



PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET
EUROPÄISCHES PARLAMENT EUROOPA PARLAMENT ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT
PARLEMENT EUROPÉEN PARLAMENTO EUROPEO EIROPAS PARLAMENTS
EUROPOS PARLAMENTAS EURÓPAI PARLAMENT IL-PARLAMENT EWROPEW EUROPEES PARLEMENT
PARLAMENT EUROPEJSKI PARLAMENTO EUROPEU EURÓPSKY PARLAMENT
EVROPSKI PARLAMENT EUROOPAN PARLAMENTTI EUROPAPARLAMENTET

Committee on Legal Affairs

Working Group on Intellectual Property Rights and Copyright Reform

Meeting of Thursday 28 May 2015 from 09:00 to 11:00

in Brussels

Minutes

1. Adoption of agenda

The agenda was adopted.

2. Approval of minutes of meeting of 13 May 2015

The minutes were approved.

3. Presentation of the provisional draft ex post study on *"The implementation, application and effects of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society (Infosoc Directive), and of its related instruments"*

The following spoke: Joe Dunne (DG EPRS), Andrea Renda (CEPS), Giuseppe Mazziotti (CEPS), Felice Simonelli (CEPS), Julia Reda, Helga Trüpel, Catherine Stihler, Dietmar Köster, Pavel Svoboda

- Short presentation by the European Parliament Research Service (EPRS) of the broader publication: A "European Implementation Assessment on the EU Copyright framework"

Mr Joe Dunne from the EPRS shortly introduced the initiative recalling that EPRS will present an ex post impact assessment of the so-called InfoSoc Directive supported by input

coming from different sources. CEPS is going to present the preliminary draft which will be followed by separated research dealing with different aspects of EU copyright.

- Presentation by the Centre for European Policy Studies (CEPS) of the provisional findings of the ex post impact assessment study

On the offset, the CEPS representatives informed that the ex post study triggered three other exercises to be dealt with by diverse contractors; covering legal aspects, industrial policy issues and internal market issues. Firstly, the CEPS representatives touched upon the objectives of the study being the interim evaluation of the implementation, application, and effects of the InfoSoc Directive and its related instruments (e.g. asking what the InfoSoc Directive actually achieved). They nevertheless disclaimed that the analysis did not cover any options for reform or the added value of a modernisation of the EU copyright framework. Further, the historic background in regards with the birth of internet was elaborated. The need for the EU copyright legislation stemmed from the goal of ensuring the functioning of the Internal Market. The necessity was caused by the considerable distance between Member States when it comes to certain aspects of copyright. The CEPS representatives referred to an example of the French *droit d'auteur* and the Anglo-Saxon copyright model; both treating the copyright exceptions in a very different ways. Thus, a horizontally applicable legislation was crucial. However, the InfoSoc Directive still does not face with all copyright aspects as some sectors are covered by specific pieces of legislation or as certain issues did not exist at time the Directive was conceived. After almost 15 years certain areas of copyright law are harmonised, certain areas remain silent and in some areas the CJEU had to step in and provide an interpretation. Moving on to the issue of territorial application of copyright rules, the CEPS representative stated that certain aspects persist in the lack of harmonisation, e.g. the definition of originality. Hence, the Internal Market may experience difficulties in case the same content is potentially subsumed under different copyright systems. The CEPS representatives also briefly discussed an interconnected issue of the territorial licensing and geo-blocking. Subsequently, the market fragmentation effect of exceptions and limitations and the compatibility of Directive 2004/48 with the Digital Age were presented. Finally, the CEPS representatives elaborated on the remuneration aspects. In practice, nothing in the

InfoSoc Directive would achieve the result of equitable remuneration as it depends on the particular market power. As a final remark, the CEPS representative shortly dwelled into doubts as to the effectiveness of the Directive.

- Q&A with MEPs

The Q&A session focused mainly on the cross-border exceptions, need for balance, the difference between author rights and copyrights, and the personal data aspect intertwining with the geo-blocking phenomenon. In their answers, the CEPS representatives reiterated that differentiation persists. Article 6(4) of the InfoSoc Directive left up to Member States to envisage how the exception compromise may be achieved, however none attempted to put it in practice. Onward, the individual right holders should be regarded as beneficiaries of copyright law. The CJEU in one of its recent decisions ruled that Member States are not entitled to assign the right of levies to non-original right holders. Finally, it has been confirmed that the geo-blocking does not trigger only the copyright issues but personal data as well. This should be subject of upcoming analysis and studies.

4. Any other business

The Chair announced that similar presentation on the broad publication on a European Implementation Assessment of the EU copyright framework will be held on 16 June at the JURI committee meeting.

5. Next meeting

Next meeting will take place on 23 June at 2 pm. The invitation and agenda will follow.