



Briefing Paper: The Legal Aspects of Copyright - Preliminary Findings

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EU Copyright Framework

- ◉ EU copyright framework developed from an internal market perspective – Article 114 TFEU
- ◉ No holistic approach
- ◉ Fragmented framework: 10 Directives
- ◉ CJEU case-law further defines the framework
- ◉ Challenges: digitalisation, enforcement, gaps

Overview of Harmonisation Gaps

Key Rights	Harmonised		
	Fully	Partially	None
1. Right to paternity			√
2. Right of integrity			√
3. Right of reproduction		√	
4. Right of communication to the public		√	
5. Right of distribution		√	
6. Right of fixation		√	
7. Right of rental and/or lending		√	■
8. Right of resale (droit de suite)		√	
9. Right of broadcasting		√	
10. Right of adaptation		√	
11. Right of translation		√	

Criteria for Assessing the Impact of Addressing the Existing Gaps

Criteria	Stakeholders affected
<ul style="list-style-type: none">Improving internal market integration through better legal certainty and clarityEnsuring fair remuneration for the authorsFacilitating cross-border access to diverse works of cultureImproving the competitiveness of the EU creative industriesLowering transaction and administrative costsImpact on growth and jobs including SMEs	<ul style="list-style-type: none">Authors/ performersPublishers/ producers/ broadcastersIntermediaries/distributorsCollective management organisationsInstitutional users (e.g. public libraries)End usersEU society

Possible Legal Options

Legal Options	Possible legal bases	Possible harmonisation level
1. Codification	Article 114 TFEU	+
2. Recasting	Article 114 TFEU	++
3. Harmonisation of selected issues	Article 114 TFEU	++
4. EU copyright title	Article 118 TFEU	+++

Thank you.