




# Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	<a href="#">1995/2224(COS)</a>	Procedure completed
Copyright and related rights in the Information society. Green paper		
Subject 3.50.15 Intellectual property, copyright		

Key players			
European Parliament	Committee responsible		Rapporteur
	 Legal Affairs, Citizens' Rights		Appointed 06/09/1995
			PSE <a href="#">BARZANTI Roberto</a>
	Committee for opinion		Rapporteur for opinion
Council of the European Union	 Economic and Monetary Affairs, Industrial Policy		Appointed 26/09/1995
			PPE <a href="#">ARGYROS Stelios</a>

Key events			
19/07/1995	Non-legislative basic document published	COM(1995)0382	Summary
18/09/1995	Committee referral announced in Parliament		
23/07/1996	Vote in committee		Summary
23/07/1996	Committee report tabled for plenary	<a href="#">A4-0255/1996</a>	
17/09/1996	Debate in Parliament		
19/09/1996	Decision by Parliament	T4-0467/1996	Summary
19/09/1996	End of procedure in Parliament		
28/10/1996	Final act published in Official Journal		

Technical information	
Procedure reference	1995/2224(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed

## Documentation gateway

Non-legislative basic document		COM(1995)0382	19/07/1995	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0091/1996</a> <a href="#">OJ C 097 01.04.1996, p. 0009</a>	31/01/1996	ESC	Summary
Committee report tabled for plenary, single reading		<a href="#">A4-0255/1996</a> <a href="#">OJ C 320 28.10.1996, p. 0003</a>	23/07/1996	EP	
Text adopted by Parliament, single reading		T4-0467/1996 <a href="#">OJ C 320 28.10.1996, p. 0127-0177</a>	19/09/1996	EP	Summary

## Copyright and related rights in the Information society. Green paper

OBJECTIVE: to consider a series of questions relating to copyright and related rights in the information society with a view to proposing legislative or other measures during 1996. CONTENT: the Commission's Green Paper is the first in a series of discussion papers on the information society which the Commission intends to publish over coming months. This document reviews a series of questions raised by the impact of new technologies and the information society on copyright and related rights, especially regarding the effects of measures taken in this area on the free movement of information services. It deals mainly with problems which are not covered by Community directives on the protection of personal data (already adopted) or on the legal protection of databases (which is the subject of a common position). The Commission notes that the success of the information society in the EU will depend more on major investment commitments than on innovative technology because most of the technology already exists. In order to attract the investment needed to create the infrastructure for the information society, investors needed to be persuaded that there is a "critical mass" of new services which will use the infrastructure. In turn, investments in new interactive services (distance learning, remote health care, 'pay per view' programmes, teleshopping) require a suitable legislative framework which satisfies investors. This framework should not only guarantee investors adequate protection for their investments, it should also reassure them of the fact that the free movement of information society services will indeed become a reality. The main questions addressed in the Green Paper are as follows: 1) Digitalization will allow an unlimited number of copies of the same quality as the original to be made. Should EU law make the digitalization of a work subject to the prior consent of the author? 2) The new technologies will result in more direct communications between service providers and individuals in receipt of on-line services. Where is the dividing line between "public communication", which requires the prior consent of the right-holder, and "private communication", which is allowed in principle? 3) The information superhighways will permit various new types of digital transmission. Does the rental right (already harmonized in Directive 92/100/EEC) offer the right-holder adequate protection in the case of electronic transmissions? 4) Multi-channel digital broadcasting allows consumers to record an unlimited number of perfect copies of programmes broadcast. Should individual right-holders have exclusive broadcasting rights? 5) Networked services will be received in a large number of countries. Should the traditional rule of applying the right of the country in which copyright protection is requested be replaced by a new rule such as the principle of the country of origin (whereby the copyright legislation in the country of origin applies throughout the EU)? If so, what conditions need to be met? 6) With new multimedia products and other new services, right-holders need to be easily identified and rights need to be acquired under fair conditions. Are collective management companies able to meet these challenges in connection with the management of these rights? Are new initiatives needed? 7) Digitalization offers new ways of identifying and protecting works. These techniques can improve and facilitate the management of rights. Is the industry prepared to negotiate an agreement on the technical means which will permit this type of development? Does the EU need to intervene by issuing regulations? 8) The new technologies (digitalization) make it easy to adapt or transform existing works. This type of operation affects the moral rights of right-holders. Do moral rights need to be harmonized at EU level??

## Copyright and related rights in the Information society. Green paper

The Committee welcomes the Green Paper, particularly because the rapid development of technology means the constant reevaluation of the legal rules which govern it. The most appropriate level for dealing with questions of intellectual property in the information society must be at the international level in the long term: the information society is reducing the significance of national boundaries. At the least, therefore, initiatives in this field should be at Community rather than national level and the emphasis must be on achieving an agreed position for the EU. This will be particularly important in the light of conclusions reached by the US Government in its recent White Paper on this subject. The Legal Protection of Data Bases Directive is sufficient to protect most multimedia products. In addition, there is a case for strong moral rights' legislation at the EU level.?

## Copyright and related rights in the Information society. Green paper

In adopting Rober Barzanti's report, the legal affairs committee (chaired by Carlo CASINI (I, EPP)) reaffirmed that the principle of copyright and related rights such as public lending rights as applied in libraries should remain paramount in the new media. Authors and holders of related rights must be able to decide whether or not and in what conditions to allow their works to be exploited on the basis of contractual licences. A balance must be struck between this protection and the general interest, so as to ensure the widest possible access to information. To avoid distortions in the single market, the report is strongly recommending harmonization of legislation on intellectual property. In addition, the definition of broadcasting should be expanded and adapted to new techniques such as 'pay-per-view' and special attention should be paid to the problems posed by networks such as the Internet. On the important question of which law should apply in disputes over for example

royalties it is adopting a middle-of-the-road approach. Its view is that where cross-border issues are concerned, covering the production and sale of works the legal position in both countries should be taken into account?

## Copyright and related rights in the Information society. Green paper

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In adopting the report by Mr Roberto BARZANTI (PSE,I), Parliament emphasized that, regardless of the technological procedures used, the protection of copyright and related rights (copyright in the case of a public library loan, for example), is the essential pre-condition for the harmonious development of the information society. The author and right-holder should have the power to decide whether, and on what terms, to allow their works to be exploited on the basis of contractual licences. It is also necessary to seek a correct balance between the protection of intellectual property and the general interest so as to guarantee, as far as possible, rights of access to information while protecting the private lives of citizens. Finally, in order to avoid an inharmonious functioning of the single market, it is essential to take measures to harmonize legislation in the field of intellectual property. Moreover, the definition of television broadcasting must be broadened so as to include the new technologies, such as 'pay per view' for example, and particular attention should be paid to the problems raised by networks such as Internet. On the fundamental issue of the applicable law, Parliament adopted a middle way. It took the view that it is not possible to refer solely to the law in force in the country of origin but that full account must be taken of the application of the law in the country of reception. Several approaches were also advanced to combat piracy more effectively. ?