9. Copyright and related rights

PRESIDENT. – The next item is the recommendation for the second reading (Doc. A3-278/93) by Mr Bru Púron, on behalf of the Committee on Legal Affairs and Citizens' Rights, on the common position established by the Council (C3-0300/93 – SYN 395) with a view to the adoption of a directive harmonizing the term of protection of copyright and certain related rights.

ÁLVAREZ DE PAZ (PSE), deputy rapporteur. – (ES) Mr President, we are today considering the recommendation on this proposal for a directive approximately one year after Parliament delivered its opinion at first reading.

This proposal forms part of a substantial package of measures necessary for the functioning of the internal market in intellectual property, among which one can single out the directives already approved on rental right and lending right and on satellite broadcasting and cable retransmission.

The purpose of the common position we are considering is total harmonization of the terms of protection of copyright and certain related rights through the establishment of a common term for the twelve Member States – seventy years in the case of copyright; fifty years for related rights – and the uniform fixing of the factors to be taken into account in determining the starting point for calculating the term of protection.

Despite the difficulties encountered in reaching a compromise, the need for harmonization in this area was indisputable. Not just authors, producers, broadcasters, artists, performers and the like, but also consumers, had made this clear. There also existed case law of the Court of Justice that demonstrated the need to carry out this harmonization in order to complete the internal market. In particular, this measure is necessary to ensure free circulation of certain goods (objects protected by copyright and related rights) and services (broadcasts, for example), and to avoid distortions of competition. The compromise achieved is the fruit of long negotiations in Council in which substantial account was taken of Parliament’s positions.

We should recall that, in its opinion at first reading, Parliament adopted 14 amendments, 11 of which were totally or partially incorporated in the Commission’s amended proposal. In its common position Council has taken up a substantial number of the amendments proposed by Parliament. I shall single out the solution applied in the treatment of audiovisual works, a subject that aroused considerable controversy during the first reading in this Parliament. Total harmonization of the period of protection is achieved, while at the same time respecting both the continental and the Anglo-Saxon copyright systems and following the line adopted by Parliament in the directive on rental right and lending right. We must welcome the compromise achieved, which has the virtue of commanding the consensus so necessary in this matter.

Other important points taken up in the common position that are the result of proposals put forward by Parliament at first reading are, for example, the treatment of works published for the first time after the term of protection has expired – article 4 of the common position – or the system established for application in time of the provisions of the directive – article 10 of the common position.

In general, then, we are confronted with a very satisfactory common position. On the basis of these considerations the Committee on Legal Affairs adopted a recommendation that contains only two drafting amendments which, furthermore, concern only the Spanish version of the text. We are thus tabling no substantive amendment in this plenary, because we consider that the compromise achieved is a balanced and realistic solution that will secure the harmonization necessary for the functioning of the internal market, a market in which goods and services protected by intellectual property rights play an increasingly important role.

The rapporteur, on whose behalf I am speaking, Mr President, therefore asks Parliament to vote in favour of the recommendation presented to it, and accordingly, to vote for the common position adopted by Council.

GARCÍA AMIGO (PPE). – (ES) Mr President, ladies and gentlemen, the Group of the European People’s Party will be supporting the report of the Committee on Legal Affairs, as it has already done in committee, and accepting the common position of Council.

In point of fact, in so doing, Mr President, the plenary of this Parliament will merely be supporting its own amendments adopted at first reading, since practically all those amendments have been taken up by the Commission and by Council. I predict that the two short and necessary drafting amendments that concern the Spanish version and that are being tabled now will also be taken up by the Commission and Council, to bring greater technical and legal rigour to the final text of this new Community law.

In short, Mr President, my group is going to vote as proposed by the rapporteur, whom we wish to congratulate on his excellent work.

VANNI D’ARCHIRAFI, Member of the Commission. – (IT) Mr President, I should just like to stress that I am not surprised that we have achieved this unanimity of views between Parliament, Council and Commission. It does not surprise me because we are here faced with a measure essential for completing the safeguarding of intellectual property protection on a Community-wide basis.

Some time ago, as has been pointed out, we approved the directive on protection of satellite and cable broadcasts. This directive extends and consolidates that protection in the field of copyright and certain related rights in particular, with regard to their term. There are also other measures ‘in the pipeline’, as they say, which include a proposal, recently approved by the Commission, for the protection of industrial design, a proposal which is also very important on the level of establishing an external bulwark against fraud, which is undoubtedly one of the greatest threats to trade in the Community and to Community trade with third countries; that is, trade in those products that have a high built-in component of intellectual property and inventiveness.

I am thus very pleased at this state of affairs. As regards the language factor, I would say that we are looking at a question of editing rather than an amendment, as some trivial errors had crept into the Spanish text.

So, Mr President, I, too, welcome the step forward on the road to adoption of this directive that will be represented by Parliament’s approval of the common position.

PRESIDENT. – The debate is closed.