

Information society: copyright and related rights

1997/0359(COD) - 22/05/2001 - Final act

PURPOSE : to create, within the internal market, a harmonised and flexible legal framework of copyright and related rights in the information society. **COMMUNITY MEASURE** : Directive 2001/29/EC of the European Parliament and of the Council on the harmonisation of certain aspects of copyright and related rights in the information society. **CONTENT** : the Directive aims in particular to harmonise reproduction and communication rights, to make public and to distribute the works. The adoption of this Directive is, in addition, indispensable for the Community and its Member States to adhere to the World Intellectual Property Organization (WIPO) Copyright treaty and the WIPO Performances and Phonograms Treaty (TIEP), concluded in December 1996. The Directive is based on the principle of fair and balanced research between the interests of the rightholder (holder of author rights and other rights), on the one hand, and on the other hand, the interests of the other parties (internet suppliers, consumers, producers of equipment, libraries, publishers and other beneficiaries of exceptions to rights in the Member States taking into account the possibilities that new technologies offer. It also provides that the Member States should agree to exclusive author's rights concerning the reproduction of their work as well as the communication and distribution of those to the public. Moreover, the Directive provides for an exhaustive enumeration of exceptions and limitations to the reproduction right and the right of communication to the public. Some exceptions or limitations only apply to the reproduction right, where appropriate. The list takes due account of the different legal traditions in Member States, while at the same time, aiming to ensure a functioning internal market. Member States should arrive at a coherent application of these exceptions and limitations, which will be assessed when reviewing implementing legislation in the future. Member States should be given the option of providing for certain exceptions or limitations for such cases such as educational and scientific purposes, for the benefit of public institutions and archives, for the purpose of new reporting, for quotations, for use by people with disabilities, for public security uses and for uses in administrative and judicial proceedings. Furthermore, Member States may provide for fair compensation for rightholders also when applying the optional provisions on exceptions or limitations which do not require such compensation. The rightholders are also authorised to protect their work in an efficient way so as to prevent all illicit use. However, if the rightholders have not taken the voluntary measures so that the beneficiaries of certain exceptions have access to their protected work, the Member States shall take the appropriate measures in order to allow the users to benefit from these exceptions. Lastly, Member States shall bring into the force the laws, regulations and administrative provisions necessary to comply with this Directive before 22 December 2002. **ENTRY INTO FORCE** : the Directive shall enter into force 22/06/2001.