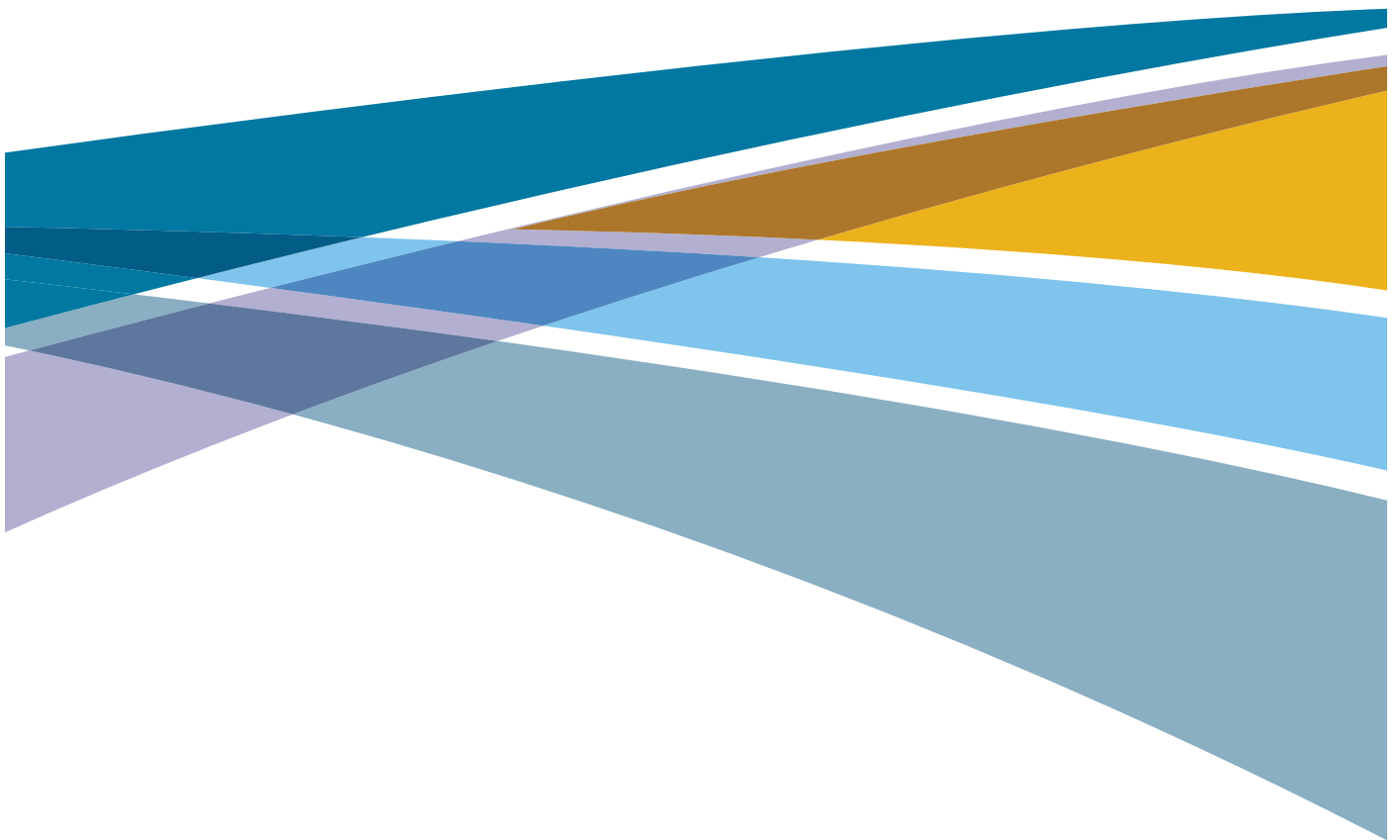




Intellectual
Property
Office

Copyright in Europe

Call for views



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Copyright in Europe

Background

A fully integrated European Single Market for intellectual property is an important tool for turning ideas and innovative thinking into jobs and growth. Copyright is an essential part of that as it supports the UK's creative and ICT industries, who are significant players in the European market. The UK has much to gain from a modern, flexible copyright system that works for them.

The creative industries are among Europe's most dynamic economic sectors, employing millions of people and contributing substantially to the European Union's GDP. Copyright and related rights provide important incentives for the creation of, and investment in, new works. In order to reduce barriers to trade, the EU has created a broadly harmonised copyright framework. This harmonisation has been achieved through a collection of EU Directives¹, as well as by the requirements of international copyright law.

With the emphasis on completing the Digital Single Market to help deliver growth in Europe, the debate on copyright has intensified in Europe over the last few years. The government believes that copyright needs to keep pace with technological development and take account of users' and consumers' expectations, while providing incentives and opportunities for creators.

Developments at the European level can have a major impact on what happens in the UK in relation to copyright. Apart from issues formally on the table, such as the draft Collective Rights Management Directive, a number of other issues are being discussed in Brussels, which might lead to formal proposals. The UK is a net exporter of copyright content and the government needs to ensure that our industries have the right European framework to thrive. Equally, the UK wants to ensure that the copyright framework is supportive of growth for the UK economy as a whole at a time of rapid technological change and business innovation.

