



EDRi Comments on the DRAFT OPINION of the Committee on Industry, Research and Energy for the Committee on Legal Affairs on the implementation of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (2014/2256(INI))

Rapporteur: José Blanco López

NEGATIVE

1. Stresses that the European cultural and creative industries are an engine for economic growth and job creation in the EU, as they employ more than 7 million people and generate more than 4.2 % of EU GDP; emphasises that cultural industries continued to create jobs during the economic crisis of 2008-2012;

It is widely accepted that these “statistics” are based on deeply flawed methodologies.

<http://copyright4creativity.eu/myths-facts/>

NO PARTICULAR OPINION

2. Underlines that copyright and related rights constitute the legal framework for the European cultural and creative industries and form the basis for their ability to generate economic activity and employment;

NEEDS AMENDMENT

3. Acknowledges the need to review Directive 2001/29/EC in order to ensure appropriate remuneration for copyright holders and appropriate protection of these rights in a changing and constantly evolving technological environment, which brings both opportunities and challenges;

Authors/creators are not always the rightholders. It is necessary to find a way to remunerate authors as well, since in some situations they are not paid according to what they deserve. As Professor Martin Kretschmer¹ put it: “You (as policy makers) should always be suspicious if representatives of rights holders approach you in the name of creators. Ask them first to show you the contracts they offer”. The interests of creators on the one hand and their employers on the other are not the same and must be considered separately.

SUPPORT

4. Considers it necessary to develop a legal framework to strengthen the negotiating and contractual position of authors and performers in relation to other right holders and intermediaries;

This supports our previous point

NO OPINION

5. Welcomes the multi-territorial licensing of rights under Directive 2014/26/EU as an example and a way of overcoming the fragmented internal market; encourages the development of balanced and flexible solutions that help overcome the existing barriers to cross-border access and availability of products and services;

SUPPORT

6. Stresses that protection of copyright and related rights must respect technological neutrality;

1 Prof. Kretschmer presentation at CULT/JURI hearing on 11 November 2014.

SUPPORT	
<p>7. Stresses that any legislative change in this area should ensure accessibility for people with disabilities to products and services protected by copyright and related rights;</p>	
<p>While supporting this amendment, we need to be clear that we do not believe that it is necessary (or morally defensible) to wait for a legislative proposal to revise the 2001/29/EC directive before ratifying the Marrakesh Treaty.</p>	

SUPPORT	
<p>8. Urges the Commission to take into account the rapidly growing user-created content on the internet when reviewing copyright rules; any new proposal should aim to find a fair balance between protecting IPR and fostering a dynamic and creative internet.</p>	