

## Moral rights in the EU : a resurrection?

Authors will be pleased to read that the European Commission understood the question of moral rights as one of the most urgent issues to address in the digital environment. The EC also recognized “that moral rights are important for creativity and that there is a need for examination whether harmonization of moral rights was required in the new digital environment”. This sounds like a recent assessment due to the growing appearance of ‘user generated content’ on the web. But unfortunately it goes back to 1995, when the Green Paper for the Information Society was published. What happened since? Not much: DG Market commissioned in the late 1990s a study on whether harmonization of moral rights is needed, but unfortunately the study concluded that there is no need for doing so. Not surprising, as no music writers had been consulted. Instead the study noted that “in the field of music, piracy and control of uses are real problems. The issue of moral rights should not focus the attention of the European Commission” (COM (96) 568 final). Unfortunately the aspiration of moral rights in EU legislation was stifled with the conclusion of the study.

Fast-forward to 2013, ‘user generated content’ on social media sites and blogs is more than a reality and the European Commission understood the need in late 2012 to initiate a cross-industry stakeholder dialogue entitled ‘Licenses for Europe’ to encourage the different industry stakeholders to find solutions. ECSA joined the Licenses for Europe initiative and was invited to make a presentation on moral rights in the digital environment. The presentation received broad support from different participating stakeholders, right holders and user representatives.

Certainly, more credited and attributed works in the net benefit all: it provides greater opportunities for authors to become known and facilitates further collaboration and exploitation of their works, which is also important for the allocation of royalties. It also allows society and all those interested in art to trace more easily the original work in an environment where it gets frequently lost. Finally, it also facilitates ways for users to reach out to the original creator and to start collaborating for a possible transformative use. Undeniably, the challenge of drawing a balanced line between transformative and infringing works must be addressed. The same concerns the question to which extent generated works can be original enough to be protected by copyright. Nonetheless, the key principles of moral rights, including their non - waivable nature, must be upheld and supported in the current debate on intellectual property rights. Therefore, ECSA is determined to further campaign for authors’ moral rights, especially in the digital environment and in light of possible further harmonization of EU copyright and related rights law.

To find out more about the ECSA moral rights presentation at the Licenses for Europe Working Group please click [here](#).

To find out more about the EC Licenses for Europe Initiative please click [here](#).



## ECSA welcomes MEP Gallo's Working Document

ECSA welcomes the working document of MEP Marielle Gallo on the proposal for a directive on collective management of copyright. The document was published beginning of March and understands the need to refine the draft directive in a couple of areas, notably with regards the proportional representation of different categories of right holders belonging to a collective society, i.e. composers, songwriters and music publishers. ECSA also strongly supports the exclusive assignment of the performing right to collective societies, as highlighted in the declaration of representatives of music writers guilds from more than 20 European countries.

The working document is accessible on the website of the Juridical Committee of the European Parliament.

## European Forum on Music

Hosted by the European Music Council (EMC), the forum invites the music sector to debate and challenge how music contributes to foster social and cultural values in Europe and to provide a platform for dialogue and networking, for inspiration and exchange and for meeting authors, musicians and music activists from all over Europe. ECSA Secretary General Patrick Ager will chair together with Thomas Dayan from IFM a workshop on advocacy work for music on 19 April. The Forum takes place on 18-21 April in Glasgow, Scotland. For further information please click [here](#).