Intellectual property, original works of art: resale right for the benefit of the author

1996/0085(COD) - 12/03/1998 - Modified legislative proposal

The Commission's amended proposal takes into account a number of the European Parliament's amendments. The substantive amendments made to the initial proposal concern: -the exclusion of manuscripts from the original works of art concerned by resale right; -the introduction of a minimum rate (4%) where a national threshold lower than the Community threshold is applied (ECU 1 000); - the extension of the period during which the author or his authorized representative may request the information necessary in order to secure payment under the resale right (three years from the date of the transaction). Other changes relate to the following points: - the unassignable and inalienable nature of the resale right, and the basis of resale right; - the integral inclusion of a recital on the definition of resale right and of a recital calling for the introduction, in a binding manner, of resale rights at international level; - the advantage of harmonizing resale right with a view to ensuring the proper functioning of the internal market; - the transactions giving rise to resale right; - the composition of the sale price bands and the tapering scale of rates; - the term of resale right, in conjunction with Directive 93/98/EEC harmonizing the term of protection of copyright and certain related rights; - the procedures for the revision clause; - the procedures for managing the sums paid. However the Commission did not accept the amendments concerning: -the exemption of the first transfer of ownership between dealers or between a dealer and a final purchaser, provided that the transfer takes place within three years of the acquisition of the work of art by the dealer; - the use, as a basis for calculation, of the difference between the price obtained when the work of art is sold and the purchase price initially paid by the seller (excluding loss-making transactions); - the restriction of entitled parties to the author's legal heirs; - the new price bands and the reduction of the rates applicable to resale right; - the inclusion of glass among original works of art giving rise to resale right; - the limitation to twelve copies maximum of works of art considered to be original; - the procedures for the revision clause (date of the first report and the frequency of subsequent reports).