



Council of the European Union
General Secretariat

Brussels, 03 July 2017

WK 7520/2017 INIT

LIMITE

PI

WORKING PAPER

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

INFORMATION

From:	Presidency
To:	Working Party on Intellectual Property (Copyright)
Subject:	Presidency Flash - Intellectual Property (Copyright) WP on 10 and 11 July 2017

In view of the Intellectual Property (Copyright) Working Party meeting on 10/11 July 2017, delegations will find in Annex the Presidency Flash.



Presidency Flash

Copyright Working Party 10 and 11 July 2017

Dear Colleagues,

The copyright team of the Estonian Presidency is looking forward to working with you in an efficient, constructive and cooperative spirit throughout the forthcoming six months.

We would like to inform you that in the Working Party on the 10th of July we will focus on the Directive on Copyright in the Digital Single Market. We will continue (and hopefully finalise) the examination of the key issues paper tabled by the Maltese Presidency contained in document 8613/17, starting from section 5 (Articles 14-16) and possibly also covering Section 6 (final provisions). Should time permit, the joint proposal by Denmark, Sweden and the United Kingdom for a provision on domestic collective licencing schemes contained in document 9504/17 will be discussed as well, otherwise it will be left for the next meeting in September.

On the 11th of July we will start discussing the Presidency compromise proposal for the Regulation on online transmissions of broadcasting organisations and retransmissions of television and radio programmes contained in document 10551/17. The main changes made in the Presidency compromise text are either of a technical nature or concern elements where we thought the Member States views were sufficiently clear to propose some compromise text. We have sought to:

- 1) improve the definition of the broadcasters' online services in Article 1(a) and relevant recital 8;
- 2) strengthen the principle of contractual freedom in Article 2 and relevant recitals 9-11;
- 3) include retransmissions over open internet in Articles 3 and 1(b) and relevant recitals 12-14, subject to certain conditions;
- 4) reflect the flexibility for the Member States in Article 3 with regard to deciding on a





responsible CMO(s) in case a rightholder has not transferred the management of his or her rights to a CMO and in the existence of more than one CMOs.¹

We have left untouched some important issues where further discussions are needed before any compromise could be proposed. We would therefore invite the Member States to express their views on the following two questions:

- (i) *The principle of country of origin in Article 2: what could be the possible solutions or options for the Member States who have expressed their concerns with regard to that principle?*
- (ii) *Direct injection: do Member States think that the situation of retransmissions using the technique of a direct injection needs to be clarified?*

We look forward to fruitful discussions and to seeing you all in our first working party.

Kind Regards

The Presidency

Kärt N, Merili, Anneli, Kärt K and Maarja

¹ As regards Article 3(2), end of second subparagraph, the words "is deemed to be mandated to manage the right of that right holder" should be read as deleted