European Union. European Parliament: Proposed Regulation on copyright and online transmissions of broadcasters

Ó Fathaigh, R.

Published in:
IRIS

Citation for published version (APA):

General rights
It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations
If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: https://uba.uva.nl/en/contact, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.
European Parliament: Proposed Regulation on copyright and online transmissions of broadcasters

On 27 November 2017, the Committee on Legal Affairs of the European Parliament published its Report, including a draft European Parliament Resolution, on the proposed Regulation laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes. This ninety-six-page Report follows the Committee’s vote on 21 November 2017 on the proposed Regulation.

The European Commission first published the proposed Regulation in September 2016 (see IRIS 2016-9/4) as part of the Commission’s Digital Single Market Strategy for Europe (see IRIS 2015-6/3), which aims to create a modern, more European copyright framework (see IRIS 2016-2/3). The Commission’s Regulation seeks to make it easier for broadcasters to release their content online throughout the EU. It introduced a country-of-origin principle to facilitate the clearance of rights for ancillary online services by broadcasting organisations, where the relevant copyright act takes place solely in the member state where the broadcasting organisation is established. It also sought to facilitate the clearance of rights for retransmission services provided over closed networks, such as IPTV (other than cable), by introducing rules on mandatory collective management.

Notably, a Report from the Committee on Legal Affairs’ Rapporteur was published on 10 May 2017, with the Rapporteur stating that the Regulation seemed “too narrow,” and recommended that “the specific reference to broadcast programmes should be deleted.” Following the Opinions from the Committee on Culture and Education, the Committee on Industry, Research and Energy, the Committee on the Internal Market and Consumer Protection, and the Rapporteur’s Report, the draft European Parliament Resolution contains thirty pages of amendments to the Commission’s proposal. The most notable amendment concerns Article 2 of the draft Regulation related to the scope, which provides that the country-of-origin principle would only apply to ancillary online services to an initial broadcast of “exclusively news and current affairs programmes”. Moreover, a new Article 2(2a) would mean that Article 2 would not limit parties’ freedom to agree on any specific methods or criteria for calculating the amount of payment to be made for the rights subject to the country-of-origin principle, such as those based on the broadcasting organisation’s revenues generated by the online service.

Thus, broadcasters would only have to clear the rights in their own country to make available their online news and current affairs content for audiences in other EU countries. However, it would be possible for broadcasters to “geo-block” their online content if the rightsholder and broadcaster so agreed in their contracts.

The proposal will now be considered by the European Parliament sitting in plenary session.

- Committee on Legal Affairs, Report on the proposal for a Regulation of the European Parliament and of the Council laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, 27 November 2017

http://merlin.obs.coe.int/redirect.php?id=18786

- Committee on Legal Affairs, “More online TV and radio across borders,” 21 November 2017

http://merlin.obs.coe.int/redirect.php?id=18787

- Committee on Legal Affairs, Rapporteur: Tiemo Wölken, Draft Report on the proposal for a regulation of the European Parliament and of the Council laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, 10 May 2017

http://merlin.obs.coe.int/redirect.php?id=18788


http://merlin.obs.coe.int/redirect.php?id=18789
The objective of IRIS is to publish information on legal and law-related policy developments that are relevant to the European audiovisual sector. Despite our efforts to ensure the accuracy of the content, the ultimate responsibility for the truthfulness of the facts on which we report is with the authors of the articles. Any opinions expressed in the articles are personal and should in no way be interpreted as representing the views of any organisations represented in its editorial board.

© European Audiovisual Observatory, Strasbourg (France)