



28.9.2012

NOTICE TO MEMBERS

Subject: Petition 0128/2012 by Prodan Statev (Bulgarian), on the internal digital market in the European Union

1. Summary of petition

The petitioner complains that he has no access to popular TV shows and films in his country. At the same time, Bulgaria has a bad reputation on account of piracy. Bulgaria has no video on demand services. According to the petitioner, providers (for example, Apple and Netflix) believe it is too complicated to bring their services to the European market due to the fragmented copyright system in the EU. He requests a uniform digital market without exclusive rights and impediments to distribution.

2. Admissibility

Declared admissible on 5 June 2012. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 28 September 2012

The petitioner deplores the lack of legal online creative content services, such as video-on-demand services, in smaller EU markets like Bulgaria and calls for a true Digital Single Market, in particular in order to deal with the problem of online copyright infringements.

The Commission's comments on the petition

The Commission shares the petitioner's point of view that the best way to curb the phenomenon of copyright infringements committed online is to offer a broad variety of creative content via technically convenient and legally licensed services. In fact, the recent

figures from the International Federation of the Phonographic Industry show an increase in legal music downloads worldwide by 17% from 2010 to 2011 with over 13.4 million users registered for legal services.

Creative content is protected by copyright and related rights granted under international treaties, and notably, with regard to online services, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. Within the EU, creative content is protected under a range of EU Directives, including, with regard to online services, Directive 2001/29/EC (the "Information Society Directive").¹ Rights owners - such as authors, film and record producers - are entitled to choose the territorial scope of the licences for the material they create.

In 2010, the European Commission committed itself in the Digital Agenda for Europe² to promote the availability of content in the European Union. In the 2011 Communication on the Single Market for Intellectual Property Rights the Commission set out actions "to foster vibrant cultural and creative industries that allow millions of citizens to use and share published knowledge and entertainment easily and legally across the Union irrespective of their Member State of residence"³. This includes a legislative initiative to simplify the licensing of music on a multi-territorial basis and to improve the collective rights management system. Also, in 2011 the European Commission adopted a Green Paper on the online distribution of audiovisual works which has launched a debate on how to promote cross-border offers of audiovisual content⁴.

Conclusion

These initiatives are aimed to help European citizens find legally available online creative content of their choice.

¹ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10, corrigendum at OJ 2002 L 6, p. 70; 'the Information Society Directive').

² http://ec.europa.eu/information_society/digital-agenda/index_en.htm.

³ http://ec.europa.eu/internal_market/copyright/news/index_en.htm.

⁴ http://ec.europa.eu/avpolicy/other_actions/content_online/index_en.htm.