

# Information society: copyright and related rights

1997/0359(COD) - 10/02/1999 - Text adopted by Parliament, 1st reading/single reading

At first reading under codecision procedure, the European Parliament approved the proposal for a European Parliament and Council Directive on the harmonisation of certain aspects of copyright and related rights in the Information Society, subject to amendments, notably in the following areas: - providing for a high level of protection of intellectual property; - insisting that the harmonisation of rules in the information society must not jeopardise the fundamental principles of an open and modern society; - referring to other directives, on which the proposed directive is based; - rewarding producers for the use of their work; - recognising the role of copyright protection in safeguarding the independence and dignity of artistic creators and performers; - permitting exceptions in the public interest for the purpose of education and training; - extending liability beyond copyright to other areas such as defamation, misleading advertising or infringement of trademarks; - stressing the importance of bringing provisions relating to liability as well as electronic commerce into force within a similar timescale to the proposed directive; - underlining the need to ensure that collecting societies achieve a high level of rationalisation and transparency with regard to compliance with competition rules; - specifying that the proposed directive does not apply to the legal protection of designs under directive 98/71/EC; - providing that proper support for the dissemination of culture must not compromise protection of works; - defining private communication; - stressing the need for Member States to coordinate provisions for the acknowledgement of rightholders for the use of their works; - noting that access to mediation could assist users and rightholders in resolving disputes; - rewording the proposed exception to the exclusive right of reproduction and allowing for compensation in certain cases; - highlighting the importance of facilitating access to works by persons suffering from a disability; - calling for digital private copying to be more widespread and have a greater economic impact; - stressing the urgent need for harmonisation of procedures for charging fees for private copies; - proposing the promotion of specific contracts or licenses which, without creating imbalances, favour establishments accessible to the public; - proposing a study by Member States to develop new, less cumbersome legal ways of solving disputes about infringement of authors' rights; - demanding action to protect the exploitative use of the works of indigenous communities and peoples; - underlining the importance of greater legal certainty as to the legitimate identity of a specific Internet site for consumer confidence, which will in turn boost investment in creativity and innovation and hence aid EU competitiveness and employment; - defining the meaning of the act of communication for the purposes of the proposed act; - excepting published musical works from the exception for photographic reproduction on paper or any similar medium and introducing the proviso that rightholders must be fairly compensated for this form of reproduction as well as for reproductions on audio, visual or audio-visual media and for the sole purpose of illustration for teaching or scientific research; - making a distinction between analogue and digital recording media; - exempting specific acts of reproduction by establishments for documentation or conservation purposes, regardless of whether they are accessible to the public or not; - exempting specific acts of reproduction whose sole purpose is to facilitate a legitimate broadcasting act; - exempting the use of individual works from the daily newspapers and radio for news reporting, provided the source is indicated and its use is warranted; - exempting non-commercial uses for the benefit of disabled people in general; - exempting use for the proper performance of parliamentary proceedings; - subjecting these exceptions to possible limitations by Member States and providing that they must not prejudice the protection of rightholders' rights; - providing for the remuneration of any rightholders who contributed to the production for the broadcast of own archive material by broadcasting organisations; - rewording the definition of "technological measures" and provisions concerning protection against circumvention; - proposing a Contact Commission to ensure consistency between certain articles of the proposed directive. The Parliament's rapporteur was Roberto Barzanti (PSE,IT).