European Commission: Legal Aspects Relating to Audiovisual Works

IRIS 2001-5:1/5

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In order to promote discussion on legal aspects relating to cinematographic and other audiovisual works, on 11 April 2001 the European Commission published a working paper following on from its Communication on the principles and guidelines for the Community's audiovisual policy in the digital age (COM (1999) 657 final, 14 December 1999, see IRIS 2001-1: 5 and IRIS 2000-8: 4). In the working paper, the Commission mainly focuses on the growth of the audiovisual sector, in particular cinema, and the development of a competitive European film industry. It presents various thoughts and questions on the distribution of European audiovisual works and on the availability of film-making services in the light of current market and technological developments. It deals especially with the impact of digital technology on distribution networks (eg the Internet) and the exploitation chain. The Commission is also keen, by means of broad discussion of these themes, to adopt Community-wide regulations based on the "Television Without Frontiers" Directive, the Media Plus Programme, the i2i-audiovisual initiative and Eurimages.

The working paper attempts to devise a coherent definition of "European works" and "independent producers". It also discusses the protection of the heritage of audiovisual works, the legal registration of films, the possibility of creating a database of the distribution of rights and licensing agreements across the European Union, the exploitation of audiovisual content (including on-line rights and particularly the chronology of windows for economic exploitation and Community-wide harmonisation of such exploitation), the handling of on-line rights (particularly the multiple exploitation of content and the need to remove the distinction between cinematographic and other audiovisual works), the standardisation of e-cinema, tax issues and the harmonisation of existing rating systems (eg for the protection of minors).

The Commission does not deal with issues concerning copyright and related rights insofar as these already fall within the scope of European law, ie the EC Copyright Directive (see IRIS 2001-5: 3) and the WIPO agreements (see IRIS 2000-2: 15). Neither does it mention state aid for the film sector (see, however, IRIS plus, appended to IRIS 2001-4, and IRIS 2001-2: 3), concerning which the Commission intends to issue a special Communication in the second half of this year.

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In publishing the working paper, the Commission opened a three-month consultation period, which will include a public hearing in June.

Commission Staff Working Paper on Certain Legal Aspects Relating to Cinematographic and Other Audiovisual Works, 11 April 2001, SEC (2001) 619

http://ec.europa.eu/avpolicy/docs/reg/cinema/cinedoc_en.pdf

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