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Committee on Culture and Education

2011/0136(COD)

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AMENDMENTS

38 - 230

Draft opinion
Sabine Verheyen
(PE472.125v01-00)

Permitted uses of orphan works

Proposal for a directive
(COM(2011)0289 – C7-0138/2011 – 2011/0136(COD))

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PE472.126v01-00

EN

United in diversity

EN

AM_Com_LegOpinion

Amendment 38
Petra Kammerevert

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Libraries, museums, archives, educational establishments, film heritage institutions and **public service** broadcasting organisations are engaged in **large-scale** digitisation of their collections or archives **in order to create European Digital Libraries. Libraries, museums, archives, educational establishments, film heritage institutions and public service broadcasting organisations in the Member States** contribute to the preservation and dissemination of European cultural heritage, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

Amendment

(1) Libraries, museums, archives, educational establishments, film heritage institutions and broadcasting organisations **as well as private collections** are engaged in digitisation of their collections or archives. **They** contribute to the preservation and dissemination of European cultural heritage, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

Or. de

Amendment 39
Maria Badia i Cutchet

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Libraries, museums, archives, educational establishments, film heritage institutions and public service broadcasting organisations are engaged in large-scale digitisation of their collections or archives in order to create European Digital Libraries. **Libraries, museums, archives,**

Amendment

(1) Libraries, museums, archives, **educational** establishments, film heritage institutions and public service broadcasting organisations **in the Member States** are engaged in large-scale digitisation of their collections or **archives** in order to create European Digital Libraries. **They also**

educational establishments, film heritage institutions and public service broadcasting organisations in the Member States contribute to the preservation and dissemination of European cultural heritage, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

contribute to the preservation and dissemination of European cultural heritage, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

Or. es

Amendment 40
Rolandas Paksas

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Libraries, museums, archives, *educational establishments, film heritage institutions and public service broadcasting organisations* are engaged in large-scale digitisation of their collections or *archives* in order to create European Digital Libraries. Libraries, museums, archives, *educational establishments, film heritage institutions and public service broadcasting organisations* in the Member States ***contribute to the preservation and dissemination of European*** cultural heritage, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

Amendment

(1) Libraries, museums, archives, *educational establishments, film heritage institutions and public service broadcasting organisations* are engaged in large-scale digitisation of their collections or *archives* in order to create European Digital Libraries. Libraries, museums, archives, *educational establishments, film heritage institutions and public service broadcasting organisations* in the Member States ***provide the public with access to Europe's rich and diverse*** cultural heritage ***and contribute to this heritage***, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

Or. It

Amendment 41
Malika Benarab-Attou

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Libraries, museums, archives, *educational* establishments, film heritage institutions **and** public service broadcasting organisations are engaged in large-scale digitisation of their collections or *archives* in order to create European Digital Libraries. Libraries, museums, archives, *educational* establishments, film heritage institutions **and** public service broadcasting organisations in the Member States contribute to the preservation and dissemination of European cultural heritage, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

Amendment

(1) Libraries, museums, archives, *educational* establishments, film heritage institutions, public service broadcasting organisations **and other cultural organisations** are engaged in large-scale digitisation of their collections or *archives* in order to create European Digital Libraries. Libraries, museums, archives, *educational* establishments, film heritage institutions, public service broadcasting organisations **and other cultural organisations** in the Member States contribute to the preservation and dissemination of European cultural heritage, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

Or. en

Amendment 42
Zoltán Bagó

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Libraries, museums, archives, educational establishments, film heritage institutions and public service broadcasting organisations are engaged in large-scale digitisation of their collections or archives in order to create European Digital Libraries. Libraries, museums, archives,

Amendment

(1) Libraries, museums, **records offices**, archives, educational establishments, film heritage institutions and public service broadcasting organisations are engaged in large-scale digitisation of their collections or archives in order to create European Digital Libraries. Libraries, museums,

educational establishments, film heritage institutions and public service broadcasting organisations in the Member States contribute to the preservation and dissemination of European cultural heritage, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

records offices, archives, educational establishments, film heritage institutions and public service broadcasting organisations in the Member States contribute to the preservation and dissemination of European cultural heritage, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

Or. hu

Amendment 43
Rolandas Paksas

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The need to promote free movement of knowledge and innovation in the internal market is an important component of the Europe 2020 Strategy, as set out in the Communication from the Commission "Europe 2020: A strategy for smart, sustainable and inclusive growth", which includes as one of its flagship initiatives the development of a Digital Agenda for Europe.

Amendment

(2) The need to promote free movement of knowledge and innovation in the internal market is an important component of the Europe 2020 Strategy, as set out in the Communication from the Commission "Europe 2020: A strategy for smart, sustainable and inclusive growth", which includes as one of its flagship initiatives the development of a Digital Agenda for Europe. ***The Europe 2020 Strategy cannot be achieved unless a true single market for intellectual property is created.***

Or. It

Amendment 44
Jean-Marie Cavada

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no **author is** identified or, even if identified, **is** not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Amendment

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no **rightholder or rightholders are** identified or, even if identified, **are** not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Or. fr

Amendment 45

Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no **author** is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Amendment

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no **right holder** is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Or. en

Amendment 46

Emma McClarkin

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no **author** is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Amendment

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no **right holder** is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Or. en

Justification

To ensure consistency with Article 2, where the term right holder is used, the concept of “right holder” should be preferred to just “author”.

Amendment 47
Maria Badia i Cutchet

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no author is identified or, even if identified, is not located, **so called orphan works**, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Amendment

(3) Creating a legal framework to facilitate the digitisation and dissemination of **so called orphan** works for which no author is identified or, even if identified, is not located, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Or. es

Amendment 48
Petra Kammerevert

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no author is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Amendment

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no author ***or holder of a related right*** is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Or. de

Amendment 49
Rolandas Paksas

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no author is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Amendment

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no author is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe. ***The digitisation and dissemination of orphan works pose a particular cultural and economic challenge.***

Amendment 50

Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The exclusive rights for **authors** of reproduction and of making available to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the **author** prior to the digitisation and making available of a work.

Amendment

(4) The exclusive rights for **right holders** of reproduction and of making available to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the **right holder** prior to the digitisation and making available of a work.

Or. en

Amendment 51

Emma McClarkin

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The exclusive rights for **authors** of reproduction and of making available to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the author prior to the digitisation and making available of a work.

Amendment

(4) The exclusive rights for **right holders** of reproduction and of making available to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the author prior to the digitisation and making available of a work.

Or. en

Justification

To ensure consistency with Article 2, where the term right holder is used, the concept of “right holder” should be preferred to just “author”.

Amendment 52 **Jean-Marie Cavada**

Proposal for a directive **Recital 4**

Text proposed by the Commission

(4) The exclusive rights for **authors** of reproduction and of making available to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the **author** prior to the digitisation and making available of a work.

Amendment

(4) The exclusive rights for **rightholders** of reproduction and of making available to the public of their works, as harmonised under 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, require the consent of the **rightholder or rightholders** prior to the digitisation and making available of a work.

Or. fr

Amendment 53 **Maria Badia i Cutchet**

Proposal for a directive **Recital 4**

Text proposed by the Commission

(4) The exclusive rights for authors of reproduction and of **making available** to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the author prior to the digitisation and

Amendment

(4) The exclusive rights for authors of reproduction and of **public dissemination** of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the author prior to the digitisation and

making available of a work.

making available of a work.

Or. es

Amendment 54

Helga Trüpel

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The exclusive rights for authors of reproduction and of **making available** to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the author prior to the digitisation and making available of a work.

Amendment

(4) The exclusive rights for authors of reproduction and of **communication** to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the author prior to the digitisation and making available of a work.

Or. de

Amendment 55

Petra Kammerevert

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The exclusive rights for authors of reproduction and of making available to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the author prior to the digitisation and making available of a work.

Amendment

(4) The exclusive rights for authors of reproduction, **of communication to the public** and of making available to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the author prior to the digitisation and making available of a work.

Amendment 56
Petra Kammerevert

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) In the case of orphan works, such prior consent *to carry out acts of reproduction or of making available to the public* cannot be obtained.

Amendment

(5) In the case of orphan works, such prior consent cannot be obtained.

Amendment 57
Helga Trüpel

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) In the case of orphan works, such prior consent to carry out acts of reproduction or of *making available* to the public cannot be obtained.

Amendment

(5) In the case of orphan works, such prior consent to carry out acts of reproduction or of *communication* to the public cannot be obtained.

Amendment 58
Maria Badia i Cutchet

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) In the case of orphan works, such prior consent to carry out acts of reproduction or

Amendment

(5) In the case of orphan works, such prior consent to carry out acts of reproduction or

of *making available to the public* cannot be obtained.

of *public dissemination* cannot be obtained.

Or. es

Amendment 59

Zoltán Bagó

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) In the case of orphan works, such prior consent to carry out acts of reproduction or of making available to the public cannot be obtained.

Amendment

(5) In the case of orphan works, such prior **author's** consent to carry out acts of reproduction or of making available to the public cannot be obtained.

Or. hu

Amendment 60

Maria Badia i Cutchet

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) Different approaches in the Member States to the recognition of orphan work status can present obstacles to the functioning of the internal market and the use and cross-border access to orphan works. Such different approaches can also result in restrictions on the free movement of goods and services which incorporate cultural content. Therefore, ensuring the mutual recognition of such status is appropriate.

Amendment

(6) Different approaches in the Member States to the recognition of orphan work status can present obstacles to the functioning of the internal market and the use and cross-border access to orphan works. Such different approaches can also result in restrictions on the free movement of goods and services which incorporate cultural content, **and make it difficult for the public to access and benefit from such goods and services**. Therefore, ensuring the mutual recognition of such status is appropriate.

