

WIPO Copyright Infrastructure WEBINAR

Rights Data and Identifiers for Visual Artists

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Which works belong to image repertoire?

- Image comes in **many forms**: paintings, sculptures, sketches, prints, photography including photojournalism, illustration, design, graphic design, street art, graphic novels, comic strips (BD), architecture, performances, installations, conceptual art and digital works such as NFTs on blockchain. The list is not exhaustive.
- Collective Management Organisations have to adapt their management to the ways works are created, offered and used on the market. CMOs manage rights for visual repertoire **by names of authors**, not by works.
- The large majority of visual authors is **self-employed**.

- The way these works are used and distributed on markets mostly depends on their authors and how they place works on a market. The vast majority of visual authors has **no agent and is not represented through a creative industry** which would traditionally exploit the works on an exclusive basis.
- The large majority of visual authors are creating works and search for opportunities to reach out to a public and make a living on their **own initiative and with their own investment**. Today, this is also characterising their relationship with online media with regards to posting and sharing of their works on platforms. To become visible, works must be present on platforms. That does not mean that re-use is for free.
- There are also visual authors that **work on commission**, such as illustrators of books or photographers for advertisement, to give some examples. Then the CMOs are not managing so-called primary rights
- But for many authors, the CMO is the major point of connection between the creation and the collection of revenues from users.

Images can also appear in **different contexts**:

- As **stand-alone** works.
- As part of an **image-text-context** or as a still image in an **audio-visual** or multi-media context.
- There are natural limits to identify all image works in all places and contexts where they appear, more than in any other sector. For example, libraries gather much valuable information about collections, however in general cannot provide an exhaustive information about identified images, stand-alone *and* embedded in its collection. In our members' experience many historical archives **do not know the full contents** of their image collections.
- Watermarks provide a link between identical works but cannot create a link to the author where such link is missing from the beginning. Metadata are unreliable in the visual repertoire, for instance photographs are licensed non-exclusively and can be used by different users, each entering its own metadata, therefore referring to **several licensed users**.

Large numbers of images make it impossible to manage efficiently based on image identity.

- Visual authors create **many works protected** by copyright. All can **potentially become subject to uses** that qualify for copyright remuneration. Works can become very successful at any time as long as copyright protection applies.
- Some categories of visual authors, such as photographers and graphic designers often create millions of images. However, experience show that only a limited number are used, but one cannot predict which ones. CMOs have to ensure protection in general and protect authors from damages. Management must be cost-efficient.
- Today, more than ever, visual authors are using **a multitude of methods** to bring their works to the market to sell and license in order to make a living.
- Search engines are harvesting image works posted without technical protection measures, such as paywalls, on platforms and facilitate the re-use with their menus to optimize the works. This practice is further complicating image recognition.

Management of visual works by authors' names - IPI (*Interested Party Information*), is a well functioning system

- Today, visual repertoire is managed by the identified name of an author, not by identified individual works. Via the tool IPI, developed by SUIA and CISAC.
- It is not a public standard but applicable by all member societies of CISAC.
- The spelling is standardised; for technical reasons the database only contains latin characters with no accent. There are some substitution rules defined in IPI specifications to determine how accentuated characters should be replaced in IPI For example:

Ä → AE (Nicolas Schaefer → NICOLAS SCHÄFER)

Each party (Author) has a unique Base number (IP-BN : Interested Party Base number) and each name has a unique Name number (IP-NN : Interested Party Name number)

- These numbers are used by CMOs when exchanging data amongst each other to identify the authors
- Based on Agreements the numbers contain information about :
 - The CMO (under the CISAC code societies) which signed an agreement with the author
 - The Creation Class (CC. For example, **MW** *Musical Work*, **WA** : *Work of Art*) for which the agreement is signed by the author with the contracting CMO
 - The Role within the creation class (RO. For example **FA** : *Fine Art*, **DG** : *Design*) for which the agreement is signed by the author with the contracting CMO
 - The type of Right (RI. For example **RP** : *Reproduction Right*, **RR** : *Resale Right*) concerned by the agreement
 - The percentage of the author (in case of estate for example) covered by the agreement
 - The territory (for example *World*, or a list of countries, or a list of region excluding a list of countries) covered by the agreement

Image recognition technology: a good tool to identify images online

- The AIR project was launched within CISAC in 2016 after the initial pilot developed by ADAGP was transferred to CISAC. Based on automated recognition technology, the initial focus was the identification, licensing and distribution of rights on digital platforms (websites, etc..). Its scope is now expanding to pdf files (magazines...), and to audiovisual in the future.
- Despite its good results for AIR, its application remains limited to date due to the large number of images that would need to be covered.
- Nonetheless, new possibilities to use AIR for specific matters are being further developed.



AIR

Automated Image Recognition

by Robin Groenevelt.

EVA

European Visual Artists

www.eartists.org

Thank you!