

*The Honorable José Manuel Barroso  
President of the European Commission  
1049 Brussels, Belgium*

*4<sup>th</sup> December 2012, Brussels*

*Dear President Barroso,*

In light of the need to complete Europe's digital single market and as we continue to wait for proposals to be made by the European Commission, we would like to call to your attention the urgent need for copyright reform in the European Union.

People all over the EU are increasingly concerned that the copyright system is no longer for them, and that many aspects of copyright law as it is currently applied, managed and interpreted by courts in the member states is not satisfactory or relevant.<sup>1</sup> This concern is also shared by many smaller and larger businesses that sense the loss of Europe's competitiveness as a result. In fact, the European Commission's own services have concluded that only those stakeholders with a vested interest in the current—and outdated—copyright mechanism are happy with the way it emphasizes the interests of certain industries over those of everyone else.<sup>2</sup>

The European Parliament has called for more harmonization of copyright on numerous occasions.<sup>3,4</sup> However, despite that and the Court of Justice of the European Union having dealt with several big copyright cases in the last years, harmonization seems far from being a reality.<sup>5</sup> Each ruling by the Court creates more uncertainty for stakeholders in the member states, particularly those operating in several member states.

Meanwhile the opportunities that digital technologies offer, for example to bring creative content and audiences together in an easier and less expensive way, are lost. Citizens travelling between member states find themselves disconnected from services due to the fragmented and complex licensing schemes. It is therefore difficult for European citizens to anticipate their rights and obligations while moving freely within the EU. Cross-border availability of content is rare, and those actors that can easily facilitate cross-border availability also cite licensing difficulties and the current copyright framework as barriers to access and innovation.<sup>6</sup>

Several other important stakeholders, such as libraries<sup>7,8</sup> and organizations dealing with access to content for disabled persons, are facing problems servicing an increasingly mobile European population with digitalized content or content adjusted for special needs.<sup>9</sup> People in Europe are suffering unnecessarily, not only economically, but also socially and culturally. While Europe has a wealth of cultural diversity to offer, the market is dominated by the United States.


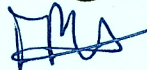


A revision of the directive on the harmonization of certain aspects of copyright in the information society, 2001/29/EC, is vital for the future of the European Union's economic, cultural and social developments.<sup>10</sup> A revision of the directive on enforcement of intellectual property rights, 2004/48/EC, is also needed, to ensure that a more appropriate balance is struck between the different interests in the European societies.

We urge you to take these considerations into account when you are discussing copyright with the Collegium of Commissioners on December 5<sup>th</sup>, and that you will show leadership and call for an urgent revision of the 2001 and 2004 directives.

*Yours sincerely,*

Amelia Andersdotter

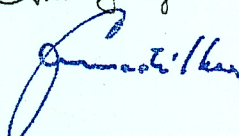
  


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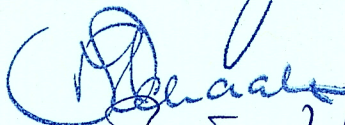
Lidia Joanna Geringer de Oedenberg



Jiří Maštálka



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Paweł Zalewski



*Members of the European Parliament*



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- <sup>1</sup> Kroes, Neelie (2012). Copyright and innovation in the Creative Industries, Speech/12/592, The 2012 Intellectual Property and Innovation Summit, The Lisbon Council Brussels, 10 September 2012
- <sup>2</sup> European Commission (2012). Summary of the results of the Public Consultation on the future of electronic commerce in the Internal Market and the implementation of the Directive on electronic commerce (2000/31/EC)
- <sup>3</sup> Opinion of the Committee on Industry, Research and Energy for the Committee on the Internal Market and Consumer Protection on completing the Digital Single Market, (2012/2030(INI))
- <sup>4</sup> Opinion of the Committee on Legal Affairs for the Committee on the Internal Market and Consumer Protection on completing the Digital Single Market, (2012/2030(INI))
- <sup>5</sup> Commission Staff Working Document, SEC(2007) 1556, Report to the Council, the European Parliament and the Economic and Social Committee on the application of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society
- <sup>6</sup> European Commission (2012). *ibid.*, page 6
- <sup>7</sup> Commission Recommendation 2006/585/EC of 24 August 2006 on the digitisation and online accessibility of cultural material and digital preservation, paragraph 9
- <sup>8</sup> Communication “i2010: Digital Libraries”, Brussels 30.9.05 COM (2005) 465 final, followed by a recommendation on the digitisation and online accessibility of cultural material and digital preservation, OJ 236 of 31.8.06, p. 28
- <sup>9</sup> European Parliament, 2011/2894 (RSP), Resolution on access by blind people to books and other printed products
- <sup>10</sup> Guibalt et al (2007). Study on the Implementation and Effect in Members States Law of Directive 2001/29/01 On the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society. University of Amsterdam: Institute of Information Law