Or. es

Amendment 61
Petra Kammerevert

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works *by libraries, museums, educational establishments, archives, film heritage institutions and public service broadcasting organisations.*

Amendment

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works.

Or. de

Amendment 62
Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, educational establishments, archives, film heritage institutions and *public service* broadcasting organisations.

Amendment

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, educational establishments, archives, film heritage institutions and broadcasting organisations.

Or. en

Amendment 63
Helga Trüpel

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, educational establishments, archives, film heritage institutions and **public service** broadcasting organisations.

Amendment

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, educational establishments, archives, film heritage institutions and broadcasting organisations.

Or. de

Amendment 64
Zoltán Bagó

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, **educational establishments**, archives, film heritage institutions and public service broadcasting organisations.

Amendment

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, **records offices**, archives, **educational establishments**, film heritage institutions and public service broadcasting organisations.

Or. hu

Amendment 65
Rolandas Paksas

Proposal for a directive
Recital 7

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Text proposed by the Commission

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, educational establishments, archives, film heritage institutions and public service broadcasting organisations.

Amendment

(7) The nature of intellectual property rights governance is also crucial to the flourishing of European culture and the quality of life enjoyed by European citizens. In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, educational establishments, archives, film heritage institutions and public service broadcasting organisations.

Or. It

Amendment 66
Malika Benarab-Attou

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, educational establishments, archives, film heritage institutions **and** public service broadcasting organisations.

Amendment

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, educational establishments, archives, film heritage institutions, public service broadcasting organisations **and other cultural organisations.**

Or. en

Amendment 67
Petra Kammerevert

Proposal for a directive
Recital 8

Text proposed by the Commission

Amendment

(8) Cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations and produced by them include orphan works. Taking into account the special position of broadcasters as producers of audio and audiovisual material and the need to adopt measures to limit the phenomena of orphan works in the future, it is appropriate to set a cut off date relating to the application of this Directive as far as the works in the archives of broadcasting organisations are concerned.

deleted

Or. de

Amendment 68
Morten Løkkegaard

Proposal for a directive
Recital 8

Text proposed by the Commission

Amendment

(8) Cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations and produced by them include orphan works. ***Taking into account the special position of broadcasters as producers of audio and audiovisual material and the need to adopt measures to limit the phenomena of orphan works in the future, it is appropriate to set a cut off date relating to the application of this Directive as far as the works in the archives of broadcasting organisations are concerned.***

(8) Cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations and produced by them include orphan works.

Or. en

Amendment 69
Marietje Schaake

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations and produced by them include orphan works. ***Taking into account the special position of broadcasters as producers of audio and audiovisual material and the need to adopt measures to limit the phenomena of orphan works in the future, it is appropriate to set a cut off date relating to the application of this Directive as far as the works in the archives of broadcasting organisations are concerned.***

Amendment

(8) Cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations and produced by them include orphan works.

Or. en

Amendment 70
Jean-Marie Cavada

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Cinematographic, audio and audiovisual works in the archives of ***public service*** broadcasting organisations and produced by them include orphan works. Taking into account the special position of broadcasters as producers of audio and audiovisual material ***and the need to adopt*** measures to limit the phenomena of orphan works in the future, ***it is appropriate to set a cut off date relating to the application of this Directive as far as the works in the archives of broadcasting organisations***

Amendment

(8) Cinematographic, audio and audiovisual works in the archives of broadcasting organisations and produced by them ***may*** include orphan works. Taking into account the special position of broadcasters as producers of audio and audiovisual material, measures to limit the phenomena of orphan works in the future ***should be adopted.***

are concerned.

Or. fr

Amendment 71
Maria Badia i Cutchet

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations and produced by them include orphan works. Taking into account the special position of broadcasters as producers of audio and audiovisual material and the need to adopt measures to limit the phenomena of orphan works in the future, it is appropriate to ***set a cut off date relating to the application of this Directive as far as the*** works in the archives of broadcasting organisations ***are concerned.***

Amendment

(8) Cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations and produced by them include orphan works. Taking into account the special position of broadcasters as producers of audio and audiovisual material and the need to adopt measures to limit the phenomena of orphan works in the future, it is appropriate to ***look into how*** works in the archives of broadcasting organisations ***are managed, for the purposes of the application of this Directive.***

Or. es

Amendment 72
Marie-Christine Vergiat

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations and produced by them include orphan works. Taking into account the special position of broadcasters as producers of audio and audiovisual material and the need to adopt measures to limit the phenomena of orphan

Amendment

(8) Cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations and produced by them include orphan works. Taking into account the special position of broadcasters as producers of audio and audiovisual material and the need to adopt measures to limit the phenomena of orphan

works in the future, it is appropriate to set a cut off date relating to the application of this Directive as far as the works in the archives of broadcasting organisations are concerned.

works in the future, it is appropriate to set a cut off date relating to the application of this Directive as far as the works in the archives of **public service** broadcasting organisations are concerned.

Or. fr

Amendment 73
Jean-Marie Cavada

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) For the purposes of this Directive, cinematographic, audio and audiovisual works in the archives of **public service** broadcasting organisations should be understood as including **works** commissioned by **such** organisations **for their exclusive exploitation**.

Amendment

(9) For the purposes of this Directive, cinematographic, audio and audiovisual works in the archives of broadcasting organisations should be understood as including **productions** commissioned **and funded** by **broadcasting** organisations **and over which they had editorial control**.

Or. fr

Amendment 74
Petra Kammerevert

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) For the purposes of this Directive, cinematographic, audio and audiovisual works in the archives of **public service** broadcasting organisations should be understood as including works commissioned by such organisations for their exclusive exploitation.

Amendment

(9) For the purposes of this Directive, cinematographic, audio and audiovisual works, **or contributions to works contained therein**, in the archives of broadcasting organisations should be understood as including works commissioned by such organisations for their exclusive exploitation.

Or. de

Amendment 75

Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) For the purposes of this Directive, cinematographic, audio and audiovisual works in the archives of **public service** broadcasting organisations should be understood as including works commissioned by such organisations for their exclusive exploitation.

Amendment

(9) For the purposes of this Directive, cinematographic, audio and audiovisual works in the archives of broadcasting organisations should be understood as including works commissioned by such organisations for their exclusive exploitation.

Or. en

Amendment 76

Helga Trüpel

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) For the purposes of this Directive, **cinematographic**, audio and audiovisual works in the archives of public service broadcasting organisations should be understood as including works commissioned by such organisations for their exclusive exploitation.

Amendment

(9) For the purposes of this Directive, **works forming part of** audio and audiovisual works in the archives of public service broadcasting organisations should be understood as including works commissioned by such organisations for their exclusive exploitation.

Or. de

Amendment 77

Malika Benarab-Attou

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) For the purposes of this Directive, cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations should be understood as including works commissioned by such organisations for their exclusive exploitation.

Amendment

(9) For the purposes of this Directive, cinematographic, audio and audiovisual works, ***and photographs and other images***, in the archives of public service broadcasting organisations ***and other cultural organisations*** should be understood as including works commissioned by such organisations for their exclusive exploitation.

Or. en

Amendment 78

Seán Kelly

**Proposal for a directive
Recital 9 a (new)**

Text proposed by the Commission

Amendment

(9a) For the purposes of this Directive publicly accessible libraries should be understood as meaning publicly funded libraries.

Or. en

Amendment 79

Maria Badia i Cutchet

**Proposal for a directive
Recital 11**

Text proposed by the Commission

Amendment

(11) For reasons of international comity, this Directive should only apply to works that are first published or broadcast in a Member State.

deleted

Or. es

Amendment 80
Helga Trüpel

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) For reasons of international comity, this Directive should only apply to works that are first published or broadcast in a Member State.

Amendment

(11) For reasons of international comity, this Directive should only apply to works that are first published, ***exhibited*** or broadcast in a Member State.

Or. de

Amendment 81
Helga Trüpel

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Before a work can be considered an orphan work, a ***good faith and reasonable*** diligent search for the author should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations.

Amendment

(12) Before a work can be considered an orphan work, a diligent search for the author should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations, ***in particular duly entitled collecting societies***.

Or. de

Amendment 82
Sabine Verheyen

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Before a work can be considered an orphan work, a **good faith and** reasonable diligent search for **the author** should be carried out. Member States should **be permitted to** provide that **such a diligent search may be carried out by** the organisations referred to in this Directive or by other organisations.

Amendment

(12) Before a work can be considered an orphan work, a reasonable diligent search for **its right holders** should be carried out. Member States should provide that the organisations referred to in this Directive **are given the choice of either carrying out such a diligent search by their own means or having it carried out** by other organisations, **including collecting societies**.

Or. en

Amendment 83
Emma McClarkin

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the **author** should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations.

Amendment

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the **right holder(s)** should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other **non-profit** organisations.

Or. en

Justification

Only non-profit organisations should benefit from this Directive. In addition, to ensure consistency with Article 2, where the term right holder is used, the concept of “right holder” should be preferred to just “author”.

Amendment 84
Jean-Marie Cavada

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the **author** should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations.

Amendment

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the **rightholder or rightholders** should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations.

Or. fr

Amendment 85
Róza Gräfin von Thun und Hohenstein

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the **author** should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations.

Amendment

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the **right holder** should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations.

Or. en

Amendment 86
Petra Kammerevert

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the author should be carried out. Member States ***should be permitted to*** provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations.

Amendment

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the author ***or holder of related rights*** should be carried out. Member States ***may*** provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations, ***in particular duly entitled collecting societies***.

Or. de

Amendment 87
Maria Badia i Cutchet

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the author should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations.

