

European Commission: Proposal for a Directive on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society

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The European Commission, following up its plan to present legislative measures in the area of intellectual property, as announced in its 1997 Work Programme and in the Information Society's "Rolling Action Plan" (see IRIS 1997-1: 4), presented a Proposal for a Directive aiming at the harmonisation of copyright and related rights in the Information Society.

The proposal focuses on some key-issues in copyright and related rights in order to cope with the challenges represented by the spread of digital technologies, the fast converging evolution of the audio-visual, telecommunications and information technology sector and the advent of new cable, satellite and digital transmission methods. These key-issues comprise the right of reproduction, which manifests a whole variety of approaches in the Member States, the communication to the public right, which shows its particular importance with respect to the exploitation of intellectual property on-line and the distribution right. The latter has already undergone some kind of harmonisation-process in relation to certain categories of works (eg. databases, computer rights) as well as in relation to a group of specific rightholders (see Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property), nevertheless Member States appear to apply different regimes and different limitations to distribution rights in respect of (other) works. Member States also apply different concepts to classify the restricted act of distribution of works and, in the view of the Commission, they carry out somewhat conflicting policies in the field of exceptions to this right (i.e. with regard to exhaustion). The proposal of the Commission does not aim at a general harmonisation of laws on copyright and related rights in the Member States; it rather aims at harmonisation in some sectors which are specific and crucial for the functioning of the Internal Market.

According to the Commission its Proposal will benefit the free circulation of works and related subject matter in the Community and help eliminate distortions of competition among the Member States.

Proposal for a European Parliament and Council Directive on the Harmonisation of Certain Aspects of Copyright and Related Rights in the

Information Society. Presented by the Commission. Brussels, 10 December 1997, COM(97) 628 final

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