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To: Voting members of ISO TC 46 and TC 46/SC 9

cc. ISO TC Secretariat
ISO Central Secretariat
ISO TC 46/SC 9/Working Group 1 (ISAN)

From: ISO TC 46/SC 9 Secretariat

**Subject: Nomination of the Registration Authority for ISO 15706: the
ISAN Foundation for the International ISAN Agency**

Action requested: For approval in conjunction with the voting on ISO FDIS 15706

This document describes the undertaking by AGICOA, CISAC and FIAPF to establish the ISAN Foundation for the International ISAN Agency. It provides supplemental information on the International ISAN Agency which is named in Annex C of FDIS 15706 as the future Registration Authority for the ISAN standard.

Unless otherwise indicated, it will be assumed that a positive vote on FDIS 15706 also indicates your endorsement to nominate the International ISAN Agency, named in Annex C of FDIS 15706 and described below, to ISO Council as the Registration Authority for ISO 15706. Any voting member who objects to that nomination should inform the ISO TC 46 and TC 46/SC 9 Secretariats in writing by the close of voting on FDIS 15706.

Description of the founding organizations

The three organizations involved in creating the ISAN Foundation to operate the International ISAN Agency, namely AGICOA, FIAPF and CISAC (described below), have been integral in the development and administration of the ISAN project within ISO TC 46/SC 9/WG 1. They are well-recognized international organizations that work with important sectors of the audiovisual industry, have widely acknowledged expertise in that industry and have established networks of contacts and affiliates around the world. Their involvement should significantly enhance the adoption and implementation of ISAN within the audiovisual and film community and facilitate the establishment of ISAN registration agencies in the main producing regions of the world, including North America, Europe and Asia.

At least two of the founders, CISAC and AGICOA will also be significant users of ISAN. This guarantees a significant level of use of the ISAN system immediately upon its start-up. The founders, however, will clearly separate their role as founders and partners in the International ISAN Agency and their role as users and will operate in an indiscriminate and equal footing with other users of the ISAN system.

Association of International Collective Management of Audiovisual Works / Association de gestion internationale collective des oeuvres audiovisuelles (AGICOA):

AGICOA is an international non-governmental organization, based in Geneva, established to collectively represent and defend producers' copyright, especially as far as cable TV retransmission is concerned. Its members are producers' associations worldwide, representing over 3,000 right holders.

As a neutral and non-profit institution, AGICOA acts in various countries with the appropriate cable bodies to collect and then to distribute the payments of cable retransmission royalties to producers and/or their right holders. In some countries, where free negotiations have been substituted by compulsory rulings, AGICOA claims and collects remuneration on that basis.

AGICOA brings to the ISAN Foundation its expertise in the management and maintenance of an international data base of audiovisual works, a network of national correspondents in most European and some non-European countries that should be the first users of ISAN, and the support of its staff principally from its IT department.

AGICOA can provide a "backstock" database of more than 500 000 audiovisual works that will bring ISAN registrations to a critical mass from the first day of operation of the ISAN Foundation. Finally, AGICOA has financial reserves that allow it to undertake its share of the initial financing for the setting up of the operation.

International Confederation of Societies of Authors and Composers / Confédération internationale des sociétés d'auteurs et compositeurs (CISAC):

CISAC is a non-governmental, non-profit organisation established in 1926 and based in Paris with regional offices in Asia and Latin America. Its membership consists of some 200 authors' societies in 98 countries representing, worldwide, over 2 million creators of works in the musical, dramatic, literary, and audio-visual arts, as well as in the graphic and plastic arts. Author societies have, for several decades, effectively established a system of reciprocal representation among their individual territories. CISAC facilitates these efforts by, among other things, coordinating the harmonization of formats and procedures for information exchange and related operations among its member societies. CISAC is committed to the development and maintenance of international standard identifiers, including the International Standard Music Work Code (ISWC) for which it is the Registration Authority.

CISAC has sufficient resources to undertake its share of the initial financing for start-up of the ISAN system. Its member societies also represents a significant body of potential users of ISAN.

International Federation of Film Producers' Associations / Fédération internationale des associations de producteurs de films (FIAPF):

FIAPF is an international organization whose membership consists of 35 national associations of film producers representing thousands of production companies from major motion picture studios to independent documentary production companies from 25 different countries, including India, U.S.A., Japan, France, Italy, United Kingdom, Germany, Spain, Canada, etc. Its role is to represent and defend on the international level the collective cultural, legal and economic interests of film producers of both cinematographic and audiovisual works. FIAPF carries out this representation at all international bodies that deal with issues affecting cinema, audiovisual, copyright, etc. whether these bodies are of world-wide scope (e.g. World

Intellectual Property Organisation, UNESCO, International Labour Organisation, World Trade Organisation, Motion Pictures Experts Group, etc.) or of regional scope (e.g. European Union, Council of Europe).

The involvement of FIAPF brings the ISAN project a guarantee of a significant level of international consensus among the audiovisual "content" industry and a network of contacts with organizations which should play a key role in the implementation and use of ISAN in the most significant producing countries around the world.