Amendment

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the author ***or authors holding the rights to it*** should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations, ***such as collecting societies***.

Or. es

Amendment 88
Zoltán Bagó

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Before a work can be considered an

Amendment

(12) Before a work can be considered an

orphan work, a *good faith and reasonable diligent* search for the author should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations.

orphan work, a search for the author *based on good faith, respect and reasonable diligence* should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations.

Or. hu

Amendment 89
Petra Kammerevert

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) It is appropriate to provide for a harmonised approach concerning such diligent search in order to ensure a high level of protection of copyright in the Union. A diligent search should involve the consultation of publicly accessible databases that supply information on the copyright status of a work. Moreover, in order to avoid duplication of costly digitisation, Member States should ensure that use of orphan works *by the organisations referred to in this Directive* is recorded in a publicly accessible database. To the extent possible, publicly accessible databases of search results and use of orphan works should be designed and implemented so as to permit interlinkage with each other on a pan-European level and consultation thereof through a single entry point.

Amendment

(13) It is appropriate to provide for a harmonised approach concerning such diligent search in order to ensure a high level of protection of copyright in the Union. A diligent search should involve the consultation of publicly accessible databases that supply information on the copyright status of a work. Moreover, in order to avoid duplication of costly digitisation, Member States should ensure that use of orphan works is recorded in a publicly accessible database. To the extent possible, publicly accessible databases of search results and use of orphan works should be designed and implemented so as to permit interlinkage with each other on a pan-European level and consultation thereof through a single entry point.

Or. de

Amendment 90
Helga Trüpel

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) It is appropriate to provide for a harmonised approach concerning such diligent search in order to ensure a high level of protection of copyright in the Union. A diligent search should involve the consultation of publicly accessible databases that supply information on the copyright status of a work. Moreover, in order to avoid duplication of costly digitisation, Member States should ensure that use of orphan works by the organisations referred to in this Directive is recorded in a publicly accessible database. To the extent possible, publicly accessible databases of search results and use of orphan works should be designed and implemented so as to permit interlinkage with each other on a pan-European level and consultation thereof through a single entry point.

Amendment

(13) It is appropriate to provide for a harmonised approach concerning such diligent search in order to ensure a high level of protection of copyright in the Union. A diligent search should involve the consultation of publicly accessible databases that supply information on the copyright status of a work. Moreover, in order to avoid duplication of costly digitisation, Member States should ensure that use of orphan works by the organisations referred to in this Directive, ***in particular duly entitled collecting societies***, is recorded in a publicly accessible database. To the extent possible, publicly accessible databases of search results and use of orphan works should be designed and implemented so as to permit interlinkage with each other on a pan-European level and consultation thereof through a single entry point.

Or. de

Amendment 91
Emma McClarkin

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Orphan works may have several ***authors*** or include other works or protected subject matter. This Directive should not affect the rights of known or identified right holders.

Amendment

(14) Orphan works may have several ***right holders*** or include other works or protected subject matter. This Directive should not affect the rights of known or identified right holders.

Or. en

Justification

In addition, to ensure consistency with Article 2, where the term right holder is used, the concept of “right holder” should be preferred to just “author”.

Amendment 92 **Maria Badia i Cutchet**

Proposal for a directive **Recital 14**

Text proposed by the Commission

(14) Orphan works may have several authors or include other works or protected subject matter. This Directive should not affect the rights of known or identified rightholders.

Amendment

(14) Orphan works may have several authors ***who hold the rights to them*** or include other works or protected subject matter. This Directive should not affect the rights of known or identified rightholders.

Or. es

Amendment 93 **Helga Trüpel**

Proposal for a directive **Recital 14**

Text proposed by the Commission

(14) Orphan works may have several authors or include other works or protected subject matter. This Directive should not affect the rights of known or identified rightholders.

Amendment

(14) Orphan works may have several authors ***or holders of related rights*** or include other works or protected subject matter. This Directive should not affect the rights of known or identified rightholders.

Or. de

Amendment 94 **Petra Kammerevert**

Proposal for a directive **Recital 14**

Text proposed by the Commission

(14) Orphan works may have several authors or include other works or protected subject matter. This Directive should not affect the rights of known or identified rightholders.

Amendment

(14) Orphan works may have several authors **or holders of related rights** or include other works or protected subject matter. This Directive should not affect the rights of known or identified rightholders.

Or. de

Amendment 95

Helga Trüpel

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In order to avoid duplication of search efforts, a diligent search should be conducted **only** in the Member State where the work was first published or broadcast. In order to enable other Member States to ascertain whether the orphan status of a work has been established in another Member State, Member States should ensure that the results of diligent searches carried out in their territories are recorded in a publicly accessible database.

Amendment

(15) In order to avoid duplication of search efforts, a diligent search should be conducted in the Member State where the work was first published or broadcast. In order to enable other Member States to ascertain whether the orphan status of a work has been established in another Member State, Member States should ensure that the results of diligent searches carried out in their territories are recorded in a publicly accessible database.

Or. de

Amendment 96

Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) It is appropriate to provide that **authors** are entitled to put an end to the orphan status in case they come forward to

Amendment

(16) It is appropriate to provide that **right holders** are entitled to put an end to the orphan status in case they come forward to

claim their works.

claim their works.

Or. en

Amendment 97
Emma McClarkin

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) It is appropriate to provide that **authors** are entitled to put an end to the orphan status in case they come forward to claim their works.

Amendment

(16) It is appropriate to provide that **right holders** are entitled to put an end to the orphan status in case they come forward to claim their works.

Or. en

Justification

In addition, to ensure consistency with Article 2, where the term right holder is used, the concept of “right holder” should be preferred to just “author”.

Amendment 98
Zoltán Bagó

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) It is appropriate to provide that authors are entitled to **put** an end to the orphan status in case they come forward to claim their works.

Amendment

(16) It is appropriate to provide that authors are entitled to **initiate putting** an end to the orphan status in case they come forward to claim their works.

Or. hu

Amendment 99
Emma McClarkin

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The ending of orphan work status allows for the payment of remuneration normally due for the exploitation of a work, including past uses. It should be for Member States to decide whether a time limit is to be set for the recovery of royalties by right holders.

Or. en

Justification

Clarification of Recital 16.

Amendment 100
Petra Kammerevert

Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) In order to promote learning and culture, Member States should ***permit libraries, educational establishments and museums which are publicly accessible, as well as archives, film heritage institutions and public service broadcasting organisations***, to make available and reproduce orphan works, ***provided such use fulfils their public interest missions, notably preservation, restoration and the provision of*** cultural and educational access to works contained in their collections. ***Film heritage institutions should, for the purposes of this Directive, cover organisations designated by Member States to collect, catalogue, preserve and restore films***

(17) In order to promote learning and culture, Member States should ***authorise measures*** to make available and reproduce orphan works, ***also with the aim of preserving and restoring*** works and ***providing*** cultural and educational access to works contained in their collections.

forming part of their cultural heritage.

Or. de

Amendment 101
Zoltán Bagó

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) In order to promote learning and culture, Member States should permit libraries, educational establishments and museums which are publicly accessible, as well as archives, film heritage institutions and public service broadcasting organisations, to make available and reproduce orphan works, provided such use fulfils their public interest missions, notably preservation, restoration and the provision of cultural and educational access to works contained in their collections. Film heritage institutions should, for the purposes of this Directive, cover organisations designated by Member States to collect, catalogue, preserve and restore films forming part of their cultural heritage.

Amendment

(17) In order to promote learning and culture, Member States should permit libraries, educational establishments and museums which are publicly accessible, as well as archives, **records offices**, film heritage institutions and public service broadcasting organisations, to make available and reproduce orphan works, provided such use fulfils their public interest missions, notably preservation, restoration and the provision of cultural and educational access to works contained in their collections. Film heritage institutions should, for the purposes of this Directive, cover organisations designated by Member States to collect, catalogue, preserve and restore films forming part of their cultural heritage.

Or. hu

Amendment 102
Petra Kammerevert

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Contractual arrangements may play a role in fostering the digitisation of European cultural heritage, it being

Amendment

(18) Contractual arrangements may play a role in fostering the digitisation of European cultural heritage, it being

understood that libraries, educational establishments, museums or archives *and* film heritage institutions may, with a view to undertake the uses permitted under this Directive, conclude agreements with commercial partners for the digitisation and making available of orphan works. These agreements may include financial contributions by such partners.

understood that libraries, educational establishments, museums or archives, film heritage institutions, *broadcasting organisations and other cultural institutions* may, with a view to undertake the uses permitted under this Directive, conclude agreements with commercial partners for the digitisation and making available of orphan works. These agreements may include financial contributions by such partners.

Or. de

Amendment 103
Silvia Costa

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Contractual arrangements may play a role in fostering the digitisation of European cultural heritage, it being understood that libraries, educational establishments, museums or archives and film heritage institutions may, with a view to undertake the uses permitted under this Directive, conclude agreements with commercial partners for the digitisation and making available of orphan works. These agreements may include financial contributions by such partners.

Amendment

(18) Contractual arrangements may play a role in fostering the digitisation of European cultural heritage, it being understood that libraries, educational establishments, museums or archives and film heritage institutions may, with a view to undertake the uses permitted under this Directive, conclude agreements with commercial partners for the digitisation and making available of orphan works. These agreements may include financial contributions by such partners, *provided the works are not used for secondary commercial purposes.*

Or. it

Amendment 104
Petra Kammerevert

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to foster the Union's citizens' access to Europe's cultural heritage, it is also necessary to ensure that orphan works which have been digitised and made available to the public in one Member State are also available in other Member States.

Publicly accessible libraries, educational establishments, museum, archives, film heritage institutions and public service broadcasting organisations that use an orphan work in order to achieve their public interest missions should be able to make the orphan work available to the public in other Member States.

