

THE EU COPYRIGHT DIRECTIVE: WHAT IT IS AND HOW IT AFFECTS YOU!

What is Copyright?

Copyright, in the UK, is an attempt to maximise the intellectual resources available to all by encouraging creators of literature, music and films to publish their work by granting a temporary monopoly of the sale and reproduction of their work. This allows them to sell copies for a profit and provides a financial incentive to create more works.

In exchange for this, the public demands a number of concessions, primarily the following three:

1. "Fair dealing" is the right to take short extracts without explicit permission from the creator of the work. This is mainly used for the purposes of academic study, reporting or criticism. When a student quotes a book in a college essay, she is exercising her "fair dealing" right.
2. "First sale" is the right to sell a legitimate copy of a work over and over again as long as you don't make any new copies. When you read a book, then sell it to a used book store to be bought and read by someone else, you're exercising your rights under first sale.
3. **Limited** monopoly copyrights are granted for a limited time (currently up to 70 years after the death of the author in most cases). After this time expires, the work goes into the **public domain** and it can be copied and used by anyone for any reason.

The EU Copyright Directive (EUCD) threatens to remove these long established rights from consumers.

What is the EU Copyright Directive?

On 9 April 2001 the EC formally adopted a new directive on copyright and related rights. The Directive has therefore entered into force. As required by Article 13 it must now be applied to the national laws of EU Member States before 22 December 2002. The draft of the UK legislation is expected to be available for review before the end of 2001.

The EUCD contains a contentious article, Article 6, which requires EU states to legally protect against the "circumvention of any effective technological measures" used by publishers to restrict the use of their products, frequently in violation of the three rights described above. The EUCD also requires legal protection against the manufacture, import, sale, rental, distribution, advertisement or possession of devices which can be used by consumers to circumvent unfair restrictions and exercise their rights. An example of a "circumvention device" is a "modchip" used by owners of DVD players to enable their machines to play discs intended for sale in non European regions. It is legal for consumers resident in the EU to import discs from overseas (providing they observe any laws regarding duty and decency), but manufacturers do not usually allow players to play such discs because it complicates their marketing plans. It is expected that more and broader restrictions will be applied to films, music and electronic books in due course.

That doesn't sound fair! What can I do?

First of all, if you have Internet access, please consult the sites listed below to learn more about the effect the EUCD will have on you and your family. From there, spread the word to friends, family and colleagues, to your MP. Get involved in the consultation process for the UK laws. Consider boycotting some or all products of the publishers lobbying for these laws.

<http://uk.eurorights.org> <http://www.patent.gov.uk/copy/>
<http://www.fipr.org> <http://www.freesklyarov.org>
<http://www.gnu.org/philosophy/right-to-read.html>

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