The European Parliament Committee on Legal Affairs (JURI) has established a Working Group on Intellectual Property Rights and Copyright Reform in order to pave the way to the reform of the EU legal framework on copyright (EU Copyright Directive (2001/29/EC)). Its mission is to stimulate reflection by providing exchange of views with a wide range of stakeholders and enabling MEPs to drive in-depth examination of the challenges and prospects at stake. The input gathered by the Working Group will be put forward as a basis for legislative activities in the context of the copyright reform. Commissioner Oettinger, has been addressing the group and committed to a reform “ensuring that the rules will enable and incentivise content providers and distributors and unlock the creativity of content creators”.

JURI is not only concerned about how copyright grants authors the right to exploit their works, but also about limitations and exceptions of that right, because copyright laws generally enable free uses of protected works under national copyright laws, although subject to equitable remuneration obligations: there is e.g. the need to be able to use expressions from existing works to create critical commentaries, parodies, biographies, etc. Journalists need to quote from political speeches and public policy documents; teachers need to draw upon copyrighted materials to illustrate lessons for students; libraries and archives need to copy materials for preservation purposes; lawyers and judges need to make copies of documents as evidence. Exceptions and the optional compensation due to right holders as an equitable remuneration in exchange of private copying and reprography are established under the EU Copyright Directive (2001/29/EC).

This At-a Glance note gives some bibliographical references and documentation of the working group and for the enrichment of the debate among committee members. The legal framework is governed by Article 118 TFEU which provides:

“In the context of the establishment and functioning of the internal market, EP and Council, acting in accordance with the ordinary legislative procedure, shall establish measures for the creation of European intellectual property rights to provide uniform protection of intellectual property rights throughout the Union and for the setting up of centralised Union-wide authorisation, coordination and supervision arrangements…”

EP publications

Monographs


Julie E. Cohen, Lydia P. Loren, Copyright in a Global Information Economy, Aspen, 2010

Resources with focus on exceptions & limitations


European Copyright Society opinion on the Judgment of the CJEU in Case C-201/13 Deckmyn – Limitations and exceptions as key elements of the legal framework for copyright in the EU

Ginsburg, Jane C.: The Author's Place in the Future of Copyright (March 5, 2015), Columbia Law and Economics Working Paper No. 512

Ruth Okediji, ed., Copyright in an Age of Exceptions and Limitations, Cambridge, 2015


Pamela Samuelson: Justifications for Copyright Limitations & Exceptions, Berkeley 2015

Patrick Messerlin: The French Audiovisual Policies: working paper of the Sciences Po's Groupe d'Économie Mondiale (GEM), presented at ECIPE (Shaping Europe's international economic policy) event, 25 September 2014