA’s purpose is to collect and distribute royalties from cable and other retransmission operators for the retransmission of audiovisual works contained in the programs of the TV channels.

For several years AGICOA has been licensing retransmission rights to retransmission operators (such as UPC) in some European countries, including Ireland.

Last year, AGICOA was contacted by the Patent’s Office requesting to reveal the fee per subscriber charged under the agreement with the Irish cable operators. The rights holders of the agreement argued that such fees were confidential, and we proposed to reveal only the share percentage that AGICOA receives under the Licensing agreement. (Enclosure 1)

We consider that the disclosure of commercial arrangements contained in the licensing agreements can be a barrier to innovation. Indeed, retransmission operators expect confidentiality from the licensors in the agreements, which is a common practice around Europe. Additionally, as a collecting society operating all over Europe, AGICOA is not required by any law to disclose to the control authorities the commercial licensed terms.

Sincerely,



Helmut Koszuszeck
Co-Managing Director
Legal and Business Director