AMENDMENTS

1 - 58

Draft opinion
Andrey Slabakov
(PE693.629v01-00)

An intellectual property action plan to support the EU’s recovery and resilience (2021/2007(INI))
Amendment 1
Niklas Nienaß

Draft opinion
Paragraph -1 (new)

-1. Recalls that intellectual property is a fundamental right, as enshrined in article 17 of the EU Charter of Fundamental Rights, and that it therefore shall be protected; recalls that according to the Universal Declaration of Human Rights, everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they are the author;

Or. en

Amendment 2
Martina Michels, Niyazi Kizilyürek

Draft opinion
Paragraph 1

1. Recognises the paramount importance of ‘intangible assets’ and intellectual property (IP)-intensive industries in the economic recovery and resilience of the EU in the aftermath of the COVID-19 pandemic; underlines the need to protect these by law, allowing creators to benefit from their intellectual property rights (IPRs);

1. Recognises the paramount importance of ‘intangible assets’ and intellectual property (IP)-intensive industries in the economic recovery and resilience of the EU in the aftermath of the COVID-19 pandemic; underlines the need to protect these by law, allowing creators to benefit from their intellectual property rights (IPRs) and acknowledges that access to education, knowledge, information and culture are fundamental rights, which must be guaranteed by copyright limitations such as those established by the revised EU Copyright Directive;

Or. de
Amendment 3
Laurence Farreng

Draft opinion
Paragraph 1

Draft opinion

1. Recognises the paramount importance of ‘intangible assets’ and intellectual property (IP)-intensive industries in the economic recovery and resilience of the EU in the aftermath of the COVID-19 pandemic; underlines the need to protect these by law, allowing creators to benefit from their intellectual property rights (IPRs);

Amendment

1. Recognises the paramount importance of ‘intangible assets’ and intellectual property (IP)-intensive industries in the economic dynamism and cultural sovereignty of the EU; considers these assets essential for the economic recovery and resilience of the EU in the aftermath of the COVID-19 pandemic; underlines the need to protect these by law, allowing creators to benefit from their intellectual property rights (IPRs);

Or. fr

Amendment 4
Niklas Nienaß

Draft opinion
Paragraph 1

Draft opinion

1. Recognises the paramount importance of ‘intangible assets’ and intellectual property (IP)-intensive industries in the economic recovery and resilience of the EU in the aftermath of the COVID-19 pandemic; underlines the need to protect these by law, allowing creators to benefit from their intellectual property rights (IPRs);

Amendment

1. Recognises the paramount importance of ‘intangible assets’ and intellectual property (IP)-intensive industries in the economic recovery and resilience of the EU in the aftermath of the COVID-19 pandemic; underlines the need to protect these by law, allowing *authors, performers and all creators of cultural works* to benefit from their intellectual property rights (IPRs);

Or. en

Amendment 5
Hannes Heide, Ibán García Del Blanco, Massimiliano Smeriglio

Draft opinion
Paragraph 1

1. Recognises the paramount importance of ‘intangible assets’ and intellectual property (IP)-intensive industries in the economic recovery and resilience of the EU in the aftermath of the COVID-19 pandemic; underlines the need to protect these by law, allowing creators to benefit from their intellectual property rights (IPRs);

Amendment

1. Recognises the paramount importance of ‘intangible assets’ and intellectual property (IP)-intensive industries in the economic recovery and resilience of the EU in the aftermath of the COVID-19 pandemic; underlines the need to protect these with adequate and enhanced legal protection, allowing creators to benefit from their intellectual property rights (IPRs);

Or. en

Amendment 6
Sabine Verheyen, Tomasz Frankowski, Asim Ademov, Peter Pollák, Željana Zovko, Christian Ehler, Isabel Benjumea Benjumea

Draft opinion
Paragraph 1

1. Recognises the paramount importance of ‘intangible assets’ and intellectual property (IP)-intensive industries in the economic recovery and resilience of the EU in the aftermath of the COVID-19 pandemic; underlines the need to protect these by law, allowing creators to benefit from their intellectual property rights (IPRs);

Amendment

1. Recognises the paramount importance of ‘intangible assets’ and intellectual property (IP)-intensive industries in the economic recovery and resilience of the EU in the aftermath of the COVID-19 pandemic; underlines the need to protect these by law, allowing creators to benefit from their intellectual property rights (IPRs);

