

Information society: copyright and related rights

1997/0359(COD) - 29/03/2001 - Commission opinion on Parliament's position at 2nd reading

The Commission accepts all of the amendments of the European Parliament which relate to: - the clarification of the text and the addition of an interpretative Recital for the purposes of delineating the scope of the Article which concerns the relationship between exceptions and technological measures. In particular to works or other subject matter made available to the public on agreed contractual terms, in such a way that members of the public may access them from a place and at a time individually chosen by them; - the amendment of the definition of the Article relating to private copying; - the attribution of sources i.e. the requirement to mention the author's name in relation to 4 of the exceptions (illustration for teaching or scientific research, reproduction by the press, communication to the public or making available of published articles, quotations for purposes such as criticisms or review, the use of political speeches). The Commission is of the view that these amendments are acceptable. The amendments reinforce the requirement to mention the author and thereby give greater comfort to authors. Member States will retain flexibility regarding the interpretation of this condition including whether in the circumstances of a particular case, it is considered impossible for reasons of practicality or otherwise for the author's name to be mentioned. - qualifying the exception that applies to use for the purposes of advertising sales of works of art, the so-called "catalogues exception". It excludes any other commercial use of those works other than for the purposes of advertising the sale or exhibition. In the view of the Commission, this amendment is an acceptable qualification to the scope of the exception; - the addition of an Article to add a paragraph which provides that the committee will examine the impact of the Directive on the functioning of the Internal Market and will highlight any difficulties; - shortening the transposition period from 24 months to 18 months. The Commission is of the view that such a reduction in the transposition period is to be welcomed given the chronological link between this proposal and the Directive on E-Commerce and would also assist in the timely ratification of the WIPO Treaties.