[FR] Draft legislation on Copyright and Neighbouring Rights in the Information Society still under Discussion

IRIS 2006-2:1/15

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After three days of stormy debate in the National Assembly, the parliamentary debate on the bill transposing the Directive on Copyright and Neighbouring Rights in the Information Society into national legislation was suspended because of the parliamentary recess. In a surprise vote (by 30 votes to 28), the MPs adopted two identical amendments tabled by the UMP and PS political parties that would assimilate to private copying the downloading, for non-commercial purposes, of works from the Internet, in return for a lump-sum payment in remuneration, opening the way for the creation of a legal licence. The Ministry of Culture, determined to go back over these amendments, made his text more specific before having it put back on the Assembly's agenda for February. On the basis of decisions made by the Prime Minister and with the prospect of resuming discussion of the text, the Minister for Culture and Communication, Renaud Donnedieu de Vabres, has expanded and clarified the draft legislation "to propose the expected balance between freedom and regulation".

The amendments under scrutiny "will strengthen and sanction the private copy exception by allowing, according to the type of medium, a sufficient number of copies in this respect", and "will set precise limits to the notion of bypassing technical protective measures, in order to permit the interoperability necessary for reading works on any type of equipment". Shelving any prospect of introducing a legal licence scheme, the Minister is maintaining the setting up of a repressive arsenal around the graduated response scheme, although a few changes have been made. This mechanism provides for the automatic despatch of preventive messages to Internet users before legal proceedings are instigated. The new version of this "proportionate" scheme of sanctions should make it possible to differentiate between straightforward unlawful downloading and making protected works available on a massive scale.

Communiqué du ministre de la Culture et de la Communication, Renaud Donnedieu de Vabres, du 14 janvier 2006, sur le projet de loi relatif au droit d'auteur et aux droits voisins dans la société de l'information

http://www.culture.gouv.fr/culture/actualites/communiq/donnedieu/dadvsi14012006.html

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Communiqué from the Ministry for Culture and Communication, Renaud Donnedieu de Vabres, on 14 January 2006 on the draft legislation on copyright and neighbouring rights in the information society

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