Basic information

2002/2274(INI) INI - Own-initiative procedure	Procedure completed
Authors'rights, related rights: Community framework for collecting societies **Subject** 3.50.15 Intellectual property, copyright	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs and Internal Market	ECHERER Raina A. Mercedes (V/ALE)	28/05/2002

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs	KARAS Othmar (PPE-DE)	22/10/2003
CULT Culture, Youth, Education, Media and Sport	ALAVANOS Alexandros (GUE/NGL)	21/01/2003

European Commission

Commission DG	Commissioner
Financial Stability, Financial Services and Capital Markets Union	

Key events

Date	Event	Reference	Summary
16/01/2003	Committee referral announced in Parliament		
02/12/2003	Vote in committee		Summary
02/12/2003	Committee report tabled for plenary	A5-0478/2003	
15/01/2004	Decision by Parliament	T5-0036/2004	Summary
15/01/2004	Debate in Parliament		
15/01/2004	End of procedure in Parliament		

Technical information

Procedure reference	2002/2274(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/19025

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0478/2003	02/12/2003	
Text adopted by Parliament, single reading		T5-0036/2004 OJ C 092 16.04.2004, p. 0345-0425 E	15/01/2004	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2002)0691	06/12/2002	Summary

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

2002/2274(INI) - 15/01/2004 - Text adopted by Parliament, single reading

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.

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

2002/2274(INI) - 06/12/2002 - Document attached to the procedure

This document consists of the report from the Commission on the question of authorship of cinematographic or audiovisual works in the Community. This report demonstrates, the partial harmonisation of the notion of authorship has strengthened the position of the principal director of a cinematographic or audiovisual work as one of its authors. Community legislative acts have not, however, resulted in complete harmonisation of the first ownership of rights in these works. Differences in detail still exist with respect to the question of who, among the group of persons involved in the making of the film, are to be considered as co-authors besides the principal director. Contrary to the fears expressed before the adoption of the Directive 92/100/EEC, there is no evidence that vesting original authorship in the principal director of a film would have caused difficulties in the exploitation or distribution of films, or in the effective tackling of piracy and other unauthorised use of such works. In practice, potential difficulties resulting from disparities in Member States' legislation are levelled by contractual arrangements. Along with the above mentioned contractual agreements, Member States provide for statutory rules on transfer of rights in these works and underlying works to the producer with the intention of assuring the efficient exploitation of cinematographic and audiovisual works. At least, such rules on transfer of rights are provided for with respect to certain exploitation rights, or in the form of statutory rules concerning works made in the course of employment. These rules differ to a fairly large extent also with regard to both the methods used and authors covered. These differences seem not to have caused major difficulties in practice as also they are levelled out by contractual arrangements. In conclusion, the overall results show that the partial harmonisation of the notion of authorship of cinematographic or audiovisual works has had a noticeable effect on contractual arrangements involving contributors and producers of cinematographic and audiovisual works. These arrangements would have to be subject to continued scrutiny in order to ensure a proper contractual balance and safeguard the functioning of the Internal Market. The Commission will continue to study the issue of first ownership of rights and transfer of rights together with the examination of issues relating to the management of rights in general and analyse further developments in these fields.