

European Commission: Consultation on Copyright Review

IRIS 2014-1:1/8

*Vicky Breemen
Institute for Information Law (IViR), University of Amsterdam*

On 5 December 2013, the European Commission issued a public consultation on the review of EU copyright rules. The consultation is part of the review process that the European Commission announced in 2011.

The background of the consultation lies in the opportunities and challenges posed by new forms of distribution and use of content in the digital realm. For, as the consultation explains, legislators must ensure that the copyright framework remains appropriate for the new environment. In this context, the European Commission has previously identified relevant issues in its “Communication on Content in the Digital Single Market” (COM (2012)789 final, see IRIS 2013-2/4). Now, based on these issues, the consultation aims to assess whether the system of rights, limitations and enforcement needs to be adapted.

To that end, stakeholders are invited to express views on issues such as territoriality in the Internal Market; harmonisation; limitations and exceptions to copyright in the digital age; fragmentation of the EU copyright market; and the efficiency and legitimacy of enforcement. The stakeholders are representatives of all stages in the value chain, including right holders, intermediaries, end users and institutional users such as libraries. Responses are welcome until 5 February 2014.

The questionnaire contains questions under six main headings:

-‘Rights and functioning of the Single Market’ covers 5 sub topics. These topics include the (territorial) scope of exclusive rights involved in digital transmission; the feasibility of a registration system for works at EU level; and the appropriateness of the current copyright protection term.

-‘Limitations and exceptions in the Single Market’ first asks general questions concerning the optional character and territorial scope of the current exceptions. Other general questions consider the need for new limitations and more flexibility in the existing framework. Also, the question of fair compensation is addressed. Next, the section aims to identify problems with the use of works in specific contexts. It does so by taking into account the perspective of users, service providers and right holders. The contexts are off-premises access to content in libraries and archives, teaching, research, use by disabled people, text and data

mining and user-generated content.

-‘Private copying and reprography’ touches on the scope and application of the relevant exceptions in the digital environment. Furthermore, problems regarding cross-border transactions and indiscriminate application of private copying levies are examined.

-‘Fair remuneration of authors and performers’ raises concerns about inadequate remuneration as regards online exploitation and asks about preferred remuneration mechanisms.

-‘Respect for rights’ contains questions on enforcement in cases of infringement with a commercial purpose; the role of intermediaries in the current legal framework; and a balance between respect for copyright and fundamental rights such as privacy.

-‘A single EU Copyright Title’ investigates the desirability of total harmonisation and replacement of national copyright laws.

The consultation responses will contribute to a decision in 2014 on whether to initiate legislative reform proposals.

Public Consultation on the Review of the EU Copyright Rules

http://ec.europa.eu/internal_market/consultations/2013/copyright-rules/index_en.htm