Amendment

(19) In order to foster the Union's citizens' access to Europe's cultural heritage, it is also necessary to ensure that orphan works which have been digitised and made available to the public in one Member State are also available in other Member States.

Or. de

Amendment 105

Zoltán Bagó

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) In order to foster the Union's citizens' access to Europe's cultural heritage, it is also necessary to ensure that orphan works which have been digitised and made available to the public in one Member State are also available in other Member States.

Publicly accessible libraries, educational establishments, museum, archives, film heritage institutions and public service broadcasting organisations that use an orphan work in order to achieve their public interest missions should be able to make the orphan work available to the public in other Member States.

Amendment

(19) In order to foster the Union's citizens' access to Europe's cultural heritage, it is also necessary to ensure that orphan works which have been digitised and made available to the public in one Member State are also available in other Member States.

Publicly accessible libraries, educational establishments, museum, archives, ***records offices***, film heritage institutions and public service broadcasting organisations that use an orphan work in order to achieve their public interest missions should be able to make the orphan work available to the public in other Member States.

Or. hu

Amendment 106
Malika Benarab-Attou

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to foster the Union's citizens' access to Europe's cultural heritage, it is also necessary to ensure that orphan works which have been digitised and made available to the public in one Member State are also available in other Member States. Publicly accessible libraries, educational establishments, museum, archives, film heritage institutions **and** public service broadcasting organisations that use an orphan work in order to achieve their public interest missions should be able to make the orphan work available to the public in other Member States.

Amendment

(19) In order to foster the Union's citizens' access to Europe's cultural heritage, it is also necessary to ensure that orphan works which have been digitised and made available to the public in one Member State are also available in other Member States. Publicly accessible libraries, educational establishments, museum, archives, film heritage institutions, public service broadcasting organisations **and other cultural organisations** that use an orphan work in order to achieve their public interest missions should be able to make the orphan work available to the public in other Member States.

Or. en

Amendment 107
Silvia Costa

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) This Directive should **be without prejudice to** existing arrangements in the Member States concerning the management of rights **such as** extended collective licences.

Amendment

(20) This Directive should **promote** existing arrangements in the Member States concerning the management of rights **by means of compulsory licences or** extended collective licences.

Or. it

Amendment 108
Morten Løkkegaard, Hannu Takkula

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) This Directive should be without prejudice to **existing** arrangements in the Member States concerning the management of rights **such as extended collective licences**.

Amendment

(20) This Directive should be without prejudice to arrangements in the Member States concerning the management of rights.

Or. en

Amendment 109
Marietje Schaake

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) This Directive should be without prejudice to **existing** arrangements in the Member States concerning the management of rights **such as extended collective licences**.

Amendment

(20) This Directive should be without prejudice to arrangements in the Member States concerning the management of rights.

Or. en

Amendment 110
Helga Trüpel

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) This Directive should be without prejudice to **existing** arrangements in the Member States concerning the management of rights such as extended collective licences.

Amendment

(20) This Directive should be without prejudice to arrangements in the Member States concerning the management of rights such as extended collective licences.

Amendment 111
Jean-Marie Cavada

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) This Directive should be without prejudice to *existing* arrangements *in* the Member States concerning the management of rights such as extended collective licences.

Amendment

(20) This Directive should be without prejudice to arrangements *by* the Member States concerning the management of rights such as extended collective licences, *legal presumptions of representation or transfer, mandatory collective licensing, or any combination thereof.*

Or. fr

Amendment 112
Petra Kammerevert

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) This Directive should be without prejudice to existing arrangements in the Member States concerning the management of rights such as extended collective licences.

Amendment

(20) This Directive should be without prejudice to existing *and future* arrangements in the Member States concerning the management of rights such as extended collective licences.

Or. de

Amendment 113
Sabine Verheyen

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) This Directive should be without prejudice to existing arrangements in the Member States concerning the management of rights such as extended collective licences.

Amendment

(20) This Directive should be without prejudice to existing ***or future*** arrangements in the Member States concerning the management of rights such as extended collective licences.

Or. en

Amendment 114
Petra Kammerevert

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) Member States should also be allowed to permit the use of orphan works for purposes which go beyond the public interest missions of the organisations covered by this Directive. In such circumstances, the rights and legitimate interests of rightholders should be protected.

Amendment

deleted

Or. de

Amendment 115
Emma McClarkin

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) Member States should also be allowed to permit the use of orphan works for purposes which go beyond the public interest missions of the organisations covered by this Directive. In such circumstances, the rights and legitimate

Amendment

(21) Member States should also be allowed to permit the use of orphan works for purposes which go beyond the public interest missions of the ***publicly accessible libraries, educational establishments, museums, archives, film heritage***

interests of right holders should be protected.

institutions or public service broadcasting organisations covered by this Directive. In such circumstances, the rights and legitimate interests of right holders should be protected.

Or. en

Justification

In line with a certification of the diligent search and this clarifies beneficiaries.

Amendment 116 **Petra Kammerevert**

Proposal for a directive **Recital 22**

Text proposed by the Commission

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works *by publicly accessible libraries, educational establishments, museums, archives, film heritage institutions or public service broadcasting organisations for purposes beyond their public interest mission*, rightholders who come forward to claim their works should be remunerated. Such remuneration should take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should contribute to financing rights information sources that will facilitate diligent search, by low-cost and automated means, in respect of categories of works that fall actually or potentially within the scope of application of this Directive.

Amendment

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works, rightholders who come forward to claim their works should be remunerated. Such remuneration should take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should contribute to financing rights information sources that will facilitate diligent search, by low-cost and automated means, in respect of categories of works that fall actually or potentially within the scope of application of this Directive.

Or. de

Amendment 117
Helga Trüpel

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works by publicly accessible libraries, educational establishments, museums, archives, film heritage institutions or public service broadcasting organisations for purposes beyond their public interest mission, ***rightholders*** who come forward to claim their works should be remunerated. Such remuneration should take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should contribute to financing ***rights information sources*** that will ***facilitate diligent search, by low-cost and automated means, in respect of categories of works that fall actually or potentially within the scope of application of this Directive.***

Amendment

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works by publicly accessible libraries, educational establishments, museums, archives, film heritage institutions or public service broadcasting organisations for purposes beyond their public interest mission, ***authors*** who come forward to claim their works should be remunerated. Such remuneration should take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should be used to ***finance those cultural institutions or facilities*** which ***help to promote*** cultural ***diversity.***

Or. de

Amendment 118
Marco Scurria

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) When a Member State authorises,

Amendment

(22) When a Member State authorises,

under the conditions established in this Directive, the use of orphan works by publicly accessible libraries, educational establishments, museums, archives, film heritage institutions or public service broadcasting organisations for purposes beyond their public interest mission, rightholders who come forward to claim their works should be remunerated. Such remuneration should take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should contribute to ***financing rights information sources that will facilitate diligent search, by low-cost and automated means, in respect of categories of works that fall actually or potentially within the scope of application of this Directive.***

under the conditions established in this Directive, the use of orphan works by publicly accessible libraries, educational establishments, museums, archives, film heritage institutions or public service broadcasting organisations for purposes beyond their public interest mission, rightholders who come forward to claim their works should be remunerated. Such remuneration should take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should contribute to ***the establishing of a guarantee fund protecting any rightholders whose rights have not been recognised owing to a failure to identify the rightholder, and to supporting online cross-border projects on access to orphan works that help to promote and safeguard the EU's cultural and linguistic diversity.***

Or. it

Amendment 119
Maria Badia i Cutchet

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works by publicly accessible libraries, educational establishments, museums, archives, film heritage institutions or public service broadcasting organisations for purposes beyond their public interest mission, rightholders who come forward to claim their works should be remunerated. Such remuneration should take account of the

Amendment

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works by publicly accessible libraries, educational establishments, museums, archives, film heritage institutions or public service broadcasting organisations for purposes beyond their public interest mission, rightholders who come forward to claim their works should be remunerated. Such remuneration should take account of the

type of work and the use concerned.
Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should contribute to financing *rights information sources that will facilitate diligent search, by low-cost and automated means, in respect of categories of works that fall actually or potentially within the scope of application of this Directive.*

type of work and the use concerned.
Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should contribute to financing *cultural institutions or facilities most in need of support or which would potentially produce the greatest cultural benefit.*

Or. es

Amendment 120
Marietje Schaake

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works by publicly accessible libraries, educational establishments, museums, archives, film heritage institutions or public service broadcasting organisations for purposes beyond their public interest mission, right holders who come forward to claim their works should be remunerated. Such remuneration should take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive *should* contribute to financing rights information sources that will facilitate diligent search, by low-cost and automated means, in respect of categories of works that fall actually or potentially within the

Amendment

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works by publicly accessible libraries, educational establishments, museums, archives, film heritage institutions or public service broadcasting organisations for purposes beyond their public interest mission, right holders who come forward to claim their works should be remunerated. Such remuneration should take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive *may* contribute to financing rights information sources that will facilitate diligent search, by low-cost and automated means, in respect of categories of works that fall actually or potentially within the

scope of application of this Directive.

scope of application of this Directive.

Or. en

Amendment 121

Malika Benarab-Attou

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works by publicly accessible libraries, educational establishments, museums, archives, film heritage institutions *or* public service broadcasting organisations for purposes beyond their public interest mission, right holders who come forward to claim their works should be remunerated. Such remuneration should take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should contribute to financing rights information sources that will facilitate diligent search, by low-cost and automated means, in respect of categories of works that fall actually or potentially within the scope of application of this Directive.

