Authors'rights, related rights: Community framework for collecting societies

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The European Parliament adopted a resolution based on its own-initiative report drafted by Raina Mercedes ECHERER (Greens/EFA, A) on copyright. (Please see the summary dated 02/12/03). Parliament drew attention to the fact that some 5-7% of EU gross domestic product is earned by goods and services protected by copyright and neighbouring rights. The management of copyright and neighbouring rights is, together with the recognised rights themselves and the provisions on their enforcement, the third and indispensable element in the sphere of copyright and neighbouring rights. Parliament felt that a Community approach in the area of the exercise and management of copyright and neighbouring rights, in particular of effective collective rights management in the internal market, must be pursued while respecting the principles of copyright and competition law. Parliament asked the Commission to ensure that while collecting societies, to the extent that they are service providers, are encompassed in the forthcoming proposal on the internal market for services, due account should be taken of their functions as trustees and their particular responsibility for cultural and social aspects and society as such. Whilst the monopolies, which the collecting societies generally enjoy, do pose a problem for competition, they carry out tasks in the public interest and in the interest of right-holders and users and, therefore, require a degree of regulation. Parliament emphasised the importance of competition law in examining possible abuses of monopoly by collecting societies in individual cases so as to be able successfully to ensure rights management also in the future. The increasing vertical concentration of the media is the real challenge in the area of access to and dissemination of works and services protected by copyright or neighbouring rights. Moving on to digital rights management (DRM) systems, Parliament stated that these might develop into a useful tool for improved rights management. However, a large part of the collecting societies' sphere of activity cannot be replaced by DRM systems. Parliament went on to point out that the protection and collective management of intellectual property rights are important factors in stimulating cultural creativity and influencing the growth of cultural and linguistic diversity. It is important to find a balance between the rights and interests of the artists and right-holders, on the one hand, and the need to ensure the optimal dissemination of their work for the benefit of their potential audience, on the other. In this regard, collective management societies present a greater advantage in facilitating users' access to the content and circulation of works, for the benefit of the entire chain. However, the lack of procedural facilities for collective management societies and the absence of rapid dispute settlement mechanisms result in an ineffective protection of creators and increased management costs. In view of the nature and role the management societies, they must be managed and controlled by the right-holders. Future European Directives from the Commission on the regulation of television, radio, communication, transmission and telecommunications in the digital area must recognise and include provisions of ownership and protection based on the principles of the author's rights. The EU would thus enhance European artand culture, strengthen the confidence of artists, including writers, musicians and film makers who would be able to create new work with the assurance that it will be properly protected from piracy and ensure moral rights and financial incentives.