



Public hearing

The governance of collective rights management in the EU

Copyright users statement

23 April 2010

Ladies and Gentleman

I am here on behalf of major copyright users associations.

These are:

- ACT
- AER
- Cable Europe
- EBU
- Pearle*

BEUC also supports this statement.

Today copyrights users would like to raise national and EU policy-makers' awareness of the need for reform of the collective management system.

The European Commission has set out a clear strategic challenge for the European industry: to create new, innovative services which can remain competitive in the global market and can create new jobs. This challenge requires all stakeholders to modernise their way of working if they are to realize the full potential of a knowledge-based economy rich in original, European content. This modernization requires the adoption of a new legal framework for collective rights management which covers not only issues of *governance* but also includes new rules to effectively *facilitate* collective licensing.

As set out by the EC Commission in its Communication on rights management in 2004, collective licensing plays a key role for creating the necessary one-stop-shop approach. We therefore fully support the Commission's view in that Communication that facilitation of effective rights management is crucial to the proper functioning of the Internal Market. This explains why collecting societies' activities are of direct concern to European copyright users and other organisations, each in its own specific sector. All users believe that more needs to be done to improve and modernise the collective management of copyright in the European Union. Failure to do so would prevent rights users from playing our full role in delivering the potential of the EU's strategy for more growth and jobs.

In spite of the diversity of the industries involved, the complexity of the relationships of each of these sectors with rights-holders and collective rights management organisations and the serious issues some individual rights' users associations hereby represented have with the shortcomings of collective rights management systems in specific domains, general consensus exists on the following points:

- Need to ensure that the "online" rights are not treated differently from the "offline" rights: "technological neutrality" is essential
- Need to maintain and, where necessary, extend possibilities for one-stop-shop licensing so as to avoid, in particular in the area of music, the fragmentation of rights and/or repertoires
- Need for good governance of Collecting Societies in order to increase the whole system's efficiency and transparency; such new framework should include rules on appropriate accountability and dispute resolution mechanisms.

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