Amendment

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works by publicly accessible libraries, educational establishments, museums, archives, film heritage institutions, public service broadcasting organisations *and other cultural organisations* for purposes beyond their public interest mission, right holders who come forward to claim their works should be remunerated. Such remuneration should take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should contribute to financing rights information sources that will facilitate diligent search, by low-cost and automated means, in respect of categories of works that fall actually or potentially within the scope of application of this Directive.

Or. en

Amendment 122

Sabine Verheyen

Proposal for a directive

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) Member States should, in conjunction with different stakeholders in the content creation and rights ownership chain, implement a policy to prevent works from becoming orphan works, in order to limit the appearance of orphan works and reduce their number. Effective identification of works, exchanges of information on orphan works, and promotion of collective management or extended collective management are necessary in order to prevent the appearance of orphan works.

Or. en

**Amendment 123
Emma McClarkin**

**Proposal for a directive
Recital 23 a (new)**

Text proposed by the Commission

Amendment

(23a) This Directive is without prejudice to Directive 2001/29/EC and deals specifically with certain permitted uses of orphan works. It does not introduce new exceptions or limitations to copyright and related rights,

Or. en

Justification

This Directive is aimed at dealing with a specific issue throughout the EU, namely governing permitted uses of orphan works. It is not meant – and should thus not be interpreted – as amending Directive 2001/29/EC.

Amendment 124
Petra Kammerevert

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive concerns certain uses of orphan works *undertaken by publicly accessible libraries, educational establishments or museums as well as by archives, film heritage institutions and public service broadcasting organizations.*

Amendment

1. This Directive concerns certain uses of orphan works.

Or. de

Amendment 125
Jean-Marie Cavada

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive concerns certain uses of orphan works undertaken by publicly accessible libraries, educational establishments or museums as well as by archives, film heritage institutions and *public service* broadcasting *organizations.*

Amendment

1. This Directive concerns certain uses of orphan works undertaken by publicly accessible libraries, educational establishments or museums as well as by archives, film heritage institutions and broadcasting *organisations.*

Or. fr

Amendment 126
Sabine Verheyen

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive concerns certain uses of orphan works undertaken by publicly

Amendment

1. This Directive concerns certain uses of orphan works undertaken by publicly

accessible libraries, educational establishments or museums as well as by archives, film heritage institutions and **public service** broadcasting *organizations*.

accessible libraries, educational establishments or museums as well as by archives, film heritage institutions, **publishers** and broadcasting *organisations*.

Or. en

Amendment 127
Seán Kelly

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive concerns certain uses of orphan works undertaken by publicly **accessible** libraries, educational establishments or museums as well as by archives, film heritage institutions and public service broadcasting *organizations*.

Amendment

1. This Directive concerns certain uses of orphan works undertaken by publicly **funded** libraries, educational establishments or museums as well as by archives, film heritage institutions, **magazine and newspaper publishers** and public service broadcasting *organisations*.

Or. en

Amendment 128
Zoltán Bagó

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

(1) This Directive concerns certain uses of orphan works undertaken by publicly accessible libraries, educational establishments or museums as well as by archives, film heritage institutions and public service broadcasting organizations.

Amendment

(1) This Directive concerns certain uses of orphan works undertaken by publicly accessible libraries, educational establishments or museums as well as by archives, **records offices**, film heritage institutions and public service broadcasting organisations **in the Member States**.

Or. hu

Amendment 129
Marek Henryk Migalski

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive concerns certain uses of orphan works undertaken by publicly accessible libraries, educational establishments or museums as well as by archives, film heritage institutions and public service broadcasting organizations.

Amendment

1. This Directive concerns certain uses of orphan works undertaken by publicly accessible libraries, educational establishments, ***non-profit research institutes*** or museums as well as by archives, film heritage institutions and public service broadcasting organizations.

Or. pl

Amendment 130
Maria Badia i Cutchet

Proposal for a directive
Article 1 – paragraph 2 – introductory wording

Text proposed by the Commission

2. This Directive applies to works ***first published or broadcast in a Member State and*** which are:

Amendment

2. This Directive applies to works which are:

Or. es

Amendment 131
Jean-Marie Cavada

Proposal for a directive
Article 1 – paragraph 2 – introductory wording

Text proposed by the Commission

2. This Directive applies to works first published or broadcast in a Member State and which are:

Amendment

2. This Directive applies to ***orphan*** works first published or broadcast ***or fixed*** in a Member State and which are:

Amendment 132
Petra Kammerevert

Proposal for a directive
Article 1 – paragraph 2 – introductory wording

Text proposed by the Commission

2. This Directive applies to works first published or broadcast in a Member State and which are:

Amendment

2. This Directive applies to works first published, ***exhibited*** or broadcast in a Member State and which are:

Or. de

Amendment 133
Malika Benarab-Attou

Proposal for a directive
Article 1 – paragraph 2 – introductory wording

Text proposed by the Commission

2. This Directive applies to works first published ***or*** broadcast in a Member State and which are:

Amendment

2. This Directive applies to works first published, broadcast ***or presented*** in a Member State and which are:

Or. en

Amendment 134
Petra Kammerevert

Proposal for a directive
Article 1 – paragraph 2 – point 1

Text proposed by the Commission

(1) Works published in the form of books, journals, newspapers, magazines or other writings, ***and which are contained in the collections of publicly accessible libraries,***

Amendment

(1) Works published in the form of books, journals, newspapers, magazines or other writings, ***photographs and artworks,*** or

educational establishments, museums or archives, or

Or. de

Amendment 135
Sabine Verheyen

Proposal for a directive
Article 1 – paragraph 2 – point 1

Text proposed by the Commission

(1) Works published in the form of books, journals, newspapers, magazines or other writings, and which are contained in the collections of publicly accessible libraries, educational establishments, museums or archives, or

Amendment

(1) Works published *in their entirety* in the form of books, journals, newspapers, magazines or other writings, and which are contained in the collections of publicly accessible libraries, educational establishments, museums or archives, or

Or. en

Amendment 136
Zoltán Bagó

Proposal for a directive
Article 1 – paragraph 2 – point 1

Text proposed by the Commission

1. Works published in the form of books, journals, newspapers, magazines or other writings, and which are contained in the collections of publicly accessible libraries, educational establishments, museums or archives, or

Amendment

1. Works published in the form of books, journals, newspapers, magazines or other writings, and which are contained in the collections of publicly accessible libraries, educational establishments, museums, *records offices* or archives, or

Or. hu

Amendment 137
Malika Benarab-Attou

Proposal for a directive
Article 1 – paragraph 2 – point 1

Text proposed by the Commission

(1) Works published in the form of books, journals, newspapers, magazines or other writings, and which are contained in the collections of publicly accessible libraries, educational establishments, museums *or* archives, or

Amendment

(1) Works published in the form of books, journals, newspapers, magazines or other writings, and which are contained in the collections of publicly accessible libraries, educational establishments, museums, archives *or other cultural organisations such as opera houses, theatres and orchestras, as well as music and dance ensembles*, or

Or. en

Amendment 138
Petra Kammerevert

Proposal for a directive
Article 1 – paragraph 2 – point 2

Text proposed by the Commission

(2) Cinematographic or audiovisual works contained *in the collections of film heritage institutions*, or

Amendment

(2) Cinematographic, *audio* or audiovisual works *or contributions to works* contained *therein*, or

Or. de

Amendment 139
Petra Kammerevert

Proposal for a directive
Article 1 – paragraph 2 – point 3

Text proposed by the Commission

(3) *Cinematographic, audio or audiovisual works produced by public service broadcasting organisations before the 31 December 2002 and contained in their archives.*

Amendment

deleted

Or. de

Amendment 140

Helga Trüpel

Proposal for a directive

Article 1 – paragraph 2 – point 3

Text proposed by the Commission

(3) *Cinematographic, audio or audiovisual* works produced by *public service* broadcasting organisations *before the 31 December 2002* and contained in their archives.

Amendment

(3) Works produced by broadcasting organisations and contained in their archives.

Or. de

Amendment 141

Jean-Marie Cavada

Proposal for a directive

Article 1 – paragraph 2 – point 3

Text proposed by the Commission

3) Cinematographic, audio or audiovisual works produced by *public service* broadcasting organisations *before the 31 December 2002* and contained in their archives.

Amendment

3) Cinematographic, audio or audiovisual works produced by broadcasting organisations and contained in their archives.

Or. fr

Amendment 142

Maria Badia i Cutchet

Proposal for a directive

Article 1 – paragraph 2 – point 3

Text proposed by the Commission

(3) Cinematographic, audio or audiovisual works produced by public service broadcasting organisations ***before the 31 December 2002*** and contained in their archives.

Amendment

(3) Cinematographic, audio or audiovisual works produced by public service broadcasting organisations and contained in their archives.

Or. es

Amendment 143
Morten Løkkegaard

Proposal for a directive
Article 1 – paragraph 2 – point 3

Text proposed by the Commission

(3) Cinematographic, audio or audiovisual works produced by public service broadcasting organisations ***before the 31 December 2002*** and contained in their archives.

Amendment

(3) Cinematographic, audio or audiovisual works produced by public service broadcasting organisations and contained in their archives.

Or. en

Amendment 144
Marietje Schaake

Proposal for a directive
Article 1 – paragraph 2 – point 3

Text proposed by the Commission

(3) Cinematographic, audio or audiovisual works produced by public service broadcasting organisations ***before the 31 December 2002*** and contained in their archives.

Amendment

(3) Cinematographic, audio or audiovisual works produced by public service broadcasting organisations and contained in their archives.

Or. en

Amendment 145
Malika Benarab-Attou

Proposal for a directive
Article 1 – paragraph 2 – point 3

Text proposed by the Commission

(3) Cinematographic, audio or audiovisual works produced by public service broadcasting organisations before the 31 December 2002 and contained in their archives.

