# Information society: copyright and related rights

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OBJECTIVE : adapt legislation on copyright and related rights to new technologies, in particular the information society, and implement the international obligations arising from the two treaties adopted under the auspices of the World Intellectual Property Organization (WIPO) in December 1996 at Community level. SUBSTANCE : the proposal for a directive covers the following aspects: 1) Reproduction right: the proposal defines the acts of reproduction covered by exclusive reproduction right, including all direct and indirect reproduction whether temporary or permanent, in any manner or form, in whole or in part; - for authors, of the originals and copies of their works; - for performers, of fixations or of their performances; - for phonogram producers, of their phonograms; - for the producers of the first fixations of films in respect of the original and copies of their films; - for broadcasting organizations, of fixation of their broadcasts. 2) Right of communication to the public: the proposal provides authors with the exclusive right to authorize or prohibit any communication to the public of originals and copies of their works, including the making available to the public of their works in such a way as members of the public may access them from a place and at a time individually chosen by them. The same applies with regard to the right to make available to the public protected works in such a way that the public may access them from a place and at a time individually chosen by them. 3) Distribution right: the proposal harmonizes the exclusive right of authors concerning any form of discrimination to the public of the original of their works or of copies thereof. The distribution right shall be exhausted where the first sale or other transfer of ownership in the Community of that object is made by the rightholder. 4) Exceptions to the right of reproduction and communication: the proposal introduces a compulsory exception to the right of reproduction in respect of certain temporary acts of reproduction which are an integral part of a technological process for the sole purpose of enabling use to be made of a work and having no independent economic significance. Member States may also provide for limitations to the exclusive right of reproduction with regard to - reproductions on paper or any similar medium effected by the use of any photographic technique or by some other process having similar effects (reprography); - reproductions on audio, visual or audio-visual recording media made by a natural person for private use and for non-commercial ends (private copy); - reproductions by establishments accessible to the public which are not for any economic or commercial advantage; In addition, Member States may provide for limitations to the rights of reproduction and communication in the following cases: - use for the sole purpose of illustration for teaching or scientific research as long as the source is indicated and the purpose is non-commercial; - for uses for the benefit of visually-impaired or hearing-impaired persons which are directly related to the disability and of a non-commercial nature; - use of excerpts in connection with the reporting of current events as long as the source is indicated; - quotations for purposes such as criticism or review; - use for the purpose of public security or for the purposes of the proper performance of an administrative or judicial procedure. The exceptions and limitations provided for shall only be applied to certain specific cases and must not unreasonably prejudice the rightholders' legitimate interests (the economic loss test). 5) Obligations concerning rights management information: the proposal gives the Member States appropriate flexibility in implementation. It aims only at the protection of electronic rights management information and does not cover all kinds of information that could be attached to the protected material. Finally, the proposal requires the Member States to provide sanctions and remedies in respect of infringements of the provisions of the directive.