Eligibility of the ISAN Foundation

The above three organisations have committed to implementing and operating a legal entity, the ISAN Foundation to act as the International ISAN Agency, in accordance with the ISO rules for Registration Authorities. In particular, the ISAN Foundation will meet the following criteria specified for the ISO 15706 Registration Authority in ISO TC 46/SC 9 document N 278:

- the organization will be a legal entity;
- the organization will have a sound financial structure;
- the organization will have sufficient equipment resources and communication facilities to support the work of the Registration Authority for ISO 15706;
- the organization will have employees who are technically competent in the relevant subject area for ISO 15706;
- the organization will not require financial contributions from ISO or ISO's member bodies;
- the organization will commit to serving as the Registration Authority for a minimum period of five years;
- the organization will be internationally acceptable and will carry out its functions as Registration Authority in a non-partisan manner.

Description of the ISAN Foundation

The ISAN Foundation will be a Swiss foundation based in Geneva at 26 rue de Saint Jean. It will be established by legal agreement between its three founding organizations: AGICOA, CISAC and FIAPF. Its operations as the International ISAN Agency will be based "next door" to AGICOA in order to benefit from AGICOA's systems and technical expertise and from its provision of back-up capabilities for some functions.

Each of the three partner organizations will undertake to make capital contributions to establish the ISAN Foundation. The capital of the Foundation will be composed of two elements:

- the "backstock" database, mainly provided by AGICOA, composed of over 500,000 registered independent audiovisual works.
- capital funding contributed by CISAC, AGICOA and FIAPF

Reimbursable advances provided by the three founders will finance the start-up of the ISAN system and provide gap financing for its first few years of operation. It is envisaged that the ISAN system should become self-supporting on a cost-recovery basis through revenue generated from its services and products.

Governance of the ISAN Foundation

A "Foundation Council" composed of 13 members will administer policies and procedures of the ISAN Foundation and set its annual operating budget. Membership on the Council will be as follows:

- 3 members appointed by AGICOA
- 3 members appointed by FIAPF
- 4 members appointed by CISAC
- 3 members appointed from and by the ISAN registration agencies for 2 year terms. Regional representation among the ISAN agencies will be stressed as a basis for appointment.

The Foundation Council will elect from among its members an Executive Board of 4 members, one from each of the 3 founder organizations and one from among the representatives of the registration agencies.

A Director General, employed by the ISAN Foundation and appointed by the Foundation Council, will be in charge of the administration of the ISAN Foundation and its staff. The Director General will report to the Chairperson of the Foundation Council and its Executive Board.

International ISAN database

The ISAN database will initially be established from a backstock database of over 500,000 audiovisual works contributed from the AGICOA database at the time of ISAN implementation. AGICOA will retrospectively assign an ISAN to each of the works in its database and communicate that information its registered rights holders. No registration fees are envisaged for this initial population of the ISAN database system.

Initial population of the ISAN database will be supplemented by information contributed from CISAC's IDA documentation system on audiovisual works. The sum of these two databases constitutes the "backstock" of records on existing audiovisual works that will form a critical mass of ISAN registrations immediately upon launch of the ISAN system. From that point onwards, the registration of new audiovisual works will be done through regional or sectoral ISAN agencies as specified in the standard.

In its initial years of operation, the ISAN system will use a central database administered by the ISAN Foundation. A decentralized system of agency databases may be introduced in later phases, if and when the volume of registration and consultation makes such a system feasible in terms of efficiency and cost.

Revenue to support operations

The ISAN Foundation will have no profit-making purpose. Policies and pricing structures will be established by the Foundation Council with a view to encouraging widespread implementation of ISAN while also ensuring adequate revenue for the effective and economical operation of the ISAN system.

A percentage of the fees for ISAN registration, on a cost-recovery basis only, will be remitted from ISAN registration agencies to the ISAN Foundation to support the operations of the international ISAN system. Other potential revenue sources to support the ongoing international administration of the ISAN system may include: annual contributions by the registration agencies; subscription fees for the ISAN database; connection charges for asynchronous access to the database from "massive users" of the ISAN system; and other value-added services and products generated from the aggregation of ISAN data at an international level.

Appointment of ISAN registration agencies

As soon as it is legally constituted and is approved by ISO Council as the Registration Authority for ISO 15706, the ISAN Foundation will begin appointing ISAN registration agencies to carry out the functions specified in ISO 15706. In Year 1 of the ISAN system a total of 5 registration agencies is envisaged which would expand progressively to a network of 20 registration agencies by Year 5.

In appointing ISAN registration agencies, the ISAN Foundation will pay particular attention to ensuring the broadest possible coverage by geographic area, language, and types of audiovisual work within the agency network. It will also use the following criteria in determining the selection of appropriate ISAN registration agencies:

- a candidate registration agency must be able to perform all the tasks specified for registration agencies in ISO 15706 and must have staff with the technical capabilities to do so;
 - a candidate registration agency must demonstrate its viability and the existence of a potential market of registrants and works which are not yet adequately covered with the overall ISAN system, based on geography, language or categories of registrants and works;
 - a candidate registration agency must commit to work according to the rules and procedures established by the ISAN Foundation, particularly as regards the quality, format and, in certain cases, confidentiality of ISAN registration information, and to use the software specified by the ISAN Foundation for the exchange and communication of ISAN data and related functions.
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