[GB] Implementation of the EC Copyright Directives

IRIS 1996-10:1/30

Stefaan Verhulst
PCMLP University of Oxford

The UK Government made in its 1995 White Paper Competitiveness, Forging Ahead , the commitment to ensure that future EC legislation on copyright would promote the competitiveness of UK industry (para 15.39). Meanwhile, however, the UK has not yet implemented all the current (five) EC Copyright Directives. Until now two statutory instruments (SI) have been issued amending the 1988 Copyright Designs and Patents Act, so as to implement those directives.

First, The Copyright (Computer Programs) Regulation 1992 (No 3233) implements the provisions of Council Directive No 91/250/EEC on the Legal Protection of Computer Programs and came into effect on 1 January 1993. Second, The Duration of Copyrights and Rights in Performances Regulations 1995 (No 3297), with effect from 1 January 1996 (six months after the date set down in the Directive for implementation), implements the provisions of Council Directive No 93/98/EEC which harmonise the term of protection of copyright and certain related rights (the Duration Directive).

The Patent Office issued in 1995 a draft regulation which would implement Council Directive No 92/100/EEC on rental and lending rights and on certain rights related to copyright in the field of intellectual property rights, Council Directive No 93/83/EEC on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable transmission and Article 4 (i.e. the `new publication right') of the Duration Directive which was excluded from the second SI. The consultation process, which brought a high volume of comments, ended officially at the end of June 1995. However a revised draft at the beginning of 1996 was pushed back by the Government. At the end of July 1996, the European Commission sent a `reasoned opinion', indicating its displeasure at the UK Government's repeated failure to implement the Directives. (Under the 1992 Rental Rights Directive, EU Member States had until 1 July 1994 to introduce appriopiate legislation.) This threat of action galvanised into Government action and a new draft Copyright and Rights of Performers Regulations 1996 was introduced before the end of Parliamentary session. Parliament expects to make a decision at 14 November 1996. It would then come into force on 1 December 1996.

The Department of Trade and Industry (DTI) is at the moment also preparing a draft implementing legislation for Directive 96/9/EC of the European Parliament and of the Council on the Legal Protection of Databases. EU Member States should

© European Audiovisual Observatory (Council of Europe) 2026

bring into force laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1998.

Draft Copyright and Rights of Performers Regulations 1996.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026