Basic information

1998/0141(AVC) AVC - Assent procedure (historic)	Procedure completed
Intellectual property, WIPO Treaties: copyright WCT and neihbouring rights WPPT, phonograms **Subject** 3.50.15 Intellectual property, copyright	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs and Internal Market	CEDERSCHIÖLD Charlotte (PPE-DE)	09/11/1999

Committee for opinion	Rapporteur for opinion	Appointed
CULT Culture, Youth, Education, Media and Sport	KERR Hugh (V)	04/06/1998

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2205	1999-10-08
Competitiveness (Internal Market, Industry, Research and Space)	2248	2000-03-16

Key events

Date	Event	Reference	Summary
24/04/1998	Legislative proposal published	COM(1998)0249	Summary
04/10/1999	Modified legislative proposal published	11221/1999	Summary
29/10/1999	Committee referral announced in Parliament		
10/01/2000	Vote in committee		Summary
10/01/2000	Committee report tabled for plenary, 1st reading/single reading	A5-0008/2000	
15/02/2000	Debate in Parliament		
16/02/2000	Decision by Parliament	T5-0051/2000	Summary
16/03/2000	Act adopted by Council after consultation of Parliament		
16/03/2000	End of procedure in Parliament		
11/04/2000	Final act published in Official Journal		

Technical information

Procedure reference	1998/0141(AVC)
Procedure type	AVC - Assent procedure (historic)
Procedure subtype	International agreement
Legal basis	EC Treaty (after Amsterdam) EC 047-p2 EC Treaty (after Amsterdam) EC 055 EC Treaty (after Amsterdam) EC 095 EC Treaty (after Amsterdam) EC 300 Rules of Procedure EP 050
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/12186

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0008/2000 OJ C 309 27.10.2000, p. 0003	10/01/2000	
Text adopted by Parliament, 1st reading/single reading		T5-0051/2000 OJ C 339 29.11.2000, p. 0060-0128	16/02/2000	Summary

Council of the EU

Document type	Reference	Date	Summary
Modified legislative proposal	11221/1999	04/10/1999	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1998)0249  OJ C 165 30.05.1998, p. 0008	24/04/1998	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2000/0278
OJ L 089 11.04.2000, p. 0006

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

1998/0141(AVC) - 04/10/1999 - Modified legislative proposal

The Council proposed a new version of the text of the proposed decision regarding the approval by the Community of the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). This new text essentially seeks to ensure that the legal base of the text is in line with that which is in force since the Treaty of Amsterdam. Furthermore, the Council, in its new text, specifies that the President of the Council will deposit the instruments of the conclusion of the treaties at the WIPO following the date on which the Member States have brought into force the measures adopted by the European Parliament and the Council, that are necessary to adapt the existing Community legislation to the new obligations arising from the WCT and the WPPT). The new text also includes two declarations in the annex that state: - the Council and the Member States will keep one another regularly informed regarding the state of ratification of the WCT and the WPPT in the Member States so that the deposit of the ratification instruments of the Community and the Member States occurs simultaneously; - when the Assemblies deal with questions affecting the rights and obligations falling both within the competence of Member States and the Community, the Council, the Commission and COREPER, meeting within the Council will be required to cooperate closely and to ensure that they reach a common agreement. In the absence of a common agreement, the opinions expressed shall not adversely affect the objectives of the Community.

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

1998/0141(AVC) - 16/02/2000 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved the report by Mrs. Charlotte Cederschiöld (EPP/ED, S) on the proposal for the EU to approve the World Intellectual Property Organisation Treaty WPO on performing rights (WIPO) (Assent procedure).

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

1998/0141(AVC) - 24/04/1998 - Legislative proposal

OBJECTIVE: approval by the Community of the WIPO (World Intellectual Property Organization) Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). SUBSTANCE: the provisions of the two Treaties concern not only the exploitation of works by traditional means but also, for the first time, by means of new technologies. The treaties establish balanced protection which takes into consideration the rights and interests at stake and allows countries the necessary flexibility in transposing them into their national legislation. Together with the Commission proposal on copyright and related rights, these Treaties will help to provide a high level of protection for the works concerned while allowing the general public access to material available via networks. More specifically: (1) The Copyright Treaty supplements the Berne Convention for the protection of literary and artistic works and adapts it to the digital environment. Under the WCT, authors enjoy legal protection if their work is distributed, commercially rented out, communicated to the public or made available to the public via networks and they may benefit from other rights enshrined in the Berne Convention. In addition, the WCT provides specific protection for software and databases. It also contains provisions on technological protection measures, such as the circumvention of anti-copying measures, rights management information systems and the enforcement of rights. (2) Under the Performances and Phonograms Treaty, artists and producers of phonograms now enjoy exclusive rights in the following areas: copying, distribution, commercial rental and making their performances and phonograms available to the public via networks. Artists/performers and producers of phonograms also have a right of remuneration for broadcasting and any other means of communication to the public of phonograms published for commercial purposes. It also contains provisions on technological measures, rights, management systems and the enforcement of rights. In procedural terms, the proposal for a 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.

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.