



DISSENT OVER COPYRIGHT IS ABOUT UNNECESSARY DETAIL

The Copyright Directive is currently before the European Parliament. The past few months have emphasised the contrasting position taken by members of the Working Party reflecting their different commercial approaches (for example ISPs and content providers). However, all appear agreed on the following:

1. The Copyright Directive seeks to harmonise existing copyright legislation to an unnecessary level of detail, leading to legislation getting bogged down in minutiae.
2. The main purpose of this directive should be to implement our international obligations under World Intellectual Property Organisation (WIPO) treaties on copyright and related rights. If other detail delays it, then just the basic WIPO terms should be implemented. Member States are at different levels of technological development etc so flexibility is required. Subsidiarity should apply.
3. The views of content providers, users and service providers are polarised and (almost) irreconcilable. The best way to reconcile them is to move from areas of agreement as set out in the WIPO treaty.
4. The Copyright regime needs to have regard to all economic and social interests in accordance with the treaty (summarised at article 5(4) of the draft directive) to promote content provision, healthy commerce, full participation in the Information Society, affordable access, and the EU as a preferred site for related businesses.
5. Legislation needs to be:-
 - i. technology neutral (there is currently no flexibility for the future);
 - ii. at least as good for industry as is US legislation;
 - iii. sufficient to comply with WIPO Treaty.
6. Inflexible legislation/over regulation will not encourage European IT/technology/content- provider jobs - or social inclusion.

Questions to ask the Commission?

Why does the directive go beyond what is necessary to meet obligations under WIPO Treaties?

Does it help advance European jobs, wealth creation and global competitiveness?

Does it help advance social inclusion and affordable access to the information society?

Does it encourage inward investment?