Or. en

Amendment 7
Martina Michels, Niyazi Kizilyürek

Draft opinion
Paragraph 1 a (new)
1a. Recognises that the IP Action Plan ensures access to education, knowledge, information and culture, alongside proposed arrangements for dealing with critical intellectual property from patents, e.g. for use in public health protection, as well as relevant parts of the cultural, educational, media and higher education sector1a.s. Within the EU Copyright Directive, the use of copyright-relevant material by institutional users, such as educational institutions, research institutions, cultural heritage institutions, is regulated through copyright limitations. Other directives1b provide for exceptions such as those required for the implementation of the Marrakesh Treaty to ensure inclusion.

The part of the cultural and media sector, which is often specifically European, not-for-profit and public service, should equally be protected more proactively and in a more sustainable manner in international trade agreements, along the lines of the UNESCO Convention on Culture, which firmly establishes the dual nature of cultural and media productions as goods and carriers of identities and values1c;

1a see Article 6 of the UNESCO Universal Declaration on Cultural Diversity, 2001

1b Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society
1c see Article 8 of the UNESCO Universal Declaration on Cultural Diversity, 2001

Amendment 8
Niklas Nienaß

Draft opinion
Paragraph 1 a (new)

Draft opinion

1 a. Recalls that everyone has the right to participate freely in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits; highlights in this spirit the importance of accessibility, irrespective of socio-economic backgrounds and circumstances, of cultural works also in the digital era in order to preserve user rights and the public domain;

Or. en

Amendment 9
Hannes Heide, Ibán García Del Blanco, Massimiliano Smeriglio

Draft opinion
Paragraph 1 a (new)

Draft opinion

1 a. Underlines that the cultural and creative sectors were already characterised by fragile organisational structures and working practices before Covid-19 and that, among other factors, the (not well protected) IP-based revenue models contributed significantly to this situation1a;

1a IDEA Consult, Goethe-Institut, Amann S. and Heinsius J. 2021, Research for
CULT Committee – Cultural and creative sectors in post-Covid-19 Europe: crisis effects and policy recommendations, European Parliament, Policy Department for Structural and Cohesion Policies, Brussels

Amendment 10
Sabine Verheyen, Tomasz Frankowski, Asim Ademov, Peter Pollák, Željana Zovko, Christian Ehler, Isabel Benjumea Benjumea

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1 a. Notes that collective management of authors’ rights represents is an important source of income for majority of creators and artists in Europe, and is an indispensable element of adequate functioning of EU’s copyright/authors’ rights framework;

Amendment 11
Martina Michels, Niyazi Kizilyürek

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1 b. Acknowledges that a growing number of authors and creators deliberately opt for publications under creative commons licences in different contexts of knowledge and cultural exchange, or in the distribution of educational opportunities and documentation; advocates that due account be taken of them in the Member States’ regulations under Article 17 and
others, as well as in the development of a European copyright infrastructure and related registration procedures; stresses, therefore, that the Copyright Directive has for the first time recognised creative commons licences and thus strengthened a culture of sharing knowledge, particularly in the public cultural and knowledge sector;

Amendment 12
Hannes Heide, Ibán García Del Blanco, Massimiliano Smeriglio

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1 b. Notes that the cultural and creative sectors are suffering the consequences of the Covid-19 pandemic, as protective measures have led to an existential loss of revenue for artists and cultural creators; acknowledges that artists' remuneration is often unstable and uncertain, it comes from different sources such as contracts, public grants and subsidies, which renders their income highly unpredictable, leaves them in precarious situations and weakens their resilience; points out that IPRs are an essential source of revenue for the cultural and creative sectors, providing artists and cultural creators with economic independence and social security through assured, ongoing income;

Amendment 13
Niklas Nienaß

Draft opinion
Paragraph 1 b (new)

Draft opinion

1 b. Recognizes the importance of ensuring equal opportunities for citizens to have access to education and culture, including cultural education, under the conditions created by the pandemic; Recognizes the opportunities for improving such access created by increasing digitization in the cultural and educational sectors and encourages the Member States to quickly and completely transpose the provisions of the Copyright Directive aimed at improving access to online education and digitized cultural heritage;

