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PRESS RELEASE
DIRECTIVE ON COPYRIGHT AND RELATED RIGHTS IN THE
INFORMATION SOCIETY

Brussels, 15 February 1999 - GESAC, on behalf of the 24 societies of authors and music publishers in Europe which it represents, welcomes the vote by the European Parliament concerning the proposal for a directive on copyright and related rights in the information society.

On Wednesday 9 February, the plenary session of the European Parliament voted by a vast majority (437 for, 47 against, 51 abstentions) for fundamental improvements for authors and music publishers, and the adaptation of their rights to the new digital technologies.

In particular, the Parliament made it clear that it believed solutions to the phenomenon of uncontrolled, widescale copying of works were urgently required (Art. 5.2b).

With the advent of the digital environment, there is in fact a risk of a potentially fatal blow for authors and cultural industries : the new technologies permit perfect, unlimited reproductions of works. Virgin digital supports can be found on the market as well as CD and CD ROM recorders that permit perfect copies at very low prices. In this context it is pointless to speak of private and personal copying. This phenomenon of widescale cloning by private individuals is replacing the normal exploitation of works by rightholders.

Thus the Euro-MEPs rightly proposed a mechanism that constitutes a first step in the search for solutions acceptable to all: this mechanism will ensure that rightholders receive adequate remuneration while awaiting the arrival on the market of effective technical measures to enable them to exercise their exclusive reproduction right.

Moreover, the limitations on the reproduction and communication to the public rights (Art. 5.2 and 3) have been better defined by the Parliament, and the right to fair remuneration has been recognised for rightholders in the area of reprography and the use of works for education and scientific research purposes.

The technical measures are also expressed more clearly (Art. 6), and the link between the implementation of these technical measures to protect works and the application of limitations to rights is expressly defined, something that is vitally important to ensure that the technical measures are effective (art. 5.4).

Lastly, by limiting the compulsory exemption (Art. 5.1) to transient and incidental acts reproduction that are essential for technical reasons, do not have “economic significance for rightholders”, and are performed with the sole purpose of enabling use to be made that “is authorised or permitted by the rightholders or by law”, the European Parliament limited the effects of a measure whose basis had always been disputed by GESAC. This condition of prior authorisation is essential, as the Parliament has understood, in order to enable victims of piracy to halt the online transmission of illegal content.

GESAC hopes that the Commission will review its position in the light of this very considerable majority vote on 9 February.

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