



**TAG of Excellence**


**Promoting excellence for CMOs  
in transparency, accountability  
and governance**

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**Main topics**

- 1. Introduction and background**
- 2. Objectives and benefits**
- 3. Milestones and achievements**
- 4. Substance and details**
- 5. Future plans**






## 1. Introduction and background

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### Why focus on transparency, accountability and governance?


- International business (users) demands CMOs to be more transparent
- The creative community needs more transparency
- Society in general requires more transparency and better governance structures



11<sup>th</sup> Edition 2012  
**THE ICC INTELLECTUAL  
PROPERTY ROADMAP**  
Current and emerging issues for business and policymakers


**Business also supports the  
continuing availability of  
collective licensing on a  
voluntary basis,**

  
International Chamber of Commerce  
The world business organization



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**THE ICC INTELLECTUAL  
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**Business also supports the  
continuing availability of  
collective licensing on a  
voluntary basis, provided the  
principles of efficiency,  
transparency, accountability  
and good governance are  
respected.**

  
International Chamber of Commerce  
The world business organization

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### European Commission:

**“Collecting societies need to modernize. An underlying problem is the insufficient transparency and control of the way collecting societies are managed.”**

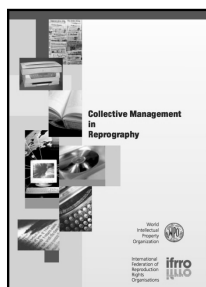
*Proposed Directive on collective management* – European Commission  
MEMO/12/545 11/07/2012

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### Point of departure:

- collective management is indispensable
- ‘when it is impracticable or impossible for rights holders to act individually’



source: WIPO IFRRO publication about collective management in reprography - 2005

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**Critical success factors:**

**a CMO's commercial and administrative capabilities**



**confidence and trust in the CMO's guardianship of  
interests of creators and of cultural diversity**

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confidence trust respect  
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confidence trust respect

**They are key for a society's reputation,  
regard and respectability – sustaining  
confidence, trust and respect in both their  
members and the public at large**



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## 2. Objectives and benefits

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### Objectives of TAG:

**WIPO will work with CMOs and other key players in a project to:**

- **create a compendium of TAG principles**
- **create and introduce an international voluntary instrument for certification of best practice**
- **establish third party verification and certification of CMOs**
- **educate and train CMOs with focus on transparency and governance, providing guidance and assistance where requested, to reach certification**



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## Benefits of TAG

### Increased:

- resistance to allegations of corruption, fraud and embezzlement
- confidence of members, users and the general public in CMOs
- transparency, bringing CMOs in line with other social and financial institutions
- efficiency
- credibility

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## TAG

**TAG will not replace nor compete with, but reinforce the current codes in existence by consolidating their best practices**

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## **TAG**

**TAG will be for:**

- **Film & video, music, print, visual arts**
- **Copyright *and* related rights**
- **All regions of the world**
- **All levels of development**

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## **TAG**

**TAG's recommendations have been based on the:**

- **EU Directive on collective administration of rights in the single market**
- **Professional Rules of CISAC**
- **Code of Conduct for IFRRO organizations**
- **IFPI Music Licensing Companies, Code of Conduct**



**...and from national examples:**

- **Copyright Act of Belgium**
- **The British Copyright Council's Principles of Good Practice for Collective Management Organizations**
- **Australasian and Australian Copyright Collecting Societies Code of Conduct**
- **VOI©E Quality Mark for CMOs...**

### **3. Milestones and achievements**

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### **3. Milestones and achievements (1)**

#### **2012 – 2013**

- **Establishing the outline, objectives and main conditions for project**
- **Hiring of the project manager**
- **Seeking support and assistance from International Federations of CMOs**
- **The establishment of the Consortium**
- **Launch of consultation of government officials, individual CMOs and trade associations**
- **Assembling of data regarding codes of conduct and relevant legislation**

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### **3. Milestones and achievements (2)**

#### **2013-2014**

- **Continued consultation of government officials, individual CMOs and trade associations**
- **Preparation of education programme**
- **Drafting of the Compendium on the basis of database of relevant codes and laws**
- **Drafting of the outline of Quality Assurance Standards**

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## 4. Substance and details

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### The Compendium

**The Compendium will include a series of recommendations dealing with a CMOs relations with:**

- **their members**
- **users**
- **other CMOs (including from other countries)**
- **the public (politics, media, general public)**

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## **Some draft recommendations of the Compendium**

- **managing rights in a diligent, efficient & non-discriminatory manner**
- **public transparency re statutes, distribution policy, complaint & dispute resolution procedures**
- **details of transfer/assignment of rights**
- **membership term/withdrawal conditions**
- **voting rights, eligibility**
- **rightsholder representation and powers within a CMO**

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## **Some draft recommendations of the Compendium**

- **privacy and data management/protection**
- **right of access to repertoire information**
- **publication of society's key documents**
- **principles governing treatment of users**
- **transparent tariff calculation**
- **governance and the general meeting**
- **distribution policy**
- **requirements regarding deductions**
- **internal supervision and audit**

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## 5. Future plans

2014-2015

*The Compendium*

- Broadening of stakeholders' engagement
- Development of training programmes (WIPO Academy and Int. Federations)

*Quality Assurance Standard*

- Creation of comprehensive working draft
- Stakeholders consultation
- Create the *TAG of Excellence* Standard
- Certification and auditing procedure
- Education

