



Modernisation of EU copyright rules

**Presentation of the proposal on
out-of-commerce works in the
copyright package adopted on
14/09/2016**

Background

- Digital Single Market Strategy (May 2015): need to address in the EU copyright framework the key obstacles to the functioning of the DSM
- Commission's Communication on the modernisation of the EU copyright framework (December 2015): targeted actions and long-term vision
- Proposal for a regulation on cross-border portability of online content services (December 2015)
- Second copyright package adopted on 14 September 2016

Copyright modernisation package adopted on 14 September

- 4 legislative proposals and an accompanying Communication:
 - ✓ Regulation on online transmissions and retransmissions of TV and radio programmes
 - ✓ Directive on copyright in the Digital Single Market
 - ✓ Implementation of the Marrakesh Treaty for people with print disabilities through a Directive and a Regulation

Three main objectives

1. Facilitating cross-border access to copyright protected content online
2. Modernising the EU rules on key exceptions and limitations in the areas of research, education, and preservation of cultural heritage
3. Introducing fairer rules of the game for a better functioning copyright marketplace

Facilitating cross-border access to content online

- Measures to facilitate the **clearance of rights for broadcasters online services** (live TV, catch-up) and **retransmission service providers** (IPTV, satellite, mobile)
- Legal framework to help cultural heritage institutions to digitise and make available across borders **out-of commerce works**
- Negotiation mechanism to facilitate the **licensing of European films on VoD platforms**

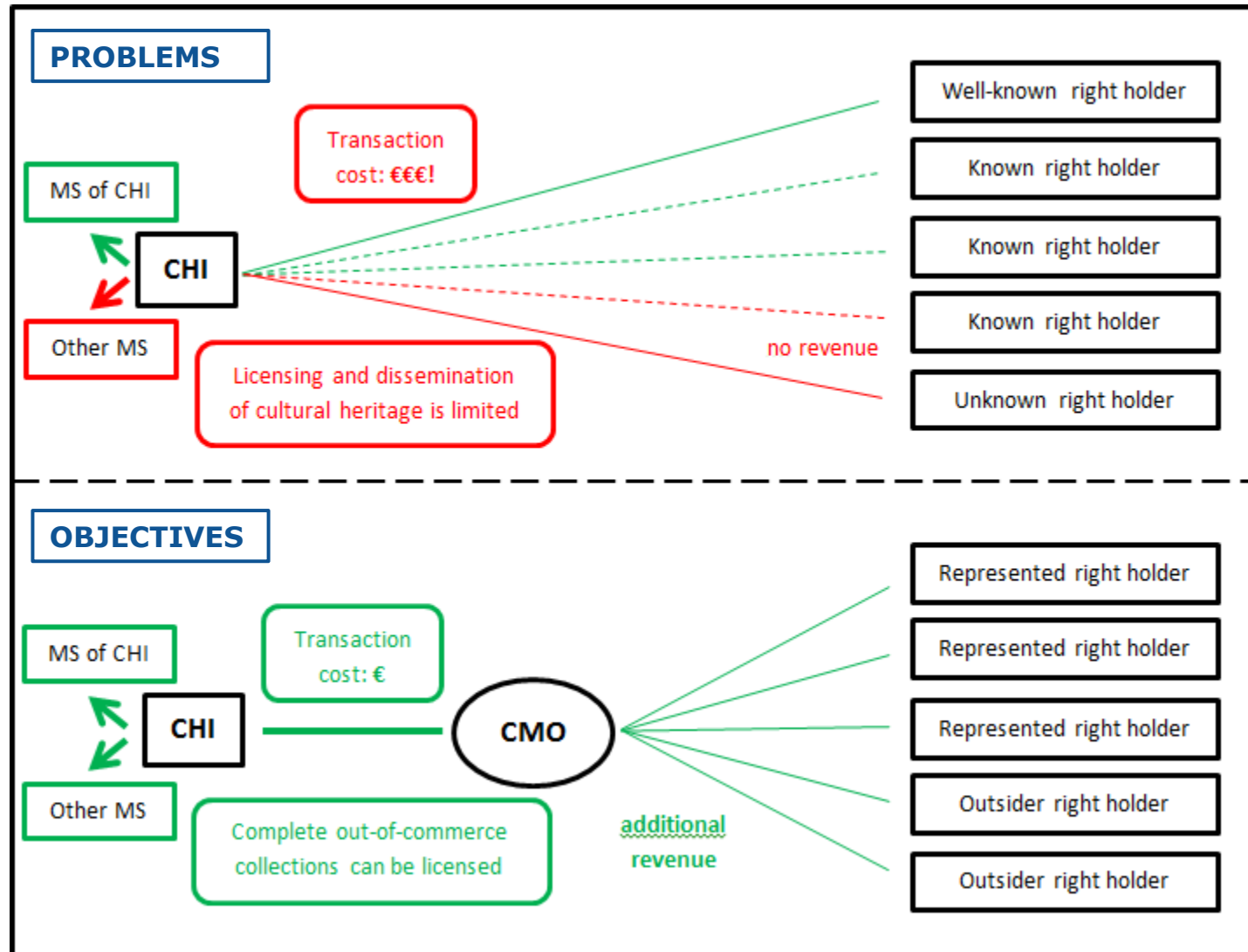
Licensing of out-of-commerce works

Overview

- Legal framework to help cultural heritage institutions to digitise and disseminate across borders **out-of-commerce works** (Articles 7-9 + Article 2(3) of the DSM Directive)
 - Objective: reduce transaction costs in mass digitisation projects (background: 2011 MoU on OOC books and journals)
 - Member States to introduce the possibility of extended collective licensing, presumption of representation or similar for licensing OOC works for non-commercial uses
 - Safeguards for right holders: possibility to opt-out; publicity requirements; consideration of the origin of works and all editions
 - Cross-border effect: possibility of multi-territorial licences
 - Stakeholders' dialogue to facilitate the use of such mechanisms for different categories of works: specific and regular dialogue



European Commission



Licensing of out-of-commerce works

Further details

- All types of works, including never-in-commerce works
- Permanently in the collection of cultural heritage institutions
- Possibility to determine groups of works OOC as a whole
- CMO requirements: representativeness in the type of works and the category of rights, equal treatment
- "specific requirements and procedures" (...) "in consultation with rightholders" (...) "necessary and reasonable": flexibility
- EUIPO portal: required for cross-border effect