Court of Justice of the European Union decision not keeping with well established functioning Collective Rights Management practice

On 12 November 2015, the Court of Justice of the EU ruled on a case between Hewlett Packard Belgium and the Belgian RRO Reprobel (C-572/13). The case pertains to the Belgian reprography scheme. The CJEU interprets the 2001 Copyright Directive answering a series of preliminary questions referred by the Court of Appeal of Brussels.

The Court clearly acknowledges the right of authors and other ‘rightholders’ to be remunerated for certain uses of their works allowed under an exception in national legislation. It further ruled that publishers are not rightholders in the sense of article 5.2a and b of the 2001 Copyright Directive. The Court says that, as a result, publishers cannot suffer harm and thus are not entitled to compensation on the basis of the Directive. Any compensation or remuneration provided to publishers at member state level must not affect the fair compensation, which is due to authors under article 5.2.a and b of the Directive.

It is evident from the ruling that the European copyright framework in the field of both reprography and private copying in the text & image sector is in urgent need of clarification. IFRRO calls upon the European Commission and the European Parliament to review articles 2, 5.2a and 5.2b of the Directive, with an aim of maintaining fair and adequate compensation for both authors and publishers for usages of their works and publications made under said exceptions. The review should further aim at creating a robust legal framework.

Solidarity between authors and publishers has always been at the very core of IFRRO’s mission and operations. IFRRO calls on the European Commission and the European Parliament to give clarification and provide stability and legal certainty to IFRRO members with an aim of maintaining a system that has been successful for so many years in a whole series of EU member states in providing free access to copyrighted works and at the same time fairly compensating authors and publishers.

About IFRRO
IFRRO, the International Federation of Reproduction Rights Organisations, is the main international network of collective management organisations and creators’ and publishers’ associations in the text and image spheres. IFRRO works to protect and enable easy legal access to copyright material.

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