

Intellectual Property – Copyright Directive Presidency Flash #4

8 November 2018

Dear Colleagues,

the upcoming Working Party on Intellectual Property on 15 November 2018 will be dedicated to a discussion about the most controversial Articles of the Copyright Directive and to the preparation of the 37th WIPO SCCR.

Copyright Directive

Articles 11, 13, minus 14 (EP) and 16a (EP)

First, we would like to discuss our exploratory compromise suggestions on Articles 11 and 13 (WK 13586/2018 - to be issued shortly). With these texts, we tried to make some concessions to Parliament while keeping the most important elements for the Council. In addition to the texts we would like to discuss with delegations the following questions:

- Article 11: Can Member States show flexibility with regard to a compromise solution based on a more targeted scope of application (covering only uses by news aggregators) and a different approach on parts of press publications (reference to “insubstantial parts” without flexibility for the Member States to determine the insubstantial nature of parts/ limitation to one of the two criteria listed in Article 11 paragraph 1 sub-paragraph 2)?
- Article 13: Can Member States show flexibility with regard to a compromise solution for the mitigation of liability, which would exclude mitigation when the online content service provider rejects an offer for an appropriate licensing agreement?

Second, we would like to discuss exploratory texts on Articles minus 14 (EP) and 16a (EP) provided by the Commission both to the Parliament and to the Council following the discussions in the 25 October trilogue (WK 13585/2018 - to be issued shortly).

37th SCCR

The Working Party will also be given the opportunity to coordinate positions in view of the next SCCR session taking place from 26 to 30 November. We look forward to Member States' views on the draft statements (14070/18). We would also like to discuss our strategy on the Broadcasting Treaty, agree on the line to take regarding the term of protection provision and also discuss the Argentinean proposal on deferred transmissions (document SCCR/37/2).

AOB

After the discussions, we will hear presentations on EU policies on indigenous peoples and on a national study on the Sami people.

We look forward to constructive discussions and to seeing you all in the Working Party.

Kind Regards

The Presidency

Christian, Felicitas, Peter and Beatrice



Council of the European Union
General Secretariat

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WK 13583/2018 INIT

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WORKING PAPER

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INFORMATION

From:	Presidency
To:	Working Party on Intellectual Property (Copyright)
Subject:	Presidency Flash: Intellectual Property (Copyright) Working Party meeting on 15 November 2018

Delegates will find in the Annex the Austrian Presidency Flash in view of the above mentioned meeting.