[FR] First Opinions of the Intellectual Property Board (CSPLA)

IRIS 2002-4:1/30

Amélie Blocman
Légipresse

Set up in May 2001 (see IRIS 2001-6: 14), the Conseil supérieur de la propriété intellectuelle (Intellectual Property Board - CSPLA) - the mediation body responsible for matters involving intellectual property - has adopted a number of opinions recently and its progress deserves a mention here. The CSPLA comprises four committees: "copyright of private-law salaried creators", "copyright of creators with the status of public agents", "private digital copying" and "joint copyright office". The purpose of the first committee is to seek means of ensuring the effective implementation of the copyright of salaried creators while at the same time giving employers the necessary legal security for exploiting the works created by salaried creators. Despite a considerable amount of work, it has not yet been able to draft a consensus opinion, as the logic of copyright comes up against that of employment law. As the committee's work has been extended, this opinion is now expected in time for the next plenary session of the CSPLA, to be held in April.

The CSPLA was also called on to consider means of facilitating the management and the acquisition of copyright and neighbouring rights for works - particularly multimedia works - requiring the agreement of a number of rightsholders. The committee responsible for this delivered an opinion on 7 March that proposed support for the setting up of an information and guidance platform common to all the societies collecting and distributing copyright fees, ensuring the identification in a single consultation of protected works sought, the holders of rights and the nature of those rights by networking their databases. This does not, however, appear to be worthwhile at present, since some societies for collecting copyright fees have already embarked on setting up a joint tool of this kind under the European Commission's "e-content" programme. A three-year deadline has therefore been set for completing the entire project, the objectives of which are also set out in the opinion.

On the same day, the committee on "digital copying for private purposes" delivered an opinion setting out the scope of beneficiaries of remuneration for private copying, particularly since the Act of 17 July 2001 which extended its scope to include creators and editors in respect of the reproduction of works on a digital recording support. It does not cover software and electronic databases, with the exception of copying for private purposes. The CSPLA indeed suggests that the legislator should adapt the method of calculating remuneration to match

© European Audiovisual Observatory (Council of Europe) 2026

the digital environment by amending Article L. 311-4 of the CPI, in order to add the recording capacity of the support to the current criteria for liability, which is based on the duration of the recording. The CSPLA also feels it is important to amend the composition of the Brun-Buisson Committee responsible for implementing remuneration for private copying. Lastly, the CSPLA delivered an opinion on 20 December last year on the copyright of creators with the status of public agents, recommending that the CPI be supplemented in such a way as to give the administration the benefit of a mechanism for the legal transfer of rights in respect of a work created by a public agent as part of his work; thus if the administration wished to make commercial use of the work, it would be entitled to exercise an option. In addition to its continuing work on the rights of privatelaw salaried creators, the CSPLA is now actively considering transposition of the Directive of 22 May 2001.

Avis 2001-1 du CSPLA relatif à la création des agents publics ; Avis 2001-2 relatif à la composition de la Commission prévue à l'article L. 311-5 du CPI ; Avis 2002-1 relatif à la rémunération pour copie privée ; avis 2002-2 relatif à la mise en place d'un guichet commun

http://www.culture.fr/culture/cspla/avis.htm

Opinion 2001-1 of the CSPLA on the creation of public agents; Opinion 2001-2 on the composition of the Committee provided for in Article L. 311-5 of the Intellectual Property Code (CPI); Opinion 2002-1 on remuneration for private copying; Opinion 2002-2 on setting up a joint office

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026