Or. en

Amendment 14
Sabine Verheyen, Tomasz Frankowski, Asim Ademov, Peter Pollák, Željana Zovko, Christian Ehler, Isabel Benjumea Benjumea

Draft opinion
Paragraph 1 b (new)

Draft opinion

1 b. Emphasises that collective management of authors rights is a vital element for creators’ continuous remuneration based on their copyright/authors’ rights throughout their artistic career while providing broadest possible access to cultural and creative works for the public; whereas global streaming platforms systematically pressure European creators to give away their copyright/authors’ rights against one-off payments;

Or. en

Amendment 15
Sabine Verheyen, Tomasz Frankowski, Asim Ademov, Peter Pollák, Željana Zovko, Christian Ehler, Isabel Benjumea Benjumea, François-Xavier Bellamy

Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1 c. Notes that IPR protection is key in encouraging companies to invest in innovative products and processes, especially to produce new content and products, but is convinced that compulsory licensing of patents is important as a last-resort tool meant to allow life-saving interventions in the public interest; calls on the Commission, therefore, to analyse and explore possible options for ensuring effectiveness and better coordination of compulsory licensing in the EU, taking into account cases in which it has been used in the Union, the reasons for its use, the conditions under which it was granted, its economic consequences and whether it achieved the desired effect;

Or. en

Amendment 16
Niklas Nienåß

Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1 c. Urges the Member States to support cultural heritage institutions and educational institutions to make full use of the opportunities of digitization, inter alia developing public digital infrastructures for digital education and access to digitized cultural heritage without relying on the services of intermediaries whose business models are based on the extraction of personal data from European Citizens;
Amendment 17
Martina Michels, Alexis Georgoulis, Niyazi Kizilyürek

Draft opinion
Paragraph 1 c (new)

Draft opinion

1c. Calls for continued intensive dialogue on the appropriate definition of copyright-protected uploaded content, which truly recognises different types of licensing as well as non-licensed works, and encourages an exchange of views on remuneration models that must be commensurate with modern uses of music and media platforms.

Amendment 18
Hannes Heide, Ibán García Del Blanco, Massimiliano Smeriglio

Draft opinion
Paragraph 1 c (new)

Draft opinion

1 c. Recognises that online piracy leads to considerable economic losses to the European cultural and creative sectors which ultimately results in less investment in creative and journalistic content and sports to the detriment of cultural diversity and ultimately the European consumer;

Amendment 19
Hannes Heide, Ibán García Del Blanco, Massimiliano Smeriglio
Draft opinion
Paragraph 1 d (new)

1 d. Acknowledges that IPRs protection encourages the creative, inventive and innovative activity, hence providing for the largest number of people the benefit of such activity; notes that such activity requires the recognition of the creators, namely, the inventors, innovators and authors, and makes it possible for them to obtain a compensation for their creative endeavours; champions the right of the creator, whether it be an individual or a legal entity, to prevent others from benefiting from the exploitation of creations without consent and without compensation to the creator; reminds that failure to do so encourages counterfeiting and piracy;

Amendment

2. Asks the Member States to ensure that companies from the cultural and creative sectors, especially content producers, are encouraged to acquire IPRs on their creations and improve their position in competitive markets; outlines that companies who own IPRs have 20% higher revenue, improving their ability to access previously untapped highly competitive markets; points out that employees also increasingly benefit from a high level of protection, as IPR-owning companies pay wages that are on average 19% higher than firms that do not own IPRs; is therefore concerned that only
approximately 9% of SMEs own IPRs; welcomes, therefore, the IP vouchers, the IP-Scan and other initiatives of the Commission and the EUIPO to help SMEs make the most of their IP and asks the Commission to consider to launch similar initiatives for all kind of IP assets;


Amendment 21
Niklas Nienaß

Draft opinion
Paragraph 2

2. Asks the Member States to ensure that companies from the cultural and creative sectors, especially content producers, are encouraged to acquire IPRs on their creations and improve their position in competitive markets; outlines that companies who own IPRs have 20% higher revenue, improving their ability to access previously untapped highly

Amendment

2. Asks the Member States to ensure that companies from the cultural and creative sectors, especially content producers, are encouraged to acquire IPRs on their creations, without neglecting authors' and performers' rights, and improve their position in competitive markets;
competitive markets\(^1\); 


