

Brussels, 20th November 2008

Dear Member of the European Parliament,

Re: Proposal for a Directive on the term of protection of copyright and certain related rights (COM (2008)646).

We are writing as representatives of the audio-visual producers' community at large to express our views and concerns on the recent attempts by some Members of the European Parliament to extend the scope of application of the proposal in question to the audio-visual sector without sufficient debate or motivation.

The current proposal is meant to extend the term of protection of music, further to a thorough impact assessment study carried out by the European Commission, as procedure dictates. Such study is limited to the music sector and has not even in passing tried to assess whether the audiovisual industry were in a similar situation or needed an extension of the term of protection for their rights.

The two sectors are fundamentally different, respond to different cultural and commercial imperatives, are organized differently, licensed and exploited in a different way.

There is no evidence of any internal market obstacles to the exploitation of audio-visual material which could be attributed to the current term of protection applicable to any of its contributors, nor is there any evidence of the European audio-visual industry being at a competitive disadvantage vis a vis other countries, because of the current term of protection; we would argue that the contrary is true as films are protected for over a century at a time in Europe under authors rights and their transfer.

The fact that presumptions of or other forms of transfer of authors' rights do not apply in the same way across the EU is a matter that national Member States may decide to and can easily address as EU legislation provides for all the needed flexibility in this respect. National specificities allowed by EU law should not become the reason to rush into undue extension of the current proposal.

We firmly believe that rather than rushing blind folded towards a mere extension of the proposal to a totally different environment, it would be wiser to keep the two sectors separate, advance the current proposal in the music sector alone and ask the Commission to launch an impact assessment and thorough consultation of all stakeholders over the possible extension of the term of protection in the audio-visual field. We will be active and constructive participants of any such process.

We would therefore respectfully ask you to recognize the need for such an assessment and refrain from adopting any amendments which would extend the term of protection also in the audio-visual field for any of the actors concerned at this stage.

We would recommend that, as a matter of compromise, an amendment be tabled for the purpose of asking the Commission to launch an impact assessment procedure to carefully address the possible need to extend the term of protection as it currently applies to the audio-visual sector (artists performers, producers and broadcasters) (see amendment enclosed).

Yours faithfully,

Yvon THIEC

Proposal for a directive on the term of protection of copyright and certain related rights.  
Proposal for an amendment – Amending Act

Recital 5 bis

*" Ask the Commission to launch an impact assessment procedure similar to that carried out for the music sector to consider whether there is a need to extend the term of protection that currently applies in the audiovisual sector (artists performers, producers and broadcasters)".*