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The Internal Market aspects of EU copyright: the added value and options for improving the functioning and efficiency of the Single Market in the field of copyright

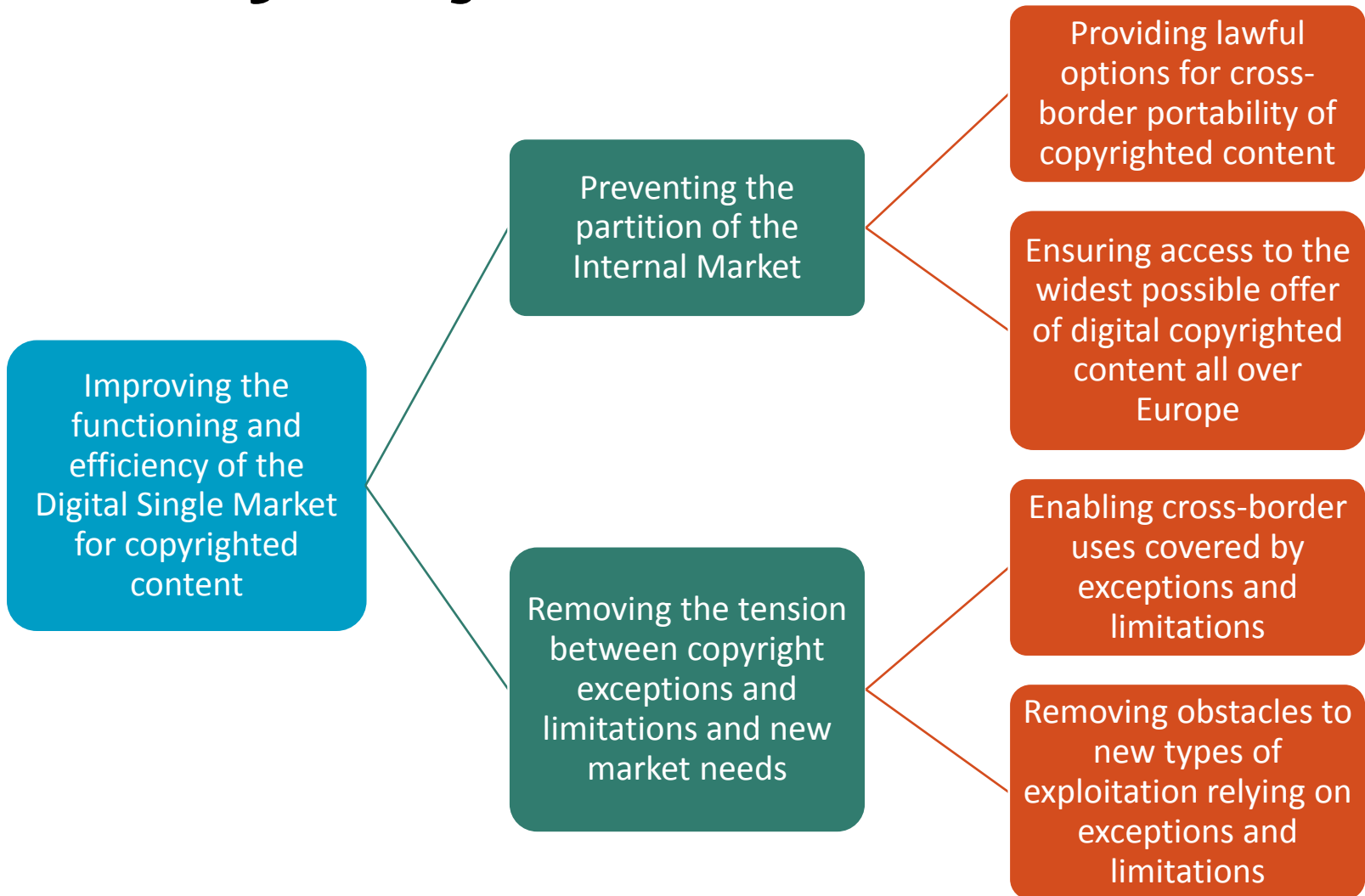


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Policy problem(s)

- **Problem #1: the ‘non-functioning’ of the Internal Market for online copyrighted content**
 - Limited cross-border portability
 - Limited cross-border trade
- **Problem #2: tension between the system of copyright exceptions and limitations and emerging uses of information in the online environment**
 - E&L are not able to keep pace with technological developments and new market needs
 - Some unauthorised uses are possible only in certain Member States
 - Diverging levy schemes at national level
 - Double payments in cross-border transactions
 - Uncertainty in terms of media and devices covered as well as the amount to be paid
 - Undue payments by professional users

Policy objectives



Policy options

<p>Option 1 “Soft law approach”</p>	<ul style="list-style-type: none"> • More guidance on specific provisions of the InfoSoc Directive, especially those concerning exceptions and limitations • Guidance on the interplay between copyright law and competition law • Promotion of initiatives aiming at making copyright-related information easily available to both commercial and non-commercial users
<p>Option 2a “Light-handed regulation”</p>	<ul style="list-style-type: none"> • Introduction of new legal provision specifying the types of licensing agreements and territorial restrictions that should be regarded as incompatible with the free movement of goods and services in the Internal Market
<p>Option 2b “Comprehensive legislative reform”</p>	<ul style="list-style-type: none"> • Better/clearer definition of exclusive rights • Simplification of the right of online transmission • Introduction of a principle of ‘country of origin’ (or country of upload) for online transmissions of certain categories of copyrighted works • Modernisation and further harmonisation of copyright exceptions and limitations
<p>Option 3a “Complete Unification”</p>	<ul style="list-style-type: none"> • Introduction of an EU copyright Code and copyright title replacing national legislation and titles
<p>Option 3b “Optional EU copyright registration system”</p>	<ul style="list-style-type: none"> • Introduction of an EU copyright Code and copyright title just for registered works as an alternative to the application of national legislation and titles • Introduction of an optional registration system for works enjoying a EU-wide protection

Impact matrix (score from 1 to 5)

	Baseline	Option 1	Option 2		Option 3	
	Zero option (no action)	Soft law	2a: 'Black list'	2b: Comprehensive legislative reform	3a: Complete unification	3b: Optional EU copyright registration system
Effectiveness - Specific objectives						
- Preventing partitioning of Single Market
- Removing tensions between available exceptions and new needs
Effectiveness - Operational objectives						
- Providing lawful options for cross-border portability
- Widest possible offer of copyrighted content
- Cross border dimension of uses covered by exceptions and limitations
- Removing obstacles to activities related to uses covered by exceptions/limitations
Efficiency - Benefits						
- Increased content availability
- Cost savings, enhanced surplus
- Benefits in specific fields/activities
- Pan-European services
- Legal certainty
Efficiency - Costs						
- Direct costs
- Enforcement costs
- Indirect costs
Coherence						
- With CJEU latest case law
- With other areas of EU legislation

Concluding remarks

- **“No action” is not a viable option**
 - Very important gaps and significant fragmentation across Member States
 - Shortcomings for the welfare of EU citizens and businesses
- Few gaps could be partly filled if the existing acquis were clarified and made more consistent in terms of interpretation and implementation
- **‘More Europe’ is needed in the field of copyright**



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Thank you for your attention



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