Amendment 22
Laurence Farreng

Draft opinion
Paragraph 2

Draft opinion

2. Asks the Member States to ensure that companies from the cultural and creative sectors, especially content producers, are encouraged to acquire IPRs on their creations and improve their position in competitive markets; outlines that companies who own IPRs have 20\% higher revenue, improving their ability to access previously untapped highly competitive markets\(^1\); 


Amendment

2. Asks the Member States to ensure that companies from the cultural and creative sectors, especially content producers, are encouraged to keep or acquire IPRs on their creations and improve their position in competitive markets; outlines that companies who own IPRs have 20\% higher revenue, improving their ability to access previously untapped highly competitive markets\(^1\); 

Amendment 23
Laurence Farreng

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Stresses that effectively protecting intellectual property rights must go hand in hand with effectively combating content piracy; considers, furthermore, that this fight must go hand in hand with raising the general public's awareness of the value of intellectual property rights for content creators;

Or. fr

Amendment 24
Hannes Heide, Ibán García Del Blanco, Massimiliano Smeriglio

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2 a. Notes that the number of national patent filings is higher than the number of European patent filings in the majority of the Member States; asks the Commission to evaluate if the cost related to the European patent filings and its protection have an impact on this preference, in particular for SMEs;

Or. en

Amendment 25
Andrey Slabakov

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment
2 a. Calls for the enhancement of tools available to ensure that innovators from the cultural and creative sectors (CCSs), in particular SME’s, can ensure a fair return on their investments and capitalise on their creations and thus further stimulate innovation;
3. Highlights the challenges that SMEs face in acquiring IPRs and notes with concern the fragmentation of the European IP system, in particular the need for parallel litigations in multiple EU countries; calls for the process to become more streamlined and straightforward and for SMEs to be equipped with accurate information to facilitate the IPR acquisition process and to be informed of the benefits of IPRs for their commercial competitiveness; stresses the need for concrete measures to improve information and advice, which must be adequately funded and provide a low-threshold service for SMEs;

Amendment 28
Victor Negrescu

Draft opinion
Paragraph 3 a (new)

Amendment

3 a. Stresses the need to ensure equal access to the benefits of IPRs for SMEs, nongovernmental organizations and research and academic institutions; underlines the need for any IPR regulation to enable a level playing field allowing smaller actors to compete; emphasises the importance of free and no-boundary access to content and creations for research and education purposes;

Amendment 29
Niklas Nienaß
Draft opinion
Paragraph 4

4. Welcomes the Commission’s commitment to support the full and timely transposition of the two copyright framework directives; notes that the Commission is putting special emphasis on the implementation of Article 17 of the Copyright Directive\(^2\) and strongly supports its plans for issuing implementation guidelines for Member States; urges Member States to quickly and completely transpose the directives into their national legislation;

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Amendment 30
Martina Michels, Alexis Georgoulis, Niyazi Kizilyürek

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Welcomes the Commission’s commitment to support the full and timely transposition of the two copyright framework directives; notes that the Commission is putting special emphasis on the implementation of Article 17 of the Copyright Directive\(^2\) and strongly supports its plans for issuing implementation guidelines for Member States; \textit{regrets, however, that the Commission only published the guidelines three days before the deadline for implementation; condemns that most Member States failed to implement the Copyright Directive on time before the deadline of 7 June 2021; therefore urges Member States to take the Commission’s guidance into account and to quickly and completely transpose the directives into their national legislation without any further delay; emphasizes the role the Copyright Directive can play to boost the recovery and resilience of the Cultural and Creative Sectors and make creators come out of the crisis stronger;}

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4. Welcomes the Commission’s commitment to support the full and timely transposition of the two copyright framework directives; notes that the Commission is putting special emphasis on the implementation of Article 17 of the Copyright Directive\(^2\) and strongly supports its plans for issuing implementation guidelines for Member States; urges Member States to quickly and completely transpose the directives into their national legislation;

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Amendment 31
Sabine Verheyen, Tomasz Frankowski, Asim Ademov, Peter Pollák, Željana Zovko, Christian Ehler, Isabel Benjumea Benjumea, François-Xavier Bellamy

