
Committee on Legal Affairs
Rapporteur: Julia Reda

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<th>Original Text</th>
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The European Parliament,
– having regard to Articles 4, 26, 34, 114 and 118 of the Treaty on the Functioning of the European Union (TFEU),
– having regard to Articles 11, 13, 14, 16, 17 and 52 of the Charter of Fundamental Rights of the European Union,
– having regard to the Berne Convention for the Protection of Literary and Artistic Works,
– having regard to the World Intellectual Property Organisation (WIPO) Copyright Treaty of 20 December 1996,
– having regard to the WIPO Performances and Phonograms Treaty of 20 December 1996,
– having regard to the WIPO Treaty on Audiovisual Performances, adopted by the WIPO Diplomatic Conference on the Protection of Audiovisual Performances in Beijing, on June 24, 2012,
– having regard to Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market,
– having regard to Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission,
– having regard to Directive 92/100/EEC of 19 November 1992 on rental right and lending
right and on certain rights related to copyright in
the field of intellectual property,
– having regard to its resolution of 27 February
2014 on private copying levies
P7_TA(2014)0179,
– having regard to its resolution of 12 September
2013 on promoting the European cultural
and creative sectors as sources of economic
growth and jobs (P7_TA(2013)0368,
– having regard to the public consultation on the
review of the EU copyright rules carried
out by the Commission between 5 December
2013 and 5 March 2014,
– having regard to the Commission Green Paper,
Copyright in the Knowledge Economy,
COM(2008)0466, – having regard to the
Commission communication entitled A
Single Market for Intellectual Property Rights:
Boosting creativity and innovation to
provide economic growth, high quality jobs and
first class products and services in Europe,
A. whereas the European legal framework on
copyright and related rights is central to the
promotion of creativity and innovation, and to
access to knowledge and information;
B. whereas the Directive on the harmonisation of
certain aspects of copyright and related
rights in the information society (2001/29/EC)
aimed to adapt legislation on copyright and
related rights to reflect technological
developments;
C. whereas the Charter of Fundamental Rights
protects the freedom of expression, of the arts
and scientific research, the right to education and
the freedom to conduct a business;
D. whereas Article 17 of the Charter of
Fundamental Rights enshrines the right to
property, with a distinction between the
protection of possessions on the one hand (first
paragraph), and the protection of intellectual
property on the other hand (second paragraph);
E. whereas decisions on technical standards can
have a significant impact on human rights
— including the right to freedom of expression,
protection of personal data and user
security — as well as on access to content;
1. Welcomes the initiative of the Commission to
conduct a consultation on copyright, which
showed great interest from civil society, with
more than 9 500 replies collected, of which
58.7 % came from end users;
2. Notes with concern that the vast majority of
end user respondents to the consultation report facing problems when trying to access online services across EU Member States, particularly when technological protection measures are used to enforce territorial restrictions;

**Exclusive rights**

3. Acknowledges the necessity for authors and performers to be provided legal protection for their creative and artistic work; recognises the role of producers and publishers in bringing works to the market, and the need for appropriate remuneration for all categories of rightholders; calls for improvements to the contractual position of authors and performers in relation to other rightholders and intermediaries;

4. Considers the introduction of a single European Copyright Title based on Article 118 TFEU that would apply directly and uniformly across the Union, in compliance with the Commission's objective of better regulation, as a legal means to remedy the lack of harmonisation resulting from Directive 2001/29/EC;

5. Recommends that the EU legislator should further lower the barriers for re-use of public sector information by exempting works produced by the public sector - within the political, legal and administrative process - from copyright protection;

6. Calls on the Commission to safeguard public domain works, which are by definition not subject to copyright protection, and therefore should be used and re-used without technical or contractual barriers; also calls on the Commission to recognise the freedom of rightholders to voluntarily relinquish their rights and dedicate their works to the public domain;

7. Calls on the Commission to harmonise the term of protection of copyright to a duration that does not exceed the current international standards set out in the Berne Convention;

8. Calls on the EU legislator to remain faithful to the objective stated in Directive 2001/29/EC to safeguard a fair balance between the different categories of rightholders and users of protected subject-matters, as well as between the different categories of rightholders;

**Exceptions and limitations**

8. Calls on the EU legislator to remain faithful to the objective stated in Directive 2001/29/EC to safeguard a fair balance between the different categories of rightholders and users of protected subject-matters, as well as between the different categories of rightholders;
9. Notes that exceptions and limitations should be enjoyed in the digital environment without any unequal treatment compared to those granted in the analogue world;