Amendment

(3) Cinematographic, audio or audiovisual works produced by public service broadcasting organisations before the 31 December 2002 and contained in their archives, **or**

Or. en

Amendment 146
Malika Benarab-Attou

Proposal for a directive
Article 1 – paragraph 2 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) Recordings of live performances, or photographs and other images of public performances, contained in the collections of other cultural institutions.

Or. en

Amendment 147
Jean-Marie Cavada

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. A work shall be considered an orphan work if the ***rightholder in the work is*** not identified or, even if identified, ***is*** not located after a diligent search for the rightholder has been carried out and

1. A work shall be considered an orphan work if ***one or more of the holders of the copyright or related rights are*** not identified or, even if identified, ***are*** not located after a ***good faith and*** diligent

recorded in accordance with Article 3.

search for the rightholder has been carried out and recorded in accordance with Article 3.

Or. fr

Amendment 148
Petra Kammerevert

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

1. A work shall be considered an orphan work if the **rightholder in the work** is not identified or, even if identified, is not located after a diligent search for the **rightholder** has been carried out and recorded in accordance with Article 3.

Amendment

1. A work shall be considered an orphan work if the **author or the holder of a related copyright** is not identified or, even if identified, is not located after a diligent search for **them** has been carried out and recorded in accordance with Article 3. ***In the case of cinematographic, audio and audiovisual works, this may also apply to individual, discrete contributions to the work; in that event, only the part in question shall be considered an orphan work.***

Or. de

Amendment 149
Maria Badia i Cutchet

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

1. A work shall be considered an orphan work if the rightholder in the work is not identified or, even if identified, ***is not*** located after a diligent search for the rightholder has been carried out and recorded in accordance with Article 3.

Amendment

1. A work shall be considered an orphan work if the rightholder in the work is not identified or, even if identified, ***cannot be*** located after a diligent search for the rightholder has been carried out and recorded in accordance with Article 3.

Amendment 150
Zoltán Bagó

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

(1) A work shall be considered an orphan work if the rightholder in the work is not identified or, even if identified, is not located after a diligent search for the rightholder has been carried out and recorded in accordance with Article 3.

Amendment

(1) A work shall be considered an orphan work if the rightholder in the work is not identified or, even if identified, is not located after a diligent search for the rightholder has been carried out ***within a reasonable time*** and recorded in accordance with Article 3.

Or. hu

Amendment 151
Jean-Marie Cavada

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

2. Where a work has more than one rightholder, and one of the rightholders has been identified and located, that work shall ***not*** be considered an orphan work.

Amendment

2. Where a work has more than one rightholder ***or includes other works or protected subject-matter and at least*** one of the rightholders has ***neither*** been identified ***nor*** located, that work shall ***continue to*** be considered an orphan work ***for the purposes of this Directive. The rights of known or identified rightholders, in particular with regard to their rights to payment, shall not be affected. Member States shall ensure that the organisations referred to in Article 1(1) or, more particularly, duly entitled collecting societies, pursue a diligent search to identify and locate the other holders of rights to the work.***

Amendment 152
Petra Kammerevert

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

2. Where a work has more than one **rightholder**, and **one of the rightholders has been identified and located, that work shall not be considered** an orphan work.

Amendment

2. Where a work has more than one **author or holder of a related copyright, authorisation given by those authors or rightholders who could be located shall be deemed sufficient for the work as a whole to be used if other authors or holders of related copyright in accordance with this Directive could not be identified or located. In the case of works whose individual parts can be clearly attributed to different authors or holders of related copyright, each part of the work shall be the subject of a specific investigation to determine whether it is an orphan work within the meaning of Article 2(1).**

Amendment 153
Petra Kammerevert

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. For the purposes of establishing whether a work is an orphan work, the **organisations referred to in Article 1(1)** shall ensure that a diligent search is carried out for each work, by consulting the appropriate sources for the category of works in question.

Amendment

1. For the purposes of establishing whether a work **or contribution to a work** is an orphan work, the **owner** shall ensure that a diligent search is carried out for each work, by consulting the appropriate sources for the category of works in question. **Owners may ask copyright collection societies to carry out this task.**

Amendment 154
Helga Trüpel

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. For the purposes of establishing whether a work is an orphan work, the organisations referred to in Article 1(1) shall ensure that a diligent search is carried out for each work, by consulting the appropriate sources for the category of works in question.

Amendment

1. For the purposes of establishing whether a work is an orphan work, the organisations **or copyright collection societies** referred to in Article 1(1) shall ensure that a diligent search is carried out for each work, by consulting the appropriate sources for the category of works in question.

Amendment 155
Jean-Marie Cavada

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. For the purposes of establishing whether a work is an orphan work, the organisations referred to in Article 1(1) shall ensure that a diligent search is carried out for each work, by consulting the appropriate sources for the category of works in question.

Amendment

1. For the purposes of establishing whether a work is an orphan work, the organisations referred to in Article 1(1) shall ensure that a **good faith and** diligent search is carried out for each **individual work or any other protected subject-matter**, by consulting the appropriate sources for the category of works in question.

Amendment 156
Sabine Verheyen

Proposal for a directive
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The organisations referred to in Article 1(1) may have the diligent search carried out by other organisations, including collecting societies.

Or. en

Amendment 157
Petra Kammerevert

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The sources that are appropriate for each category of works shall be determined by each Member State, **in consultation with rightholders and users**, and include, the sources listed in the Annex.

2. The sources that are appropriate for each category of works shall be determined by each Member State and **should** include the sources listed in the Annex.

Or. de

Amendment 158
Helga Trüpel

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The sources that are appropriate for each category of works shall be determined by each Member State, in **consultation** with **rightholders** and users, and include, the sources listed in the Annex.

2. The sources that are appropriate for each category of works shall be determined by each Member State, in **agreement** with **authors** and users, and include the sources listed in the Annex.

Amendment 159
Seán Kelly

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

2. The sources that are appropriate for each category of works shall be determined by each Member State, in *consultation* with right holders and users, and include, the sources listed in the Annex.

Amendment

2. The sources that are appropriate for each category of works shall be determined by each Member State, in *agreement* with right holders and users, and include the sources listed in the Annex.

Or. en

Amendment 160
Jean-Marie Cavada

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

2. The sources that are appropriate for each category of works shall be determined by each Member State, in consultation with rightholders and users, and include, the sources listed in the Annex.

Amendment

2. The sources that are appropriate for each category of works *or any other protected subject-matter* shall be determined by each Member State, in consultation with rightholders and users, and *may* include the sources listed in the Annex.

Or. fr

Amendment 161
Emma McClarkin

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

2. The sources that are appropriate for each category of works shall be determined by each Member State, in consultation with right holders and users, and include, the sources listed in the Annex.

Amendment

2. The sources that are appropriate for each category of works shall be determined by each Member State, in consultation with right holders and users, and include **all** the sources listed in the Annex.

Or. en

Justification

Article 3(2) should make it explicitly clear that all sources in the annex should be referred to as the basic elements of any diligent search, which can be supplemented by Member States, as agreed by right holders of the same category of works in the Member States where the authorisation is sought.

Amendment 162

Helga Trüpel

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

3. A diligent search is required to be carried out **only** in the Member State of first publication or broadcast.

Amendment

3. A diligent search is required to be carried out in the Member State of first publication or broadcast.

Or. de

Amendment 163

Jean-Marie Cavada

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

3. A diligent search is required to be carried out only in the Member State of first publication or broadcast.

Amendment

3. A diligent search is required to be carried out only in the Member State of first publication or broadcast **or fixation**.

Amendment 164
Petra Kammerevert

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. A diligent search is required to be carried out only in the Member State of first publication or broadcast.

Amendment

3. A diligent search is required to be carried out only in the Member State of first publication, **exhibition**, or broadcast.

Or. de

Amendment 165
Malika Benarab-Attou

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. A diligent search is required to be carried out only in the Member State of first publication **or** broadcast.

Amendment

3. A diligent search is required to be carried out only in the Member State of first publication, broadcast **or public performance**.

Or. en

Amendment 166
Emma McClarkin

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. A diligent search is required to be carried out only in the Member State of first publication or broadcast.

Amendment

3. A diligent search is required to be carried out only in the Member State of first publication or broadcast; **however**,

where there is reasonable uncertainty as to the location of the first publication or broadcast, diligent searches may be extended to other Member States.

Or. en

Justification

Article 3(3) should explain that searches should extend beyond the country of first publication, where there is reasonable doubt as regards the location.

Amendment 167
Iosif Matula

Proposal for a directive
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Should the work have more than one rightholder, including from states outside the EU, the organisation carrying out the diligent search shall take steps to locate such rightholders.

Or. ro

Amendment 168
Róża Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In the event that a cinematographic or audiovisual work is known to be a co-production, the diligent search must be carried out in each of the Member States where the co-production took place.

Or. en

Amendment 169
Jean-Marie Cavada

Proposal for a directive
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. If a cinematographic or audiovisual work for which a diligent search is being carried out is presumed to be the fruit of a co-production, then the diligent search shall be carried out in the country with the majority participation in the co-production, identifying said country by taking account of material factors such as the language used in the film or the film's original title. In the event that the search in said country proves unsuccessful, continuing the search in the countries where there is a strong presumption that minority co-producers may be found shall be mandatory.

Or. fr

Amendment 170
Rolandas Paksas

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that the results of diligent searches carried out in their territories are recorded in ***a*** publicly accessible database.

4. Member States shall ensure that the results of diligent searches carried out in their territories are recorded ***and preserved in an officially approved and*** publicly accessible database ***register***.

