Committee on Culture and Education

27/02/2015

AMENDMENTS 1 - 18

Isabella Adinolfi

Draft opinion PE544.403 - 2014/2256(INI)
Amendment 1
Dietmar Köster
Draft opinion
Paragraph 1 a (new)

Draft opinion

1 a. Stresses that the copyright framework and its enforcement on the basis of the Charter of Fundamental Rights of the EU, that attains and safeguards a fair remuneration for artists, creators and rightholders plays a vital role in encouraging creativity, fostering cultural diversity and ensuring the creation of new creative and cultural content across the EU;

Or. en

Amendment 2
Dietmar Köster
Draft opinion
Paragraph 1 b (new)

Draft opinion

1 b. Emphasizes that any reform of the copyright framework should take as a basis of proportional and adequate protection, since rights are crucial to intellectual creation and provide a stable, clear and flexible legal base that fosters investment and growth in the creative and cultural sector, whilst removing legal uncertainties and inconsistencies that adversely affect the functioning of the internal market;

Or. en

Amendment 3
Dietmar Köster
Draft opinion
Paragraph 1 c (new)

Draft opinion

1 c. Recalls that the European cultural...
markets are naturally heterogeneous because of the European cultural and linguistic diversity, notes that this diversity should be considered as a benefit rather than an obstacle to the Single Market;

Amendment 4
Dietmar Köster
Draft opinion
Paragraph 1 d (new)

Draft opinion

1 d. Recalls that there is nothing within the current legal framework to prohibit the use of multi-territorial and pan-European licences, notes however that the demand for those licences remains weak, and stresses that these licences should remain optional; Emphasizes that multi-territorial and pan-European licenses should ensure the fair remuneration of artists, creators and right-holders;

Amendment 5
Dietmar Köster
Draft opinion
Paragraph 1 e (new)

Draft opinion

1 e. Supports the initiatives aimed at enhancing the portability of online services of legally acquired and legally made available content within the EU, whilst fully respecting copyrights and the interests of right-holders;

Amendment 6
Dietmar Köster
Draft opinion
Paragraph 1 f (new)
1 f. Notes that several studies have demonstrated that the cultural and creative sectors, often copyright intensive, and are not only essential for cultural diversity but also significantly contribute to social and economic development.

Dietmar Köster
Paragraph 3

3. Stresses that embedding and linking should not be considered acts of communication to the public and thus should not be subject to Article 3 of the directive;

3. Stresses that the ability to link one resource to another or to embed is an important feature of the internet, but stresses that under certain circumstances, in particular commercial uses, embedding and linking may be considered as acts of communication to a new public and therefore may constitute an infringement to copyrights;

Dietmar Köster
Paragraph 4

4. Emphasises the need to update the concept of ‘reproduction of works’ by taking into account the possibilities offered by digital technologies in terms of communication to the public;

5. Urges for the establishment of mandatory limitations and exceptions to copyright, at least with regard to the most important exceptions, such as those in the field of education, research and libraries, to allow for the more widespread dissemination of cultural content across the EU;

Amendment 10
Dietmar Köster
Draft opinion
Paragraph 5 a (new)

5 a. Stresses that when Member States provide for exceptions and limitations they should ensure that creators or rightholders receive fair compensation and that the exceptions or limitations do not conflict with a normal exploitation of the work or subject-matter;

Amendment 11
Dietmar Köster
Draft opinion
Paragraph 5 b (new)

5 b. Where exceptions and limitations are provided for, stresses the need for them to be targeted whilst reflecting modern digital use, and for clarity to the user with regards to the scope and limits of these exceptions and limitations in order to avoid consumer confusion and ensure legal certainty;
Draft opinion

5 c. Recognises the importance of libraries for accessing knowledge and encourages the efforts made by the stakeholders to find solutions to allow libraries to make use of the digital environment while respecting the rightholders' interests; Notes that the technology allows e-lending of e-books in a way that permits an effective control, making it similar to the lending of physical copies;

Or. en

Amendment

5 d. Recalls that the Marrakech Treaty will require the EU to have a mandatory exception to copyrights for the non-commercial uses to the benefit of persons with a disability, which are directly related to the disability, to the extent required by the specific disability;

Or. en

Amendment

6. Highlights the fact that a general flexible exception is not adapted to the European legal system and would undermine the legal certainty necessary for both the consumers and the creative and cultural
expression and information, freedom of the arts and sciences and cultural, religious and linguistic diversity, as referred to in the Charter of Fundamental Rights of the European Union;
8 a. Recognizes that commercial copyright infringing activities pose a serious threat to the functioning of the digital single market and to the development of the legal offer of diversified cultural and creative content online;

8 b. Points out that the rapid rate of technological development in the digital market calls for a technologically neutral legislative framework for copyrights;