Draft opinion
Paragraph 4

Draft opinion

4. Welcomes the Commission’s commitment to support the full and timely transposition of the two copyright framework directives; notes that the Commission is putting special emphasis on the implementation of Article 17 of the Copyright Directive\(^2\) and strongly supports

Amendment

4. Welcomes the Commission’s commitment to support the full and timely transposition of the two copyright framework directives; notes that the implementation of Article 17 of the Copyright Directive\(^2\) should be carried out by Member States without delay,
its plans for issuing implementation guidelines for Member States; urges Member States to quickly and completely transpose the directives into their national legislation;

encourages Member States to proceed with the faithful implementation of Article 17 which best reflects the agreement achieved by the co-legislators, and strongly supports its plans for issuing implementation guidelines for Member States; urges Member States to quickly and completely transpose the directives into their national legislation by reflecting the agreement achieved at EU level;


Amendment 32
Laurence Farreng

Draft opinion
Paragraph 4

Draft opinion

4. Welcomes the Commission’s commitment to support the full and timely transposition of the two copyright framework directives; notes that the Commission is putting special emphasis on the implementation of Article 17 of the Copyright Directive2 and strongly supports its plans for issuing implementation guidelines for Member States; urges Member States to quickly and completely transpose the directives into their national legislation;

Amendment

4. Welcomes the Commission’s commitment to support the full and timely transposition of the two copyright framework directives; considers in particular that these directives can play a key role in the recovery of the culture and media sector; notes that the Commission is putting special emphasis on the implementation of Article 17 of the Copyright Directive2 and strongly supports its plans for issuing implementation guidelines for Member States; urges Member States to quickly and completely transpose the directives into their national legislation and ensure that they are properly implemented;

Amendment 33
Hannes Heide, Ibán García Del Blanco, Massimiliano Smeriglio

Draft opinion
Paragraph 4

4. Welcomes the Commission’s commitment to support the full and timely transposition of the two copyright framework directives; notes that the Commission is putting special emphasis on the implementation of Article 17 of the Copyright Directive\(^2\) and strongly supports its plans for issuing implementation guidelines for Member States; urges Member States to quickly and completely transpose the directives into their national legislation; emphasises that the implementation should be carried out by Member States without delay; urges Member States to quickly and completely transpose the directives into their national legislation by reflecting the agreement achieved at EU level;

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Draft opinion

Paragraph 4 a (new)

4 a. Stresses the importance of the overarching principle of fair and proportionate remuneration for authors and performers provided in Article 18 of the 2019 Copyright Directive; recommends Member States to equip audiovisual authors with effective remuneration mechanisms that generate revenues for the exploitation of their works on all media, including online; recommends that the Commission updates the IP chapters of EU trade agreements to include Article 18 of the Copyright Directive to showcase the EU model of authors’ rights which values the IPR of the authors and their right to receive ongoing remuneration for the exploitation of their works on all media;

Amendment 35
Sabine Verheyen, Tomasz Frankowski, Asim Ademov, Peter Pollák, Željana Zovko, Christian Ehler, Isabel Benjumea Benjumea, François-Xavier Bellamy

Draft opinion
Paragraph 4 a (new)

4 a. Underlines the importance of recently adopted Directives (EU) 2019/790 and (EU) 2019/789, for a sound copyright/authors’ rights regime in the EU, invites the Member States to swiftly and faithfully transpose the requirements of those directives into national laws, and urges the Commission to remain a true guarantor of the EU law during the implementation process without deviating from the word and spirit of these crucial legislation for European creators and creative industries.
**Amendment 36**

Andrey Slabakov

Draft opinion
Paragraph 4 a (new)

*Draft opinion*

4 a. Welcomes the proposal outlined in the Intellectual Property Action Plan to establish an EU Toolbox against counterfeiting; expresses its disappointment that the same level of attention is not given to other forms of IPR infringement, including copyright infringement; encourages the development of a dedicated Toolbox against copyright infringement, based on industry good practices and fully integrated with the DSA;

*Or. en*

**Amendment 37**

Victor Negrescu

Draft opinion
Paragraph 4 a (new)

*Draft opinion*

4 a. Stresses the need to establish appropriate and proportionate remuneration mechanism for content creators and the exploitation of their work across the EU; underlines the importance of specific actions and support for digital content creators;

*Or. en*

**Amendment 38**
Amendment 39

Draft opinion

Paragraph 5

5. Highlights the ongoing problems faced by creators, artists, producers and cultural sector workers with regard to copyright and related rights; notes with great concern that they continue to be pressured into unfavourable contracts, giving up the rights to their intellectual property without receiving just remuneration for their creative work; stresses that Member States must ensure that sufficient protection is put in place to prevent such losses.

