

LAMERS EIs (TRADE)

From: JESSEN Anders (TRADE)
Sent: 18 July 2013 16:33
To: LAMERS Els (TRADE)
Subject: FW: Flash Report on meetings on IP and Procurement in Washington
Signed By: Anders.JESSEN@ec.europa.eu

From: JESSEN Anders (TRADE)
Sent: Tuesday, April 23, 2013 10:37 AM
To: SCHLEGELMILCH Rupert (TRADE)
Cc: DEMARTY Jean-Luc (TRADE); NYMAN Jon (TRADE); GARCIA BERCERO Ignacio (TRADE); HOUBEN Hiddo (EEAS-WASHINGTON); JORNA Kerstin (MARKT); MARTIN-PRAT Maria (MARKT); KOENIG Michael (MARKT); MUYLLE Jean-Yves (MARKT); SORENSEN Carsten (TRADE); VELASCO MARTINS Pedro (TRADE); GUMAEILIUS Marianne (TRADE); CHEN Michaela (EEAS-WASHINGTON); ZITKO Sibylle (EEAS-WASHINGTON)
Subject: Flash Report on meetings on IP and Procurement in Washington

Rupert,

[not relevant]

[REDACTED] [Art 4.1 b] RIAA, confirmed that there was clearly some sense of movement politically on public performance rights also because broadcasters were keen to renegotiate their license deals for streaming services, which they saw as their economic future, and this provided right-holders with some real leverage to settle the issue of licenses for the music broadcast through terrestrial services. [REDACTED]

[not relevant]

[not relevant]

Anders

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EUROPEAN UNION
DELEGATION TO THE UNITED STATES OF AMERICA

The Deputy Head of Delegation

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HH/SZ

E-NOTE DELUSW

Subject: Intellectual Property – Meetings of Anders Jessen in Washington 15-18 April

Summary

1.

[not relevant]

Anders also had meetings with

Art 4.1b US Chamber IP Center () (which provided some insight into business preparations for TTIP negotiations) and with Art 4.1b the Recording Industry Association of America (RIAA), which confirmed that there is some prospect for movement on public performance right.

[not relevant]

3. **The meeting with US Chamber IP Center confirmed that US Business shares the approach as well.** IP is one of 13 Working Groups of the Chamber's BCTT; the working group is headed by Chamber IP Center, NAM and NFTC; they have received input from 50 companies following a recent meeting and are in the process of drafting a business proposal for an "IP Chapter" in TTIP. They anticipate that stakeholder responses to USTR's FR notice, due mid-May, will bring a number of specific proposals on IP to the table. **Trade secrets protection** is one area which will likely be pushed by business. (Chamber is wondering how current lack of EU instrument and timing of ongoing DG Markt initiative may play out). Chamber also confirmed that certain **patent and trademark process related issues** will likely be proposed. They agreed that copyright related issues or any enforcement related issues are much more sensitive in post-ACTA environment.

4. C 15 **Art 4.16** RIAA, confirmed that there was clearly some sense of movement politically on **public performance rights**, notably because broadcasters were keen to renegotiate their license deals for streaming services, which they saw as their economic future, and this provided right-holders with some real leverage to settle the issue of licenses for music broadcast through terrestrial services. [deleted]

5.

[not relevant]

[not relevant]

François Rivasseau

Chargé d'Affaires a.i.

[not relevant]

US Chamber Business Coalition

IP is one of 13 Working Groups of the Chamber's BCTT; the working group is headed by Chamber IP Center, NAM and NFTC; they have received input from 50 companies following a recent meeting and are in the process of drafting a business proposal for an "IP Chapter" in TTIP.

US business recognize that we are starting from a high level of protection on both sides of the Atlantic, but with different templates. Will not attempt to draft comprehensive IP chapter, but will rather describe existing high levels of protection and existing third party cooperation and build on that. Some concern about precedent that this could set, but "need to write our way around that" and explain that this is a different relationship.

NOT RELEASABLE

NOT RELEASABLE

Meeting with RIAA

TTIP: goal no 1: "not to lose ground", "so frustrating to have to explain the economic benefit of copyright"!

Fighting populist movement; don't provide target; performance rights for sound recordings have been caught in cross-fire; indefensible omission from the law.

[REDACTED]

[REDACTED]

NOT RELEVANT

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NOT RELEVANT

Regarding TTIP, he said he would be happy for EU and US to take up the issue of public performance right for sound recording. Every administration had favoured royalties for terrestrial broadcast, policy support was there.

NOT RELEASABLE

One idea was to see if there was something in the negotiations for broadcasters.

[REDACTED]

NOT RELEVANT

[REDACTED]