Implementation of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society

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The Committee on Legal Affairs adopted an own-initiative report by Julia REDA (Greens/EFA, DE) on the implementation of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society.

The report recognised that the revision of Directive 2001/29/EC was central to the promotion of creativity and innovation, cultural diversity, economic growth, competitiveness, the Digital Single Market and to access to knowledge and information. At the same time the directive also provided authors of literary and artistic works with sufficient recognition and protection of their rights.

Geographical location: recalling that consumers were too often denied access to certain content services on geographical grounds, Members urged the Commission, to propose adequate solutions for better cross-border accessibility of services and copyright content for consumers. They emphasised that industry geoblocking practices should not prevent cultural minorities living in EU Member States from accessing existing content or services in their language that were either free or paid for.

Whilst taking note of the importance of territorial licences in the EU, particularly with regard to audiovisual and film production the report, the report supported the initiatives aimed at enhancing the portability, within the EU, of online services of legally acquired and legally made available content, and at the same time fully respecting copyright and the interests of rightholders.

Any reform of the copyright framework should be based on a **high level of protection, and provide a stable, clear and flexible legal base** that fosters investment and growth in the creative and cultural sector, whilst removing legal uncertainties and inconsistencies that adversely affect the functioning of the internal market.

Exclusive rights: the report acknowledged the necessity for authors and performers to be provided with legal protection for their creative and artistic work. They must receive **fair remuneration** in the digital environment and in the analogue world alike.

Members called for improvements to **the contractual position of authors** and performers in relation to other rightholders and intermediaries, notably by considering a reasonable period for the use of rights transferred by authors to third parties, after which those rights would lapse.

The Commission was asked to:

- evaluate targeted measures to improve legal certainty, and to study the impact of a **single European Copyright Title** on jobs and innovation, on the interests of authors, performers and other rightholders, and on the promotion of consumers' access to regional cultural diversity;
- clarify that once a work was in the public domain, any digitisation of the work which does not constitute a new, transformative work, stays in the public domain;
- further harmonise the term of **protection of copyright**, while refraining from any further extension of the term of protection.

Exceptions and limitations: noting the importance of European cultural diversity, the report considered that the **differences among Member States** in the implementation of exceptions could be challenging for the functioning of the internal market in view of the development of cross-border activities and might also lead to legal uncertainty for authors and users. Some exceptions and limitations might therefore benefit from more common rules.

However, **differences might be justified** to allow Member States to legislate according to their specific cultural and economic interests.

The Commission was called upon to:

- examine the possibility of **reviewing a number of the existing exceptions and limitations in order to better adapt them to the digital environment**; these exceptions should be accessible for persons with disabilities;
- examine the application of **minimum standards** across the exceptions and limitations, and further to ensure the proper implementation of the exceptions and limitations and equal access to cultural diversity across borders within the internal market;
- consider the possibility of making certain exceptions mandatory where the purpose is to **protect fundamental rights**, particularly to combat discrimination or protect freedom of the press;
- assess the adoption of an exception allowing **public and research libraries** to legally lend works to the public in digital formats for personal use, for a limited duration, through the internet or the libraries' networks.

Members wanted to see exceptions for: (i) **research and education purposes**, which should cover not only educational establishments but also accredited educational or research activities, and (ii) **libraries to digitalise content** for the purposes of consultation, cataloguing and archiving;

On the other hand, the commercial use of photographs, video footage or other images of works which are permanently located in physical public places should always be subject to prior authorisation from the authors or any proxy acting for them.

Members highlighted the need to **ensure the technological neutrality** and future-compatibility of exceptions and limitations by taking due account of the effects of media convergence.