

## **Keynote Speech**

# **COPYRIGHT AND EUROPE - HARMONY OR DISCORD?**

By

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## **Agenda**

- EU harmonisation programme
- Technological advances
- Rights holders' concerns
- Implementation of WIPO treaties 1996
- Copyright Directive

## **EU Harmonisation Programme**

- Green paper 1988
  - computer programs
  - term of protection extended
  - new right of rental and lending
  - new protection for databases
  - satellite and cable broadcasting
  - private copying

## **Technological Advances**

- Growth of works in digital format
- Internet and www
- Widespread use of computers
- Growing use of digital scanners
- Potential for e-commerce

## **Concerns of Rights Holders**

- Ease of copying - rekeying, digitising, downloading, networking
- Threat to economic rights – piracy
- Fear of republishing
- Everybody is doing it
- Difficult to detect works in electronic form
- Plagiarism

## **Green Paper 1995**

- Copyright and Related Rights in the Information Society

- Internal market concerns
- IP rights - crucial to regulatory system for the information society

#### **Follow-Up Green Paper 1996**

- Communication to the Public Right
- Harmonising the reproduction right
- Harmonising the exceptions
  - aiming to control private copying

#### **WIPO**

- WIPO Copyright Treaty 1996
- WIPO Performers and Phonograms Treaty 1996
  - rights - communication to the public, reproduction, protection for technical devices
  - exceptions - Berne exceptions still valid in digital environment, scope for new ones

#### **Copyright Directive**

- Proposal for a European Council Directive on the harmonisation of certain aspects of Copyright and Related Rights in the information society

#### **Progress of Directives**

- Commission proposes a text
- Committees give opinions and suggest amendments
- Parliament has first reading and gives opinion
- Council reaches common position
- Parliament approves (or not)
- Council adopts

#### **Progress of Copyright Directive 1**

- 1997 (Dec) proposal issued
- 1998 European Parliament (EP) asks for opinions
- 1999 (Feb) EP has its first reading and votes on amendments

#### **Progress 2**

- 1999 (May) amended proposal received
- Council of Ministers working group debate the detail
- Shopping list gets longer
- Final meeting of working group in March 2000

#### **Next Steps**

- COREPER (Council of permanent representatives) meeting to thrash out details - April 2000
- Common position likely in May 2000
- Adoption likely by end of 2000
- UK implementation likely by 2002

### **Why so Long? Why All the Fuss?**

- Different traditions among Member States regarding copyright and copying
- Clashes between user groups and rights holders
  - rights holders fear loss of control and severe damage to their markets
  - users fear severe damage to education and research and the threat of 'big brother' total control of information
- Very little harmony

### **What Does it Contain?**

- Broader reproduction right which includes all temporary copying (Art.2)
- Right of communication to the public of works and making available to the public of other subject matter (Art.3)
- A limited range of exceptions and limitations (Art.5)
- Protection against circumvention of effective technological measures (Art.6)

### **Exceptions from Reproduction Right**

- Copying small amounts on paper (not music) plus fair compensation
- Copying onto any medium for private non-commercial uses - plus fair compensation
- Copying in publicly accessible not for profit libraries, educational establishments, museums or archives. Article 5 - exceptions from reproduction and communication to the public right
- Use for sole purpose of illustration for teaching or scientific research - non commercial, must be acknowledged
- Communicating works from their collections on the spot
- Use for benefit of people with disabilities- non commercial and only if really necessary
- Criticism or review quotes

### **Future - Bleak or Hopeful?**

- Government trying to keep status quo
- Consumer groups lobbying hard
- Possibility of changes to fair dealing and library copying
- More reliance on licensing
- No change until 2002