[FR] Lescure Mission: 80 Proposals on Digital Cultural Content

IRIS 2013-6:1/19

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After eight months' work and nearly a hundred hearings, Pierre Lescure submitted a report containing no fewer than 711 pages and 80 proposals on cultural policy (including photography and publishing as well as the audiovisual scene, the cinema, and music) in the age of digital content to the President of the Republic and to the Minister for Culture Aurélie Filipetti on 13 May 2013. The key phrase in the report refers to acknowledging the supremacy of digital exploitation of these works. The proposals include a recommendation to maintain, but in a lighter form, the "graduated response" arrangements instituted in 2009 by the "HADOPI" Act in a bid to combat piracy. The idea is to reinforce the educational stage, to abolish the sanction of suspending Internet access (which has never been implemented), and to decriminalise the sanction (which could take the form of a fine of EUR 60, possibly increased in the event of a second offence).

Another substantial proposal is to abolish the high authority for the broadcasting of works and the protection of rights on the Internet (Haute Autorité pour la Diffusion des Works and la Protection des Droits sur Internet - HADOPI) and transfer its missions to the audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - CSA) "in order to include the protection afforded by copyright in a global policy of regulation of the digital cultural offer". Similarly, it is recommended that regulation of the technical measures for protection be put in the hands of the audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - CSA), which should be given the means to actually be able to do so (powers to take up a matter and investigate on its own initiative). To strengthen the legal offer, the report recommends greater flexibility in media chronology to make video on demand available sooner after the first screening of a film. The report supports remuneration for private copying, commenting that "there is no call to question the foundations of the current system", and proposes laying down the corresponding scales by decree and introducing a tax on "connected devices" that could ultimately compensate rightsholders for private copying. The report recommends making collective management compulsory for unavailable works in all the cultural sectors, and for all educational use made of the works, whether or not they are covered by the legal exception, and studying the introduction of collective management for neighbouring rights for streaming and subsequently downloading, and instructing the royalties collection and distribution societies to manage the remuneration due for on-line use. Regarding taxation, the report

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recommends acknowledging the principle of “technological neutrality” when Directive 2006/112/EC is revised, in order to get rid of the distortions in competition caused by different VAT rates for physical and on-line products.

The government must now draw up the timeframe for implementing the provisions of the regulations and legislation associated with the proposals it decides to adopt, and embark on inter-professional negotiations for their implementation. Watch this space!

Mission « Acte II de l’exception culturelle », Contribution aux politiques culturelles à l’ère numérique, Pierre Lescure

http://www.culturecommunication.gouv.fr/var/culture/storage/culture_mag/rapport_lescure/index.htm#/

Mission on “Act II of the cultural exception”: Contribution to cultural policies in the digital age, Pierre Lescure

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