Or. It

Amendment 171
Georgios Papanikolaou

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the results of diligent searches carried out in their territories are recorded in a publicly accessible database.

Amendment

4. Member States shall ensure that the results of diligent searches carried out in their territories are recorded in a publicly accessible **and user-friendly** database.

Or. el

Amendment 172
Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the results of diligent searches carried out in their territories are recorded in a publicly accessible **database**.

Amendment

4. Member States shall ensure that the results of diligent searches carried out in their territories are recorded in a **database which is** publicly accessible **in all Member States**.

Or. en

Amendment 173
Helga Trüpel

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the results of diligent searches carried out in their territories are recorded in a **publicly**

Amendment

4. Member States shall ensure that the results of diligent searches carried out in their territories are recorded in a database

accessible database.

publicly accessible to all Member States.

Or. de

Amendment 174

Iosif Matula

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the results of diligent searches carried out in their territories are recorded in a publicly accessible database.

Amendment

4. Member States shall ensure that the results of diligent searches carried out in their territories are recorded in a publicly accessible database. ***The start date of the diligent searches shall be indicated in that public database.***

Or. ro

Amendment 175

Sabine Verheyen

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Duly authorised collecting societies shall be entitled to operate on behalf of those right holders who, even after a diligent search, cannot be located.

Or. en

Amendment 176

Emma McClarkin

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In the event that the cinematographic and audiovisual work subject to a diligent search is known to be a co-production, the search must be carried out in each of the Member States where the co-production took place.

Or. en

Amendment 177
Helga Trüpel

Proposal for a directive
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where this is compatible with Community law and international agreements on copyright and related rights, Member States may adopt comprehensive arrangements providing for simple and extended systems for the declaration of rights.

Or. de

Amendment 178
Helga Trüpel

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that ***a rightholder in a work considered to be orphan*** has, at any time, the possibility of putting an end to the orphan status.

Where a work considered to be orphan has only one author, Member States shall ensure ***that that*** author has, at any time, the possibility of putting an end to the orphan status.

Amendment 179
Petra Kammerevert

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall ensure that *a rightholder in a work considered to be orphan* has, at any time, the possibility of putting an end to the orphan status.

Amendment

Member States shall ensure that *the author or the holder of a right related to copyright* has, at any time, the possibility of putting an end to the orphan status.

Amendment 180
Georgios Papanikolaou

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall ensure that a rightholder in a work considered to be orphan *has*, at any time, the possibility of putting an end to the orphan status.

Amendment

Member States shall ensure that a rightholder *or rightholders* in a work considered to be orphan *have*, at any time, the possibility *and exclusive right* of putting an end to the orphan status.

Amendment 181
Zoltán Bagó

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall ensure that a rightholder in a work considered to be orphan has, at any time, the possibility of putting an end to the orphan status.

Amendment

Member States shall ensure that a rightholder in a work considered to be orphan ***who has meanwhile been located*** has, at any time, the possibility of ***initiating*** putting an end to the orphan status.

Or. hu

Amendment 182
Jean-Marie Cavada

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The loss of a work’s orphan status shall not affect existing contracts for the use, in accordance with this Directive, of the work in question.

Or. fr

Amendment 183
Petra Kammerevert

Proposal for a directive
Article 6 – paragraph 1 – introductory wording

Text proposed by the Commission

Amendment

1. Member States shall ensure that ***the organisations referred to in Article 1(1) are permitted to use an orphan work*** in the following ways:

1. Member States shall ensure that orphan ***works or orphan contributions to works may be used*** in the following ways:

Or. de

Amendment 184
Jean-Marie Cavada

Proposal for a directive
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) *by making* the orphan work *available*,
within the meaning of Article 3 of
Directive 2001/29/EC;

Amendment

(a) *by providing the public with* the orphan
work, *including its availability to the*
public at any time and in any place;

Or. fr

Amendment 185
Maria Badia i Cutchet

Proposal for a directive
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) by *making* the orphan work *available*,
within the meaning of Article 3 of
Directive 2001/29/EC;

Amendment

(a) by *disseminating* the orphan work *to*
the public, within the meaning of Article 3
of Directive 2001/29/EC;

Or. es

Amendment 186
Helga Trüpel

Proposal for a directive
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) by *making* the orphan work *available*,
within the meaning of Article 3 of
Directive 2001/29/EC;

Amendment

(a) by *communicating* the orphan work *to*
the public, within the meaning of Article 3
of Directive 2001/29/EC;

Or. de

Amendment 187
Petra Kammerevert

Proposal for a directive
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) by making the orphan work available, within the meaning of Article 3 of Directive 2001/29/EC;

Amendment

(a) by **communicating** the orphan work **to the public and** making **it** available, within the meaning of Article 3 of Directive 2001/29/EC;

Or. de

Amendment 188
Petra Kammerevert

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

2. However, unless otherwise provided in Article 7, the organisations referred to in Article 1(1) may not use orphan works in order to achieve aims other than their public interest missions, notably preservation, restoration and the provision of cultural and educational access to works contained in their collections.

Amendment

deleted

Or. de

Amendment 189
Jean-Marie Cavada

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

2. However, unless otherwise provided in

Amendment

2. However, unless otherwise provided in

Article 7, the organisations referred to in Article 1(1) may not use orphan works in order to achieve aims other than their public interest missions, notably preservation, restoration and the provision of ***cultural and educational*** access to works contained in their collections.

Article 7, the organisations referred to in Article 1(1) may not use orphan works in order to achieve aims other than their public interest missions, notably preservation, restoration and the provision of access to works contained in their collections ***for educational and research purposes***.

Or. fr

Amendment 190

Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive

Article 6 – paragraph 2

Text proposed by the Commission

2. However, unless otherwise provided in Article 7, the organisations referred to in Article 1(1) may not use orphan works in order to achieve aims other than their public interest missions, notably preservation, restoration and the provision of cultural ***and educational access to works contained in their collections***.

Amendment

2. However, unless otherwise provided in Article 7, the organisations referred to in Article 1(1) may not use orphan works in order to achieve aims other than their public interest missions, notably ***the preservation and restoration of works contained in their collections*** and the provision of ***access to those works for cultural, educational and research purposes***.

Or. en

Amendment 191

Sabine Verheyen

Proposal for a directive

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall be free to choose a given method for the management of rights, such as extended collective licensing.

Amendment 192
Petra Kammerevert

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. This Directive is without prejudice to the freedom of contract of such organisations in the pursuit of their public interest missions.

deleted

Or. de

Amendment 193
Marie-Christine Vergiat

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. This Directive is without prejudice to the *freedom of contract of such organisations* in the pursuit of *their* public interest missions.

3. This Directive is without prejudice to the pursuit of public interest missions *notably as a result of national public funds being set up for the digitisation and dissemination of orphan works.*

Or. fr

Amendment 194
Petra Kammerevert

Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that the

deleted

organisations referred to in Article 1(1), when using orphan works in accordance with paragraph 1, maintain records of their diligent search and publicly accessible records of use.

Or. de

Amendment 195
Jean-Marie Cavada

Proposal for a directive
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. For this Directive to be fully effective, broadcasting organisations need to be able to use recognised orphan works, under the conditions established by this directive, in the course of their normal activities.

Or. fr

Amendment 196
Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The uses of orphan works within the framework of this Directive shall fully respect the moral rights of the right holders. In the case of an orphan work where a right holder has been identified but not located, the name of the right holder shall be indicated in any use of the work.

Or. en

Amendment 197
Silvia Costa

Proposal for a directive
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. This Directive is without prejudice to existing arrangements in the Member States concerning the management of rights, such as extended collective licences.

Or. it

Amendment 198
Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive
Article 7 – title

Text proposed by the Commission

Amendment

Article 7

deleted

Authorised uses of orphan works

Or. en

Amendment 199
Petra Kammerevert

Proposal for a directive
Article 7 – title

Text proposed by the Commission

Amendment

Article 7

deleted

Authorised uses of orphan works

Or. de

Amendment 200
Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive
Article 7 – paragraph 1 – introductory wording

Text proposed by the Commission

Amendment

1. Member States may authorise the organisations referred to in Article 1(1) to use an orphan work for purposes other than those referred to in Article 6(2), provided that: *deleted*

Or. en

Amendment 201
Petra Kammerevert

Proposal for a directive
Article 7 – paragraph 1 – introductory wording

Text proposed by the Commission

Amendment

1. Member States may authorise the organisations referred to in Article 1(1) to use an orphan work for purposes other than those referred to in Article 6(2), provided that: *deleted*

Or. de

Amendment 202
Marie-Christine Vergiat

Proposal for a directive
Article 7 – paragraph 1 – introductory wording

Text proposed by the Commission

Amendment

1. Member States may authorise the organisations referred to in Article 1(1) to

1. Member States may authorise the organisations referred to in Article 1(1) to

use an orphan work for purposes other than those referred to in Article 6(2), provided that:

use an orphan work for purposes other than those referred to in Article 6(2), *if this use still complies with their public service remit*, provided that:

Or. fr

Amendment 203

Iosif Matula

Proposal for a directive

Article 7 – paragraph 1 – introductory wording

Text proposed by the Commission

1. Member States may authorise the organisations referred to in Article 1(1) to use an orphan work for purposes other than those referred to in Article 6(2), provided that:

Amendment

1. Member States may authorise the organisations referred to in Article 1(1) to use an orphan work for purposes other than those referred to in Article 6(2), *on a reasonable fixed fee basis*, provided that:

Or. ro

Amendment 204

Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive

Article 7 – paragraph 1 – point 1

Text proposed by the Commission

(1) the organisations referred to in Article 1(1) maintain records of their diligent search;