Or. en
in place to prevent loss of IPRs by authors and cultural sector workers across the EU. That some creators, artists, producers and cultural sector workers continue to be pressured into unfavourable contracts, sometimes giving up the rights to their intellectual property without receiving just remuneration for their creative work; stresses that Member States must ensure that sufficient protection is put in place to prevent loss of IPRs by authors, creators, producers and cultural sector workers across the EU; urges the European Commission to acknowledge the need of regulatory intervention to ensure that rightholders are able to protect their property rights online and enforce them effectively, including by measures having cross border effect, in line with Article 17 CFR and ensuring that “what is illegal offline, is illegal online” becomes a reality;

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Or. en

Amendment 40
Martina Michels, Niyazi Kizilyürek, Alexis Georgoulis

Draft opinion
Paragraph 5

Draft opinion

5. Highlights the ongoing problems faced by creators, artists and cultural sector workers with regard to copyright and related rights; notes with great concern that they continue to be pressured into unfavourable contracts, giving up the rights to their intellectual property without receiving just remuneration for their creative work; stresses that Member States must ensure that sufficient protection is put

Amendment

5. Highlights the ongoing problems faced by creators, artists and cultural sector workers with regard to copyright and related rights; notes with great concern that they continue to be pressured into unfavourable contracts, so that the publishing rights to their intellectual property are not represented in a durable manner and they therefore frequently do not receive just remuneration for their
in place to prevent loss of IPRs by authors and cultural sector workers across the EU; stresses that Member States must ensure that sufficient protection is put in place to prevent loss of IPRs by authors and cultural sector workers across the EU; calls, therefore, on the Member States to strengthen, in particular, the membership and contractual position of authors and creators vis-à-vis their collecting societies and commercial rights intermediaries, such as the film and music industry and publishers, as laid down in Articles 18-20 of the Copyright Directive in the provisions on the fair drafting of copyright contract law, by means of transparency requirements, the bestseller clause and other contractual provisions and dispute resolution mechanisms, ensuring insight into contractual provisions with large platforms and fair remuneration for authors;

5. Highlights the ongoing problems faced by creators, artists and cultural sector workers with regard to copyright and related rights; notes with great concern that they continue to be pressured into unfavourable contracts, giving up the rights to their intellectual property without receiving just remuneration for their creative work; stresses that Member States must ensure that sufficient protection is put in place to prevent loss of IPRs by authors and cultural sector workers across the EU.

Amendment 41
Hannes Heide, Ibán García Del Blanco, Massimiliano Smeriglio

Draft opinion
Paragraph 5

Draft opinion

5. Highlights the ongoing problems faced by creators, artists and cultural sector workers with regard to copyright and related rights; notes with great concern that they continue to be pressured into unfavourable contracts, giving up the rights to their intellectual property without receiving just remuneration for their creative work; points out, that a EUIPO study published in 2019 shows losses caused by piracy of illegal streaming of content might lead to lost jobs in the cultural and creative sectors and significant loss of public revenues and that providers of copyright-infringing IPTV subscriptions are estimated to have generated EUR 941.7

Or. de
milion of annual unlawful revenue in 2018; stresses that Member States must ensure that sufficient protection is put in place to prevent loss of IPRs by authors, creators, artists, producers and cultural sector workers across the EU\textsuperscript{5a}.


Or. en

Amendment 42
Niklas Nienaß

Draft opinion
Paragraph 5

\textit{Draft opinion}

5. Highlights the ongoing problems faced by creators, artists and cultural sector workers with regard to copyright and related rights; notes with great concern that they continue to be pressured into unfavourable contracts, giving up the rights to their intellectual property without receiving \textit{just} remuneration for their creative work; stresses that Member States must ensure that sufficient protection is put in place to prevent loss of IPRs by authors and cultural sector workers across the EU.