10. Views with concern the increasing impact of divergence among Member States in the implementation of exceptions, which creates legal uncertainty and has direct negative effects on the functioning of the digital single market, in view of the development of cross-border activities;

11. Calls on the Commission to make mandatory all exceptions and limitations referred to in Directive 2001/29/EC, to allow equal access to cultural diversity across borders within the internal market and to improve legal security;

12. Notes with interest the development of new forms of use of works on digital networks, notably of transformative uses;

13. Calls for the adoption of an open norm introducing flexibility in the interpretation of exceptions and limitations in certain special cases that do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author or rightholder;

14. Urges the European legislator to ensure technological neutrality and future-compatibility of exceptions and limitations by taking due account of the effects of media convergence; in particular, the exception for quotation should expressly include audio-visual quotations in its scope, likewise the convergence between computer software and literary and audio-visual works should be taken into account;
technological neutrality and future-compatibility
of exceptions and limitations by taking due
account of the effects of media convergence;
in particular, the exception for quotation should
expressly include audio-visual quotations
in its scope;

15. Stresses that the ability to freely link from
one resource to another is one of the
fundamental building blocks of the Internet;
calls on the EU legislator to clarify that
reference to works by means of a hyperlink is
not subject to exclusive rights, as it is does
not consist in a communication to a new public;

16. Calls on the EU legislator to ensure that the
use of photographs, video footage or other
images of works which are permanently located
in public places are permitted;
17. Emphasises that the exception for caricature,
parody and pastiche should apply regardless
of the purpose of the parodic use;
18. Stresses the need to enable automated
analytical techniques for text and data (e.g. 'text
and data mining') for all purposes, provided that
the permission to read the work has been
acquired;
19. Calls for a broad exception for research and
education purposes, which should not only
cover educational establishments, but any kind
of educational and research activities,
including non-formal education;
20. Calls for the adoption of a mandatory
exception allowing libraries to lend books to the
public in digital formats, irrespective of the
place of access;
20 bis: Calls for expanding of exceptions
benefiting public interest institutions, such as
libraries, museums and archives, which play
a central role in allowing online access to
cultural heritage, so that citizens can access
their collections from any device.
20. ter Calls on the EU legislator to only
extend the existing protections of copyright at
the expense of the free flow of information in
case there is:
• an exceptional public interest;
• it is done through methods that do not
undermine or discriminate against the
use, transformation and dissemination
of knowledge, creative works and
technology infrastructures, services
and software;
• provided that such restrictions of the
free flow of information not violate
human and civil rights in the
information society and are not
otherwise inconsistent with an
21. Calls on the EU legislator to preclude Member States from introducing statutory licenses for the compensation of rightholders for the harm caused by acts made permissible by an exception;
22. Calls for the adoption of harmonised criteria for the definition of the harm caused to rightholders in respect of reproductions made by a natural person for private use, and for harmonised transparency measures as regards the private copying levies put in place in some Member States;

22 bis Notes with concern that very often studies analyzing the effects of copyright infringement are not based on evidence and that lack of a neutral and scientific approach towards the use of the data collected and calls for the production of independent research studies which show the real effect of IPR infringement in the economy;

23. Stresses that the applicability of exceptions or limitations should not be overridden by technological measures; and effective democracy.

24. Recommends making legal protection against the circumvention of any effective technological measures conditional upon the publication of the source code or the interface specification, in order to secure the integrity of devices on which technological protections are employed and to ease interoperability; in particular, when the circumvention of technological measures is allowed, technological means to achieve such authorised circumvention must be available;
25. Instructs its President to forward this resolution to the Council, the Commission and the parliaments and governments of the Member States.

23. Stresses that the effective exercise of exceptions or limitations, and access to content that is not subject to copyright or related rights protection, should not be hindered by technological measures;
| 24. Recommends making legal protection against the circumvention of any effective technological measures conditional upon the publication of the source code or the interface specification, in order to secure the integrity of devices on which technological protections are employed and to ease interoperability; in particular, when the circumvention of technological measures is allowed, technological means to achieve such authorised circumvention must be available; |
| 25. Instructs its President to forward this resolution to the Council, the Commission and the parliaments and governments of the Member States. |