European Commission: Communication on a Single Market for Intellectual Property Rights

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On 24 May 2011, the European Commission adopted a Communication entitled “A Single Market for Intellectual Property Rights”. The Communication’s overall objective is to encapsulate its strategic vision for creating a true European IPR regime capable of releasing the full potential of European inventors and creators, thus fuelling economic growth. According to the Communication, a Single European Market for IPRs, by doing away with the current fragmentation of the EU’s IPR landscape, would contribute significantly towards creating and maintaining the momentum of a virtuous IPR circle. Alongside sections on modernising the patent and trademark systems in Europe and the complimentary protection of intangible assets, the Communication also included an examination of current copyright-related issues.

The Communication heralds the submission by the Commission in 2011 of proposals for the creation of a legal framework for the collective management of copyright to enable multi-territorial, pan-European licensing, as well as the revisiting in 2012 of the 2001 Copyright Directive as part of the programme set out in the Digital Agenda for Europe. Along this vein, the Communication also discusses the possibility of a more far-reaching overhaul of copyright in the EU through the creation of a European Copyright Code consolidating the present body of EU directives on copyright and related rights, though for the time-being it stops short of proposing concrete steps in this direction.

The Communication announces the Commission’s intention of further examining the question of User-Generated Content, noting the growing realisation of the necessity of instituting efficient and affordable permission systems through which end-users can lawfully re-use third-party copyright-protected content, in particular for non-commercial purposes. Similarly, the Communication promises the redoubling of efforts to kick-start, on the basis of the draft Memorandum of Understanding brokered in 2009, a stakeholder agreement on the conciliation of private copyright levies and the smooth cross-border trade in goods subject to such levies. Also on the Commission’s agenda for 2011 is the implementation of a two-pronged approach to the promotion of the digitisation and making available of the collections in Europe’s cultural institutions, consisting of (a) the institution of collective licensing schemes for out-of-commerce works and (b) the adoption of a European legislative framework to identify and release orphan works to the

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public (see IRIS 2011-7/5).

Specifically with regard to audiovisual works, the Commission declares its intention of launching in 2011, with a view to reporting in 2012, a consultation on the online distribution of audiovisual works, addressing copyright issues, video-on-demand services, their introduction into the media chronology, the cross-border licensing of broadcasting services, licensing efficiency and the promotion of European works. An audiovisual Green Paper will also address the status of audiovisual authors and their participation in the benefits of online revenue streams.

Finally, the Communication also makes mention of its plans to extend the term of protection of performers' and producers' rights in the music field. The adoption of the relevant proposal for a directive is expected in the very near future.

It should be noted that, according to the Communication, the development of a fair and unified IPR regime should be undertaken in such a way as to ensure the promotion and preservation of cultural and linguistic diversity, while the protection of rights over intellectual assets should go hand in hand with the promotion of access and the circulation and dissemination of goods and services.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "A Single Market for Intellectual Property Rights Boosting creativity and innovation to provide economic growth, high quality jobs and first class products and services in Europe"

http://ec.europa.eu/internal_market/copyright/docs/ipr_strategy/COM_2011_287_en.pdf

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