\textit{Amendment}

5. Highlights the ongoing problems faced by creators, artists and cultural sector workers with regard to copyright and related rights; notes with great concern that they continue to be pressured into unfavourable contracts, giving up the rights to their intellectual property without receiving \textit{appropriate and proportionate} remuneration for their creative work; stresses that Member States must ensure that sufficient protection is put in place to prevent loss of IPRs by authors and cultural sector workers across the EU.

Or. en

Amendment 43
Laurence Farreng

Draft opinion
Paragraph 5 a (new)
Draft opinion

5a. Recalls the importance of traditional handicraft and industrial products for Europe's cultural identity and know-how; underlines the crucial role of handicraft and agricultural micro-enterprises and SMEs for the economic fabric of Europe's regions, particularly rural areas, and their added value for cultural tourism; notes that these products urgently need legal protection at the European level in order to combat counterfeiting and unfair competition; underlines the positive impact that a sui generis European protection of these products would have on small enterprises, employment, training and the attractiveness of Europe's territories, while allowing local handicraft and industrial production circuits to be developed and strengthened; calls on the European Commission to propose a European protection system for non-agricultural geographical indications, based on the model of protection for agricultural geographical indications, by the end of 2021;

Amendment 44
Hannes Heide, Ibán García Del Blanco, Massimiliano Smeriglio

Draft opinion
Paragraph 5 a (new)

5 a. Regrets the significant use of the Internet for the distribution of pirated content and IPR-infringing services and welcomes the proposal of the Commission for a Digital Services Act on the basis of the principle that "what is illegal offline is illegal online" and to establish a robust framework to counter those IPR
infringements, with an immediately take down following a notice and action procedure, to avoid reappearance of pirated content; highlights the fact that proactive measures from intermediaries would contribute enormously to the fight against piracy and that AI and blockchain could play an important role in detecting piracy and enforcing IPR; supports, therefore, the use of new technologies to combat IP infringements, and welcomes publications produced by the EUIPO Observatory;

Amendment 45
Andrey Slabakov
Draft opinion
Paragraph 5 a (new)

5 a. Emphasises that the COVID-19 crisis threatened the livelihood of all workers in the cultural and creative sectors; observes that for many authors, performers and cultural workers the digital marketplace was the only tool for generating income during the lockdown; notes with concern that the biggest winners of the digital culture growth were not the creators but the distributors; highlights, therefore, that a robust and fair remuneration for author’s and adjacent rights is essential and Member States must reinforce their IPR framework to protect creators and performers;

Amendment 46
Niklas Nienaß
5 a. Highlights the ongoing challenges faced by those who learn and teach or do research due to the emergency closure of the physical premises of educational establishments, research organizations, libraries and archives; notes with great concern the lack of cross-border rules covering distance learning and other remote activities carried out outside the Union, under the responsibility of institutions established in the European Union; urges the Member States to address this issue at the international level;

Or. en

Amendment 47
Laurence Farreng

5a. Emphasises in particular the opportunities offered by the main non-European video-on-demand platforms for European content creators and producers; notes with concern, however, the 'work to order' system employed by these companies, which acquire intellectual property rights in exchange for a one-off payment and are the only ones to benefit from the exploitation of the work; calls on the Commission to follow up on this practice;

Or. fr

Amendment 48
Paragraph 5 a (new)

**Draft opinion**

5a. Recognises, particularly in light of the experience of the pandemic, that major cultural and media productions can only come to be if, in addition to the creative talent, the many requisite technical and intermediary services are available, ranging from assistance to the director through to catering, from lighting through to production coordination, and which are not paid for through licence sales, but are often indirectly dependent on creators having good contracts;

**Amendment**

Or. de

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**Amendment 49**

Sabine Verheyen, Tomasz Frankowski, Asim Ademov, Peter Pollák, Željana Zovko, Christian Ehler, Isabel Benjumea Benjumea, François-Xavier Bellamy

**Draft opinion**

Paragraph 5 a (new)

5 a. Notes with great concern that so-called buy-out and work for hire contracts are imposed on European creators through application of non-EU laws to such contracts, despite the provisions of national and EU laws discouraging them; Asks the European Commission to throughoutly investigate such practices of global streaming platforms and their impact on the remuneration of creators based on copyright/authors’ rights;

**Amendment**

Or. en

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**Amendment 50**
Victor Negrescu

