European Commission: Public consultation on neighbouring rights for publishers and panorama exception

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On 23 March 2016, the European Commission launched an open, online consultation concerning two topics of EU copyright law. On the one hand, the purpose of the consultation is to seek views on the possible extension of the neighbouring rights to publishers. On the other hand, the Commission aims to gather views on the panorama exception, which concerns the use of images depicting buildings, sculptures and monuments. The consultation is part of the Commission's Digital Single Market (DSM) strategy, aimed to create an EU single market which fits the digital age (see IRIS 2015-6/3). In particular, one of the DSM strategy's objectives is to modernise the EU copyright rules (see IRIS 2016-2/3).

First, concerning the role of publishers in the copyright value chain: the Commission is interested as to whether publishers of print media (newspapers, magazines, books and scientific journals) are facing problems in the digital environment as a result of the current copyright legal framework, especially when it comes to their ability to licence and be paid for online use of their content. In particular, the consultation asks about the impact that the creation in EU law of a new neighbouring right granted to publishers would have on them and on other parties, such as authors, other rightholders, researchers and educational or research institutions, online service providers, and consumers/end-users/EU citizens. Moreover, the Commission is aiming to gather views as to whether the need (or not) for intervention is different in the press publishing sector to the book/scientific publishing sectors. Current EU copyright law grants neighbouring rights to performers, film producers, record producers and broadcasting organisations, but publishers are not among the neighbouring right holders at European level.

The final part of the consultation aims to gather views as to whether the current legislative framework on the panorama exception gives rise to specific problems in the context of the DSM. The panorama exception in EU copyright law allows Member States to lay down exceptions or limitations to copyright concerning the use of works of architecture or sculpture, intended to be located permanently in public places (for example by uploading images of monuments online).

With regard to both parts of the consultation, the Commission has invited all respondents to support their replies, whenever possible, with market data and

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other economic evidence. The consultation is open for everyone interested in the publishing sector and the digital economy, and it will run until 15 June 2016. The Commission will publish a short summary of the results of the consultation one month after the closing date.

European Commission, Public consultation on the role of publishers in the copyright value chain and on the 'panorama exception', 23 March 2016

https://ec.europa.eu/eusurvey/runner/Consultation_Copyright?surveylanguage=EN

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