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PRESS RELEASE

Copyright Directive: European authors consider that the compromise does not create the conditions for a single artistic creation market in the information society

Brussels, 14 June 2000 - Despite the efforts of certain Member States to obtain a satisfactory level of legal security and copyright protection, GESAC considers that the **compromise** reached by the Member States on 7 June on the proposal for a copyright directive **is disappointing**.

Because of the **20 optional exceptions to copyright** which it contains, the text permits each of the 15 Member States not only to retain its own system, but also to apply all 20 exceptions, thus there is a risk that existing balances will be jeopardised and the level of protection in a majority of countries will be lowered. Moreover certain exceptions are unacceptable to authors, particularly since, despite the economic damage some would represent for rightholders, no remuneration is envisaged to compensate for this damage (for instance the exceptions for teaching purposes and scientific research, and for the use of works to advertise sales or public exhibitions).

Moreover, while the text states that rightholders must receive **fair compensation** in return for certain exceptions (reprography and private copying), this concept is very broadly interpreted, leading in some cases to a total lack of remuneration. In particular, a Commission statement explains that time shifting (private copying for use later) can be authorised without compensation being paid to rightholders. This exception, requested by the United Kingdom, does not exist in most Member States (13 out of the 15), and may undermine the solutions found by these countries.

Lastly the text provides for special treatment of the exception for digital private copying compared with the other exceptions, a distinction which is to be welcomed. However the compromise allows a lot of **uncertainty to prevail concerning the treatment which Member States will accord to technological measures used to protect works in the context of digital private copying**. This is highly regrettable since the growing, unbridled phenomenon of digital private copying of works is already causing considerable economic damage to rightholders.

Authors are concerned about the wide margin left to Member States to incorporate the Directive into national law. GESAC hopes that the European Parliament will make the necessary amendments to ensure the establishment of a European legal framework for copyright that is better harmonised and adapted to the digital environment.

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