In order to develop our thinking on how best to respond to this debate, we have brought together a number of questions on the European copyright framework and areas that have been highlighted by the European Commission for further action. We are inviting your views, as well as any supporting evidence you may have, so that we can understand the impact that potential changes to the European copyright framework might have. We will use your views and evidence to develop the UK's position on these issues, as well as to finalise our research programme in this area.

1 http://ec.europa.eu/internal_market/copyright/acquis/index_en.htm

Intellectual Property Strategy

The European Commission's communication 'A Single Market for Intellectual Property Rights'² outlines its plans for a number of initiatives on intellectual property (IP). The aim is to create a seamless, integrated Single Market for IP to help release the potential of European inventors and creators, enabling them to turn ideas into jobs and growth.

A number of the proposals put forward in the communication are now underway and others are currently under consideration. The European Commission has begun to engage with stakeholders and is seeking economic evidence on the merits of action in these areas.

On copyright, proposals that are already underway include:

- Creating a legal framework for the collective management of copyright to enable multi-territorial and pan-European licensing
- Examining whether the current exceptions and limitations to copyright granted under the Copyright Directive (2001/29/EC³) need to be updated or harmonised
- Reviewing private copying levies

The European Commission communication also highlights longer-term considerations such as an optional "unitary" copyright title and a European copyright code.

2 http://ec.europa.eu/internal_market/copyright/docs/ipr_strategy/COM_2011_287_en.pdf

3 http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32001L0029&model=guichett

Licences for Europe Dialogue

In December 2012, the European Commission followed up its strategy communication with a communication on ‘Content in the Digital Single Market⁴’. The communication outlines two tracks of action. One track is the ongoing effort to review and modernise the European copyright legislative framework. The other track is a structured stakeholder dialogue tasked with delivering rapid progress in bringing content online through practical, industry-led solutions, without prejudging the possible need for public policy action. This track was launched by Commissioner Barnier on 4 February 2013⁵ and is split into four working groups, each outlined in more detail below.

Cross-border access and portability of services

The European Commission’s objective with this stakeholder dialogue is to foster cross-border online access to content and portability of services. The Working Group⁶ is looking at a number of different aspects including commercial reasons for entering markets, licensing practices and the development of inter-operable formats for ebooks.

User-generated content and licensing for small-scale users of protected material

This stakeholder dialogue is looking at how to foster transparency and ensure end users have greater clarity on legitimate and non-legitimate uses of protected material. In many cases, content generated by users is covered by some form of licensing by rights holders. The scale and coverage of such licences is not always clear to the end user. Where platform-wide licences do not apply, small-scale users of content often struggle to find out how to license such low value uses of protected content. The Working Group⁷ is looking at a number of different aspects including user education and small-scale licensing.

Audiovisual sector and cultural heritage

This stakeholder dialogue is looking at facilitating the deposit and online accessibility of films in the EU both for commercial and non-commercial purposes. There are difficulties for online service providers to put catalogues of European films onto the internet, particularly those that are out-of-distribution. This Working Group⁸ is looking at solutions for both commercial and non-commercial uses.

4 http://ec.europa.eu/internal_market/copyright/docs/copyright-info/121218_communication-online-content_en.pdf

5 http://europa.eu/rapid/press-release_SPEECH-13-97_en.htm?locale=en

6 <http://ec.europa.eu/licences-for-europe-dialogue/node/4>

7 <http://ec.europa.eu/licences-for-europe-dialogue/node/5>

8 <http://ec.europa.eu/licences-for-europe-dialogue/node/6>

Text and data mining for scientific research purposes

The European Commission's objective with this stakeholder dialogue is to promote the efficient use of text and data mining for scientific research purposes. At the moment, text and data mining requires contractual agreements between users and rights holders. The Working Group⁹ is looking at solutions such as licensing models and technology platforms to facilitate text and data mining access.

Questions

We would welcome your views on the following questions. We would particularly welcome any evidence you may have to support your views.

1. The European Commission has highlighted a number of areas for consideration in its Intellectual Property Strategy.
 - a. Are there any comments you would like to make on the proposals that have been highlighted?
 - b. Are there any further steps which need to be taken to complete the Single Market in this area? If so, what?
 - c. Are there any areas where European copyright law needs amendment to ensure it is keeping pace with technological development? If so, where?
2. Of the four areas highlighted by the European Commission for their "Licences for Europe" dialogues, are there particular points that you would like to raise?

9 <http://ec.europa.eu/licences-for-europe-dialogue/node/7>

How to respond

The Government will use the responses and supporting evidence to inform its policy on copyright in Europe and how best to influence future European proposals. This call for views will not replace engagement on specific proposals as they are made.

This call is open until to **11 October 2013**, but we would welcome earlier input.

Contributions can be submitted as follows:

by email: policy@ipo.gov.uk

or by post to:

Copyright and Enforcement Directorate
Room 1Y05
Intellectual Property Office
Concept House
Cardiff Road
Newport
NP10 8QQ

If you would like further information on any aspect of this call for evidence, please contact policy@ipo.gov.uk

Openness/Confidentiality

Information provided in response to this call for views will be dealt with in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004.

According to the requirements of the Freedom of Information Act 2000, all information contained in the responses including personal information may be subject to publication or disclosure. Where respondents request that information given in response to the consultation be kept confidential, this will only be possible if it is consistent with freedom of information obligations. A request for confidentiality from a respondent will not be enough to guarantee confidentiality.

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