Information society: copyright and related rights

1997/0359(COD) - 28/09/2000 - Council position

On 28 September 2000, the Council adopted its common position on the adoption of a Directive on the harmonisation of certain aspects of copyright and related rights in the information society. The Council's common position retained 37 of the European Parliament's amendments as against 44 adopted by the Commission in its amended proposal. However, in retaining these amendments, the Council partially adjusted the European parliament's amendments. The main differences between the Commission's amended proposal (after incorporating amendments of the European Parliament) and the Council's common position are the following: - the Council further clarified the relationship between the provisions of this Directive and existing Directives in the field of copyright and related rights; - with regard to distribution rights, the Council reformulated this provision to ensure consistency; - with regard to the provision containing the only mandatory exception to the reproduction right for intermediaries and certain others in limited circumstances for particular acts of reproduction, the Council has improved this provision; - With regard to the provision relating to an exhaustive but optional iist of exceptions and limitations to the reproduction right and right of communication to the public/making available, the Council has added new exceptions and limitations; - with regard to analogue and digital, the Council was not in favour of the Commission's distinction, preferring instead a reference to reproductions "on any medium"; - contrary to the Commission's view, the Council opted for an exhaustive list of the beneficiaries (e.g. accessible libraries and museums) and for more flexibility as regards the purpose of the acts of reproduction; - other new additions by the Council, as a means of broad protection, relate to the use of artistic works for different ends; - as a counterbalance to the such broad protection, the Council makes new addition in relation to rightholders.