European Parliament: Resolution on the Green Paper on copyright and related rights in the information society

IRIS 1996-9:1/2

Britta Niere
European Audiovisual Observatory

On 19.9.1996 the European Parliament adopted a Resolution on the Green Paper on copyright and related rights in the information society. It believes that a unified position of the European Union on the question of copyright law, and harmonisation of provisions are urgently needed, but it is also of the opinion that the topics covered in the Green Paper must be dealt with in greater depth. In particular, the European Parliament believes that the right balance must be found between defence of copyright law and proper consideration of the consumer.

Problems could arise from the relationship between traditional copyright law and a work of art and the new rights arising in the information society. It would be important to guarantee the non-pecuniary rights of creators. The European Parliament also wished to see the right of public reproduction (Bern Convention) set out more clearly in respect of digital and interactive transmissions and suggested extending the scope of radio and television transmissions to include all types of transmission potentially available to the general public although called up individually. The European Parliament believes the concept contained in Art.9 of the Bern Convention could be applied to the new technologies.

The European Parliament called for the adoption of clauses in the bilateral agreements between the EC and non-member States to offer an equivalent level of protection under copyright and related rights in those countries also. It also wanted more attention to be paid to ensuring confidentiality and freedom of movement for the flow of information, and the fundamental rights and freedoms of the citizen, and to ensure equal access to services and works of public interest. Consideration would also have to be given to the consequences of the relationship between exclusive rights and competition policy (cf ECJ decision of 6.4.1995 in the Magill case; see IRIS 1995-5: 5).

Problems concerning entitlement to rights would also have to be looked into thoroughly.

The European Parliament noted that adoption of the Directive on private copying was essential for the harmonisation of systems. It also called on the Council and the Commission to conclude a multilateral agreement to combat the production of pirate copies.

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The European Parliament, referring to Articles 100a and 57 of the EC Treaty, also proposed removing the barriers to the functioning of the domestic market in this particular field and ensuring due value is placed on cultural aspects of the information society, in consideration of Art. 128(4) of the EC Treaty (observing the principle of subsidiarity).

Resolution on the Green Paper on copyright and related rights in the information society (COM(95)0382 - C4-0354/95). European Parliament, Minutes (Provisional Edition) of the Sitting of 19 September 1996, A4-0255/96, pg. 53 onwards.

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