

European Commission: Further Steps in Infringement Proceedings regarding Copyright Laws

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The European Commission is taking further action to ensure full implementation of the Directive on copyright and related rights in the Information Society by the Member States which have yet to transpose the Directive into national law, i.e. Belgium, Finland, Sweden and the UK with regard to the territory of Gibraltar (see IRIS 2004-2: 5). At this stage, the Commission is starting infringement proceedings against Belgium, Finland and Sweden for failing to comply with the 2004 rulings of the European Court of Justice requiring them to implement the Directive. For now, no action is being taken against the UK as it has informed the Commission that implementation in the territory of Gibraltar is about to take place. Should the defaulting Member States persist in their failure to implement the Directive, the Commission can ultimately ask the Court to impose fines on them. The Commission recalls that full transposition by Member States of the Directive is all the more urgent as it is the means by which the EU and its Member States are implementing the 1996 WIPO Internet Treaties.

In addition, the Commission has referred Spain, Ireland and Portugal (in December 2004) and Italy and Luxembourg (in March 2005) to the European Court of Justice for failing to properly implement into national law the public lending right as set out in Directive 92/100/EEC on the Rental and Lending Right and on Certain Related Rights (for further details see IRIS 2004-2: 5).

“Copyright in libraries: Commission acts to ensure that authors are remunerated”, Press Release of the European Commission IP/05/347 of 21 March 2005

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/05/347&format=HTML&aged=1&language=EN&guiLanguage=fr>

