



European Bureau of Library, Information and Documentation Associations

Lobbying for archives and libraries

EBLIDA, the *European Bureau of Library, Information and Documentation Associations*, is an independent, non-profit umbrella organisation of national library, information, documentation and archive associations in Europe. Subjects on which EBLIDA concentrates are European information society issues, including copyright and licensing, culture and education and EU enlargement. We promote access to information in the digital age, and the role of archives and libraries in achieving this goal. We represent the interests of our members to the European institutions, such as the European Commission, European Parliament, and the Council of Europe.

CALL FOR COMMENTS

A call from the European Commission (17 January 2007) for comments on initial experiences on how the online sector has developed since the adoption of its Recommendation of 18 October 2005 (2005/737/EC) on collective cross-border management of copyright and related rights for legitimate online music services (OJ L 276 of 21 October 2005).

http://ec.europa.eu/internal_market/copyright/docs/management/monitoring_en.pdf.

Stakeholders are invited to comment until 1 July 2007.

CONTRIBUTION FROM EBLIDA

Legally binding rules on transparency and governance of collecting societies are highly desirable. Collecting societies are supported in their work and purpose by intellectual property law, by virtue of which they have considerable powers. Yet no Community law regulates how they operate. This is greatly to the disadvantage of individuals and SMEs who find themselves in an extremely inferior position when negotiating rights. The Information Society has led to a vast increase in the potential exploitation of rights by players who are small or insignificant in economic terms. This potential cannot be realised while the apparatus of collecting societies favours large enterprises clearing high-value rights, and discriminates in practice against the clearance of low-value, and/or small scale uses.

All the other questions in the consultation concern the relations between right holders and collecting societies.

The Commission is fundamentally mistaken in not taking into account the end-users who wish to clear rights, once right-holders and collecting societies have concluded agreements between themselves. When rights-clearance involves a collecting society, it is always at least a triangular economic arrangement, involving not only right holders and the society that acts for them, but also the person (an individual, a SME, or a cultural institution such as a library) seeking permission to use the material.

EBLIDA believes that in its efforts to stimulate inter-State competition between collecting societies, the Commission is pursuing policies that are detrimental to the Information Society. It is difficult already for a small player to know where to turn, to clear the rights in a particular work. The rights may be handled by the original author, the publisher or distributor, or by one of several collecting societies in the Member State where the rights have arisen. By allowing collecting societies to administer rights established in Member States other than their own, the Commission's recommendation creates more uncertainty by increasing, still further, the fields to be searched when a small entity wishes to secure legitimate use of copyright-protected material. This is counter-productive to the aim of encouraging creativity and productive use of work in Europe.

The Hague, 21 June 2007