

EUROPEAN PARLIAMENT

2004



2009

Committee on Industry, Research and Energy

2008/2121(INI)

8.10.2008

OPINION

of the Committee on Industry, Research and Energy

for the Committee on Legal Affairs

on the Commission's report on the application of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society
(2008/2121(INI))

Rapporteur: Silvia-Adriana Țicău

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SUGGESTIONS

The Committee on Industry, Research and Energy calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Reaffirms that the information society is a crucial pillar of the Lisbon Strategy, based on access to knowledge and on the protection of digital content by means of a rigorous and effective system of protection of copyright and related rights, and further reaffirms that such protection must promote innovation, respect technology neutrality and take into account the legitimate interests of law-abiding consumers and internet service providers;
2. Stresses the need to achieve legal certainty as regards copyright in the information society and underlines the need for further harmonisation in that area, within the EU as well between the EU and the United States;
3. Recalls that 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 society¹ is a vital component of the Community legislation on the protection of intellectual property in the digital environment, in conformity with the World Intellectual Property Organization (WIPO) 'Internet treaties'; further recalls that this legislation has worked well in practice, helping to promote a vibrant community within the European Union;
4. Notes that information technologies create a need for modern copyright and related rights, and that the protection of these rights must be secured, with a clear division between the public authorities responsible for enforcement and the operators acting within the applicable legal framework ;
5. Recalls the rapid increase of user-created content on the internet and its contribution to creativity; recognises that it is a sector with an ever increasing value; notes that information sharing is a precondition for this and that this must be taken into consideration; recalls, in this context, that while copyright protection stimulates investment and production of content, carefully considered exceptions are equally essential to ensure access to knowledge, creation and innovation;
6. Notes that the Commission's report on the application of Directive 2001/29/EC stresses the existence in the Member States of variations in the implementation of its Articles 5, 6 and 8, resulting in divergent interpretations and decisions by national courts, and recalls that these are now embodied in case-law;
7. Asks the Commission to continue its rigorous monitoring of the application of Directive 2001/29/EC and to report regularly on the matter to Parliament and the Council;
8. Welcomes the Commission's adoption of the Green Paper entitled 'Copyright in the Knowledge Economy', and calls on the Commission, after consulting all interested

¹ OJ L 167, 22.6.2001, p. 10.

parties, to revise Directive 2001/29/EC in such a way as to clarify the wording of Articles 5, 6 and 8 with a view to ensuring the harmonisation at Community level of the legal framework for copyright protection in the information society;

9. Calls on the Commission, when further assessing aspects of Directive 2001/29/EC, including the above mentioned green paper , to consider Parliament's resolution of 31 January 2008 on the European Research Area: New Perspectives¹ which underlines the importance of respecting intellectual property and stresses that publishers' investments in infrastructure, functionality and electronic cross-reference initiatives have resulted in major improvements in the dissemination of information and knowledge.

¹ Texts adopted, P6_TA(2008)0029.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	7.10.2008
Result of final vote	+: 34 -: 3 0: 0
Members present for the final vote	Jan Březina, Jerzy Buzek, Jorgo Chatzimarkakis, Giles Chichester, Dragoş Florin David, Pilar del Castillo Vera, Den Dover, Nicole Fontaine, Norbert Glante, András Gyürk, David Hammerstein, Mary Honeyball, Ján Hudacký, Romana Jordan Cizelj, Werner Langen, Pia Elda Locatelli, Eluned Morgan, Angelika Niebler, Reino Paasilinna, Atanas Paparizov, Francisca Pleguezuelos Aguilar, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Paul Rübig, Britta Thomsen, Patrizia Toia, Claude Turmes, Nikolaos Vakalis, Adina-Ioana Vălean
Substitute(s) present for the final vote	Manuel António dos Santos, Juan Fraile Cantón, Neena Gill, Pierre Pribetich, Silvia-Adriana Țicău, Vladimir Urutchev
Substitute(s) under Rule 178(2) present for the final vote	José Javier Pomés Ruiz