



Committee on Legal Affairs

Working Group on Intellectual Property Rights and Copyright Reform

Meeting of Thursday 12 February 2015 from 9:00 to 11:00

Minutes

1. The agenda was adopted.

2. The minutes of the meeting of 21 January 2015 were approved.

**3. Exchange of views on publishing and copyright issues in the digital environment
(part I)**

- The point of view of public libraries

The following spoke: Frédéric Blin (Member of the Board of International Federation of Library Associations and Institutions, representing the European Bureau of Library, Information and Documentation Associations - EBLIDA), Julia Reda, Helga Trüpel.

Mr Blin stressed that the legislative framework is not the same for digital and for non-digital content. Mr Blin called for giving a legal basis in the EU legislation to e-lending (including cross-border) in order to avoid unbalanced licensing solutions with restrictive conditions. He also called for a better harmonisation of exceptions and limitations. He also raised the issue of territoriality of licencing. On the remuneration of authors and rightholders, Mr Blin explained that some countries put in place compensation which could be expanded to digital documents, while other countries did not as they consider libraries' activities as providing free advertising for publishers.

- The point of view of publishers

The following spoke: Liv Vaisberg (Legal Adviser, Federation of European Publishers - FEP), Dietmar Köster, Helga Trüpel, Julia Reda, Jean-Marie Cavada.

Ms Vaisberg recalled the importance of copyright in remunerating authors, promoting their work and bringing them to the market, and the fact that publishers are not subsidised and rely on the selling of books. At the same time, publishing is a cross-subsidisation economy. FEP is in favour of licensing solutions and not broadening exceptions as this would have disastrous consequences on the market. On the issue of authors-publishers relationship especially in the e-books context, FEP mentioned negotiation by the authors and gave the example of new agreements translated into law at national level. Regarding e-lending, Ms Vaisberg said that they were in favour but consultation was needed to find the right balance. She stressed that many issues were not "copyright" issues, such as interoperability and competition.

- The point of view of authors

The following spoke: Myriam Diocaretz (Secretary-General, European Writers' Council), Julia Reda, Dietmar Köster, Helga Trüpel.

The discussion focused on how to strengthen the role of authors and their remuneration. Ms Diocaretz called Members to prevent the writing profession and the diversity of works from gradually disappearing and stressed that the copyright is an incentive for creation. Given the weak contractual negotiating position of authors, she called for an improvement of the level of fairness in copyright contracts through an EU instrument banning unfair clauses (e.g. on cancellation of the contract). Fair remuneration to authors for the use of their works, including digital exploitation (with digital uses specified in the contract), should be ensured. In addition to this contractual issue (but directly linked to copyright - as authors get their subsistence from it), Ms Diocaretz stressed the importance of the right for compensation for exceptional uses.

- The point of view of the newspaper industry

The following spoke: Mrs Francine Cunningham (Executive Director, European Newspaper Publishers' Association).

Ms Cunningham explained that newspapers are digital players in today's market and that copyright is more important than ever as digital content can be misappropriated and misused. According to her, the current legal framework on copyright is a reasonable basis on which

publishers can invest and innovate and the forthcoming reform should not weaken it by extending exceptions (e.g. open norm, text and data mining) and should on the contrary better ensure that investment of creative content is remunerated. Ms Cunningham said that newspapers are ready to offer licences to scientific researchers but licences are necessary to make sure that the content is used in the correct way. She called for content to be valued and copyright respected, especially by news aggregators and search engines.

- The point of view of journalists

The following spoke: Mogens Blicher Bjerregård (President of the European Federation of Journalists), Jean-Marie Cavada, Pavel Svoboda, Helga Trüpel, Dietmar Köster.

EFJ considers that authors' rights are fundamental for guaranteeing quality and credibility of content and that the easiest way to ensure authors' rights is through voluntary agreements based on licensing models. Mr Bjerregård said that well-functioning national licensing models should not be hampered by EU rules. He talked about fair remuneration and mentioned asymmetrical power situations and buy-out contracts as being an issue. He considered that a mandatory exception for educational institutions would have serious negative consequences, and did not think that a compensation model would help. He would instead call for voluntary solutions and negotiation between right holders and educational institutions (e.g. in Denmark) to get access at a fair price. According to him, given the different conditions in Member States, multiterritorial licences would create damages and intervention in licensing schemes would have unfortunate consequences. In addition, a ban on geo-blocking would help multinational corporations take over the market.

- The point of view of distributors

The following spoke: Françoise Dubruille (Director, European and International Booksellers Federation), Jean-Marie Cavada, Helga Trüpel, Pavel Svoboda, Catherine Stihler.

Ms Dubruille explained that the bookselling industry has low margins, is not subsidised and completely relies on copyright. She said that a fair copyright policy remunerating creators and investors for their effort must be supported. Underlying that e-books are files that can be shared simultaneously by thousands of readers at the same time (unlike paper books), she warned that the nascent e-book market would be killed if no restriction is put on e-lending.

Ms Dubruille informed that booksellers are currently working on new business models enabling e-books to be available in libraries but with restrictions in order not to kill the primary market. E-lending schemes should not be harmonised for such a fragmented market.

Marco Giorello (European Commission) recalled the EC report on the responses to the Public Consultation on the Review of the EU Copyright Rules (July 2014) which summarises the different positions and mentioned two upcoming EC studies: on remuneration in the audio-visual sector (due in Spring 2015) and on the print sector (due in December 2015).