Intellectual property, WIPO Treaties: copyright WCT and neihbouring rights WPPT, phonograms

1998/0141(AVC) - 16/03/2000 - Final act

PURPOSE : to adopt the Decision on the approval, by the Community, of the World Intellectual Property Organisation (WIPO) Copyright Treaty and WIPO Performances and Phonograms Treaty. COMMUNITY MEASURE : Council Decision 2000/278/EC on the approval, on behalf of the European Community, of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. CONTENT : both Treaties were adopted in Geneva on 20 December 1996 and have since been signed by each of the Member States and also by the Community. They are intended to help ensure a balanced level of protection for works and other subject matter while allowing the public access to material available via networks. The Copyright Treaty completes the Berne Convention for the protection of literary and artistic works, which was last revised in 1971, and adapts it to the digital environment. Authors will be able to benefit from legal protection for the distribution, rental, communication to the public and making available to the public (over networks) of their works. Explicit protection is provided for computer programs and databases. In addition, the Treaty contains provisions on technical measures (such as the contravention of anti-copy devices) and on rights management information as well as on the enforcement of rights. As far as performances and phonograms are concerned, these right holders will be able to benefit from an exclusive right of reproduction, distribution, rental, and making available to the public (over networks) of their performances and phonogarms. Moreover, performers and phonogram producers will also benefit from a right of renumeration for broadcasting and all other forms of communication to the public of phonograms published for commercial purposes. Just as in the Copyright Treaty, this Treaty sets out provisions on technological measures, on rights management systems and on the enforcement of rights. In procedural terms, the Decision enables the Community to become a Contracting Party to the two Treaties, since existing Community rules are compatible with the principles thereof. However, in the areas concerned, the Community does not have sole competence but shares responsibility with the Member States, which accordingly approve those aspects of the Treaties which relate to their area of competence, while the Community must approve aspects concerning harmonization. In order to avoid any demarcation conflicts, the instrument of approval of the Treaties, along with the instruments of ratification of the Member States, will only be deposited when the Council has adopted the provisions amending and/or incorporating existing Community legislation.