European Commission: Major Copyright Conference in Vienna

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Organised by DG XV of the European Commission in co-operation with the Austrian Presidency, a conference was held from 12 to 14 July 1998 in Vienna on "Creativity & Intellectual Property Rights: Evolving Scenarios and Perspectives". Four of the five panels were devoted to the topics covered in the working programme ("initiatives") of 1996, but which do not appear in the current proposal for a directive pertaining to copyright in the information society: digital broadcasting right, applicable law, moral right and administration of rights. Additionally, in accordance with a Commission announcement in recital 26 of the proposal for a directive, a panel dealt with digital private copying.

Opening a lively discussion, Werner Rumphorst from the European Broadcasting Union (EBU), referring to the constant development of transmission technology in the past, asked why performers and producers in the future should be granted exclusive transmission rights in the digital broadcasting area. Lewis Flacks from the International Federation of the Phonographic Industry (IFPI) indicated that the upcoming multi-channel services substituted physical sound carriers and were, in this respect, more than the sum of the individual channels. In the discussion Adolf Dietz from the Munich Max-Planck Institute for Foreign and International Patent, Copyright and Competition Law made the point that in his view a good many practising artists, in the light of prevailing contractual practice, would prefer a non-waivable share to a waivable exclusive right. As regards digital private copying, there was disagreement amongst participants from the various interested circles whether the difference between analogue and digital copies can be ignored or whether the latter represents a dangerous clone of the original.

Maren Günther, the rapporteur of the European Parliament Culture Committee on the above-mentioned proposal for a directive, pointed out that circumstances had changed so much in the time between the presentation of the proposal and the conference that the http://services.obs.coe.int/en/index.htm Commission could no longer maintain the view that "digital private copying is not yet widespread" (recital 26). On the matter of applicable law, most participants agreed that the application of the transmitting country principle was no longer appropriate for various reasons; Alessandra Silvestro from Time Warner argued that legal certainty was all well and good but justice was more important.

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The Director-General of the European Commission's DG XV, John Mogg, reported that the Commission would be presenting its long awaited "horizontal" proposal for a directive on liability and responsibility regarding Internet and other telecommunication networks in September or October 1998.

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