Amendment

deleted

Or. en

Amendment 205

Petra Kammerevert

Proposal for a directive

Article 7 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) the organisations referred to in Article 1(1) maintain records of their diligent search; *deleted*

Or. de

Amendment 206

Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive

Article 7 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) the organisations maintain publicly accessible records of their use of orphan works; *deleted*

Or. en

Amendment 207

Petra Kammerevert

Proposal for a directive

Article 7 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) the organisations maintain publicly accessible records of their use of orphan works; *deleted*

Or. de

Amendment 208

Georgios Papanikolaou

Proposal for a directive

Article 7 – paragraph 1 – point 2

Text proposed by the Commission

(2) the organisations maintain publicly accessible records of their use of orphan works;

Amendment

(2) the organisations maintain ***user-friendly, detailed and*** publicly accessible records of their use of orphan works;

Or. el

Amendment 209

Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive

Article 7 – paragraph 1 – point 3

Text proposed by the Commission

(3) in the case of an orphan work where a right holder has been identified but not located, the name of the right holder is indicated in any use of the work;

Amendment

deleted

Or. en

Amendment 210

Petra Kammerevert

Proposal for a directive

Article 7 – paragraph 1 – point 3

Text proposed by the Commission

(3) in the case of an orphan work where a rightholder has been identified but not located, the name of the rightholder is indicated in any use of the work;

Amendment

deleted

Or. de

Amendment 211

Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive
Article 7 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) right holders which put an end to the orphan status of the work, within the meaning of Article 5, are remunerated for the use that has been made of the work by the organisations referred to in Article 1(1);

deleted

Or. en

Amendment 212
Petra Kammerevert

Proposal for a directive
Article 7 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) rightholders which put an end to the orphan status of the work, within the meaning of Article 5, are remunerated for the use that has been made of the work by the organisations referred to in Article 1(1);

deleted

Or. de

Amendment 213
Zoltán Bagó

Proposal for a directive
Article 7 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

4. rightholders which put an end to the orphan status of the work, within the meaning of Article 5, are remunerated for the use that has been made of the work by

4. rightholders which put an end to the orphan status of the work, within the meaning of Article 5, are ***subsequently*** remunerated for the use that has been made

the organisations referred to in Article 1(1);

of the work by the organisations referred to in Article 1(1);

Or. hu

Amendment 214
Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive
Article 7 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) right holders may claim their remuneration under point (4) within a period fixed by Member States and which shall not be less than five years from the date of the act giving rise to the claim.

deleted

Or. en

Amendment 215
Petra Kammerevert

Proposal for a directive
Article 7 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) rightholders may claim their remuneration under point (4) within a period fixed by Member States and which shall not be less than five years from the date of the act giving rise to the claim.

deleted

Or. de

Amendment 216
Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may chose the means for authorising use within the meaning of paragraph 1 and remain free to decide on the use of any revenues which are unclaimed after the expiry of the period fixed in accordance with paragraph 1(5).

deleted

Or. en

Amendment 217
Petra Kammerevert

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may chose the means for authorising use within the meaning of paragraph 1 and remain free to decide on the use of any revenues which are unclaimed after the expiry of the period fixed in accordance with paragraph 1(5).

deleted

Or. de

Amendment 218
Iosif Matula

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may choose the means for authorising use within the meaning of paragraph 1. and remain free to decide on the use of any revenues which are unclaimed after the expiry of the period fixed in accordance with paragraph 1(5).

2. Member States may chose the means for authorising use within the meaning of paragraph 1 and remain free to decide on the use of any revenues which are unclaimed after the expiry of the period fixed in accordance with paragraph 1(5).
Public sector institutions which finance

cultural projects in the Member States shall be selected as a priority.

Or. ro

Amendment 219
Petra Kammerevert

Proposal for a directive
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Possibility of extended collective management of rights

1. Member States shall ensure that collective assignments of rights applying between collecting societies and large operators, for example broadcasters, for the purposes of communication to the public, including acts of making works available to the public within the meaning of Article 3 of Directive 2001/29/EC, in respect of given categories of works or other copyright works may be extended to authors and holders of related rights in the same categories of works who are not represented by the collection society concerned, whether or not the work in question is an orphan work within the meaning of Article 2, provided that

(a) a rightholder not represented by the collecting society is able at any time to object to collective exploitation and exercise his rights directly, and

(b) any such agreement between a collecting society and a large operator is confined to productions first published in the Member State where the operator is established.

2. Paragraph 1 of this Article is not applicable to cinema films.

3. Member States shall ensure that where rights have been assigned collectively in accordance with paragraph 1, the collecting society concerned keeps publicly accessible registers of rightholders who either cannot be identified or cannot be located.

Or. de

Amendment 220
Petra Kammerevert

Proposal for a directive
Article 7 b (new)

Text proposed by the Commission

Amendment

Article 7b

Records of use and remuneration

1. Member States shall ensure that diligent searches for orphan works or orphan contributions to works are recorded in a publicly accessible form. To that end they, in collaboration with the Commission, shall devise EU-wide uniform minimum standards and seek to set up or use a central data bank.

2. Member States shall ensure that the use of orphan works or orphan contributions to works is recorded in a publicly accessible form. To that end they, in collaboration with the Commission, shall devise EU-wide uniform minimum standards and seek to set up or use a central data bank.

3. In the case of orphan works or orphan contributions to works where authors or holders of copyright-related rights have been identified but not located, the names of those persons shall be indicated whenever the works are used.

4. Authors or holders of copyright-related rights who put an end to the orphan status

of a work in accordance with Article 5 shall be remunerated for the use previously made of the work. They may claim their remuneration within a period fixed by Member States, which shall not be less than five years from the date of the act giving rise to the claim. If a collecting society as referred to in Article 3 was entitled to collect remuneration as a trustee, claims for remuneration shall be made against the collecting society.

5. Revenues available within collecting societies which are unclaimed after the expiry of the period fixed in accordance with paragraph 4 shall be used for the purposes for which collecting societies normally use such revenues. Member States may provide for those revenues to be used to cover the costs of diligent search or of maintenance and servicing of the data banks required for that purpose.

Or. de

Amendment 221
Zoltán Bagó

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

This Directive shall be without prejudice to provisions concerning in particular patent rights, trade marks, design rights, utility models, topographies of semi-conductor products, type faces, conditional access, access to cable of broadcasting services, protection of national treasures, legal deposit requirements, laws on restrictive practices and unfair competition, trade secrets, security, confidentiality, data protection and privacy, access to public documents, the law of contract.

Amendment

This Directive shall be without prejudice to provisions concerning in particular patent rights, trade marks, design rights, utility models, topographies of semi-conductor products, type faces, conditional access, access to cable of broadcasting services, protection of national treasures, legal deposit requirements, laws on restrictive practices and unfair competition, **state secrets**, trade secrets, security, confidentiality, data protection and privacy, **protection of personal privacy rights**, access to public documents, the law

of contract.

Or. hu

Amendment 222
Jean-Marie Cavada

Proposal for a directive
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Directive shall apply without prejudice to provisions on the management of rights over works and other protected subject matter, notably provisions on collective licensing, legal presumptions of representation or transfer, mandatory collective licensing, or any combinations thereof, whether said works or protected subject matter are orphan works or not within the meaning of Article 2, in accordance with EU laws and international treaties on copyright and related rights. Where such provisions exist or are introduced, each of the other Member States shall ensure that the beneficiaries referred to in Article 1(1) are legally protected in regard to their use of works or other protected subject matter that is the subject of a licence or authorisation in accordance with these provisions.

Or. fr

Amendment 223
Petra Kammerevert

Proposal for a directive
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Directive shall be without prejudice to existing or future arrangements in Member States for the management of rights in respect of objects protected by copyright or related rights, in particular collective licensing systems, presumptions concerning the representation of rightholders or the transfer of rights, legally obligatory management systems, or combinations thereof.

Or. de

Amendment 224

Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive

Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Preventive measures

In coordination with the parties concerned, the Member States shall promote all preventive measures likely to limit the appearance of orphan works and to reduce their number.

Or. en

Amendment 225

Róza Gräfin von Thun und Hohenstein, Piotr Borys

Proposal for a directive

Article 9

Text proposed by the Commission

Amendment

Article 9

deleted

Application in time

1. The provisions of this Directive shall apply in respect of all works referred to in Article 1 which are, on [transposition date], protected by the Member States' legislation in the field of copyright.

2. This Directive shall apply without prejudice to any acts concluded and rights acquired before [transposition date].

Or. en

Amendment 226

Marek Henryk Migalski

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. The provisions of this Directive shall apply in respect of all works referred to in Article 1 which are, on [transposition date], protected by the Member States' legislation in the field of copyright.

deleted

Or. pl

Amendment 227

Emma McClarkin

Proposal for a directive

Annex – point 3 – point a

Text proposed by the Commission

Amendment

(a) The publishers association in the respective country and the authors and

(a) The ***publishers and the*** publishers association in the respective country and

journalists associations;

the authors and journalists associations;

Or. en

Justification

Individual publishers should also be included in this category.

Amendment 228

Seán Kelly

Proposal for a directive

Annex – point 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) The publishing company.

Or. en

Amendment 229

Jean-Marie Cavada

Proposal for a directive

Annex – point 5 – introductory wording

Text proposed by the Commission

Amendment

5) For audiovisual works contained in the collections of film heritage institutions and **public service** broadcasting organisations:

5) For audiovisual works contained in the collections of film heritage institutions and broadcasting organisations:

Or. fr

Amendment 230

Helga Trüpel

Proposal for a directive

Annex – point 5 – point d a (new)

Text proposed by the Commission

Amendment

***(da) Professional associations in relevant
Member States.***

Or. de