

European Commission: Green Paper on Copyright

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On 16 July 2008, the European Commission announced the adoption of a Green Paper on Copyright in the Knowledge Economy. This Green Paper aims at fostering a debate on how research, science and educational materials can best be disseminated to the public in the online environment. It queries whether knowledge is freely circulating in the Internal Market, whether the existing Community framework on copyright and related rights is sufficiently robust to protect knowledge products and whether it provides sufficient incentives for authors and publishers to create and disseminate digital versions of their works. With this approach the Commission endeavours to ascertain whether the balance provided by the current Community framework on copyright and related rights is still in line with the rapidly changing environment.

To achieve a fair balance between the interests of rightsholders and users exceptions and limitations to copyright and related rights are considered of paramount importance. Therefore, the Green Paper first looks into some general issues relating to the closed set of – mostly non-mandatory – exceptions and limitations provided for in the 2001 Directive on Copyright in the Information Society. The Green Paper questions, *inter alia*, whether an approach based on a list of non-mandatory exceptions is adequate in the light of evolving Internet technologies and the prevalent economic and social expectations and whether certain categories of exceptions should be made mandatory to ensure more legal certainty and better protection of beneficiaries of exceptions.

Subsequently, the Green Paper focuses on particular exceptions and limitations which the Commission thinks are most relevant for the dissemination of knowledge. These include particular exceptions for the benefit of libraries and archives (i.e. the exception for the purpose of preservation, the exception for the making available of digitised works on dedicated terminals and a possible exception for orphan works); the exception for the benefit of people with a disability; the exception allowing dissemination of works for teaching and research purposes; and a possible exception for user-created content. The Commission wonders whether these exceptions should evolve in the era of digital dissemination and formulates specific questions to that purpose.

With this Green Paper the Commission attempts to organise and structure the debate on the long-term future of copyright policy in the given fields. All stakeholders are therefore invited to submit responses to the different policy

questions it formulates.

European Commission, Green Paper on Copyright in the Knowledge Economy, Brussels, 16 July 2008, COM(2008) 466 final

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0466:FIN:EN:PDF>

“Intellectual Property: Commission adopts forward-looking package”, Press Release of the European Commission of 16 July 2008, IP/08/1156

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1156&format=HTML&aged=0&language=EN&guiLanguage=en>