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5 a. Supports the creation of an European digital platform focussed on copyright and intellectual property rights offering assistance and guidance to creators in the fields of culture, media and education, in order to enable them to take advantage of the full opportunities available at European level; calls for specific educational and information action designed to help guide young creators;

Or. en

Amendment 51
Sabine Verheyen, Tomasz Frankowski, Asim Ademov, Peter Pollák, Željana Zovko, Christian Ehler, Isabel Benjumea Benjumea, François-Xavier Bellamy

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5 b. Invites the European Commission to look into the impact of non-EU based VOD platforms on the European creation, in particular on their relationships with the European creators of musical and audio-visual works; notes with concern that creators are totally deprived of their copyright/authors’ rights when they are imposed to accept buy-out contracts;

Or. en

Amendment 52
Andrey Slabakov

Draft opinion

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PE695.057v01-00
Paragraph 5 b (new)

Draft opinion

Amendment

5 b. Emphasises the role of intellectual property as a ‘key driver of economic growth’; calls for IP to act as a cornerstone in the EU’s future, promoting a global ‘level playing field’, protect against IP theft, ensure the EU’s technological sovereignty, and to facilitate the ‘green and digital transformations’ of Europe.

Or. en

Amendment 53
Victor Negrescu

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5 b. Underlines the key role that the recovery and resilience mechanism could play in addressing the challenges and providing adequate reforms related to the copyright and intellectual property rights domain;

Or. en

Amendment 54
Sabine Verheyen, Tomasz Frankowski, Asim Ademov, Peter Pollák, Željana Zovko, Christian Ehler, Isabel Benjumea Benjumea, François-Xavier Bellamy

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5 c. Recognises that online piracy leads to considerable economic losses to the European creative sector, which ultimately results in less investment in
creative and journalistic content and sports to the detriment of cultural diversity and ultimately the European consumer, encourages the European Commission to act by introducing robust legislative instruments within the framework of the DSA or through a separate dedicated instrument acquiring content creators with the necessary tools to fight online piracy by providing the possibility of issuing dynamic injunctions (catalogue or repertoire-wide), a strong Know Your Business Costumer principle applicable to all hosting services, immediate and efficient takedown upon the notice of receipt of a trusted flagger, and proper enforcement of stay down obligations for illegal content;

Or. en

Amendment 55
Andrey Slabakov

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5 c. Welcomes the Commission’s commitment to seeking strong IP protection in future Free Trade Agreements (FTAs) and for full implementation in existing ones; regrets, however, that the current template for IPR in such agreements is not reflective of the protection afforded by European rules; reminds the Commission that FTA signatories interpret IPR differently than the EU and that the largest threat for intellectual property comes from outside the Union; urges the Commission to introduce higher standards into its FTA template for IPR in order to strengthen the protection for European authors;

Or. en
Amendment 56
Victor Negrescu

Draft opinion
Paragraph 5 c (new)

5 c. Calls for specific actions designed to ensure access by all EU citizens and countries to quality content in the fields of education, culture and media; underlines the need for EU financial support in providing access to content in all EU languages;

Or. en

Amendment 57
Sabine Verheyen, Tomasz Frankowski, Asim Ademov, Peter Pollák, Željana Zovko, Christian Ehler, Isabel Benjumea Benjumea, François-Xavier Bellamy

Draft opinion
Paragraph 5 d (new)

5 d. Recognises in light with the Council conclusions "Recovery and transformation of Europe’s media and with the Council conclusions on safeguarding a free and pluralistic media system" that territorial exclusivity is crucial for a significant part of the creative sector in order to guarantee its creativity, financing and sustainability as well as development of existing and new business models, and emphasised that legal and business certainty and regulatory consistency are absolutely essential to safeguard the rich cultural diversity of the Union and to ensure that content creators which rely on territorial exclusivity are able to thrive and continue reinvesting in quality content;
Amendment 58
Andrey Slabakov

Draft opinion
Paragraph 5 d (new)

5 d. Highlights the crucial role that IP plays in Europe’s digital transformation; emphasises that innovation should go hand in hand with creativity and digitisation, with the pandemic highlighting the necessity of the emergence of critical new technologies, notably in the health sector; notes the necessity of ensuring a system is in place to protect European businesses from cyber attacks and the resulting loss of trade secrets;