

## The legislation

The EU's **Legislative measures harmonising and enforcing copyright are under review to ensure that EU legislation is generally effective and consistent with the digital age** [http://ec.europa.eu/internal\\_market/copyright/review/review\\_en.htm](http://ec.europa.eu/internal_market/copyright/review/review_en.htm)

Page 2 of this Fact Sheet gives historical background to eu copyright laws

## Consultations

Last year DG Internal Market ran a consultation on the basis of a **Green Paper on copyright in the knowledge economy**. The Commission has also announced that as a follow up they would release draft legislation later this year to permit the licensing and digitising of **Orphan Works**.

Although copyright is referenced in many EU documents, from the President's EU2020 strategy, to the consumer rights and digital agendas of Commissioners Dalli and Kroes, it is Commissioner Barnier who is in charge of copyright law for the EU. It is likely therefore that Commissioner Barnier will launch a **new IP Strategy** by the end of 2010 which might include a revision of the Copyright Directives and perhaps a new EU Copyright Title.

A proposal to enable **cross-border licensing** of music and other copyrighted content is likely next year, following a consultation. The European Commission also plans to propose a revamp of **trademark rules** in 2011.

Clearly the European Commission is committed to re-launching the Internal Market and sees the digital content market as a key element of this and Commissioner Dalli has already said that his vision for consumers in a digital Europe is as follows:

Consumers will have confidence in e-commerce and will not suffer discrimination online; Consumers will have access to more and better content online; Digital products will be more compatible; Consumers will be better informed about their online rights and Enforcement will be effective and proportionate. To read his speech from March'10 Consumer Summit: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/10/110&format=HTML&aged=0&language=EN&guiLanguage=en>

Neelie Kroes is expected to unveil her Digital Agenda in May.

## What is at stake for the Media?

Copyright is centre stage of the Commission's highest level vision. On 3 March 2010, the President of the European Commission unveiled a far-sighted agenda based on five measurable EU targets for 2020 one of which lies at the heart of the future of the creative industries: *Smart growth – an economy based on knowledge and innovation*. This paves the way for a new **"Digital Agenda"**, including a fresh look at copyright law, recognising the key role and importance of the creative economy in reaching the goals of EU 2020:

*"To create a true single market for online content and services (i.e. borderless and safe EU web services and digital content markets, with high levels of trust and confidence, a balanced regulatory framework with clear rights regimes, the fostering of multi-territorial licences, adequate protection and remuneration for rights holders and active support for the digitisation of Europe's rich cultural heritage, and to shape the global governance of the internet."*

In terms of copyright law, the EPC feels there is no need to reopen the 2001 copyright directive [2001/29/EC](http://eur-lex.europa.eu/LexUri.do?uri=CELEX:32001L0292:en:HTML); the exceptions in the directive must not become the rule; there should be no EU wide "fair-use" exception or a broad scanning exception which could undermine business and licensing models under development by publishers.

The EPC has produced a **"Vision Document"** setting out our own agenda for the future of Copyright and the key principles required for a prosperous media sector:

- **Principle 1:** We must cherish the fundamental role of copyright in providing the incentive to invest in the production and dissemination of creative content.
- **Principle 2:** We must respect the entitlement of copyright holders to choose how their content is made available, accessed and used.
- **Principle 3:** We must promote freedom of choice in licensing solutions, including automated systems of licensing through technological innovation.
- **Principle 4:** We must make sure that our system of rights management always carefully balances rights, exceptions and limitations.
- **Principle 5:** We must take a balanced approach to the challenge of digitising Europe's analogue print legacy.
- **Principle 6:** We must uphold the publishing industries' unique economic, cultural and social contributions to the future of our digital Europe.

The EPC has been pushing for **automated rights management** through tools such as ACAP to be acknowledged as one of the key ways that publishers can communicate their copyright policies online as they can through written licences offline. The EPC argues that existing copyright legislation should, with the right tools such as ACAP [www.the-acap.org](http://www.the-acap.org), work perfectly well online, facilitating machine to machine compliance with copyright terms.

The EPC and the World Association of Newspapers (WAN-IFRA) recently organised a meeting of publishers where significant numbers of publishing leaders signed the Hamburg Declaration on IPR. This was sent to Commissioner's Reding and McCreevy. [http://www.epceurope.org/issues/Hamburg\\_Declaration\\_on\\_Intellectual\\_Property\\_Rights.pdf](http://www.epceurope.org/issues/Hamburg_Declaration_on_Intellectual_Property_Rights.pdf)

## Europeana Digital Library - Consultation

Following last year's public consultation on the future of Europeana, the Commission announced that phase II will be launched in 2011.

**Separate fact sheet on Digital Agenda available at [www.epceurope.org/](http://www.epceurope.org/)**

**talk to use**

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