

# COPYRIGHT:

## WHAT IS BROKEN, HOW TO MEND IT?

**Thursday 18 October / 9.00 - 12.45**

ROOM JAN 4Q-2 / EUROPEAN PARLIAMENT, BRUSSELS

### IN THE PRESENCE OF

- Google
- Deezer
- European Digital Media Association
- Performers' and consumers' organisations (AEPO ARTIS, European Digital Rights, BEUC)
- Academics and lawyers (Professor Christophe Geiger, Professor Stef Van Gompel, Professor Caroline Colin, Javier de la Cueva)
- The European Patent Office
- Médecins sans Frontières.

MODERATED BY CLAUDE COSTECHAREYRE.



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Group of the Progressive Alliance of  
**Socialists & Democrats**  
in the European Parliament

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## About this event

Further to the successful debates on how to manage artists' rights fairly and how to ensure access to online cultural services for the largest number of EU citizens, and based on the lessons learnt in the ACTA debate, the S&D Group propose an open debate on the **copyright reform**, to take place on **Thursday, 18.10.2012, in the morning**.

Socialists and Democrats in the European Parliament support the legal protection of intellectual property and acknowledge the danger of counterfeited goods without exaggerating threats. The organisers will guide the debate based on this declaration of principle.

We want to **give copyright the social legitimacy eroded not only by ACTA, but also by dysfunctions of the current EU copyright acquis**.

**Internet should remain a space of freedom**. To cope with the frantic pace of new technologies, the lawmakers should create **open norms**.

To start with, **we call on the Commission to reinforce the harmonizing effects** of the EU law. Copyright levies, for instance, can be as high as 180 Euro in Belgium, as low as 12 Euro in Germany and zero in Netherlands. As for roaming tariffs, we commit to exerting a downwards pressure on prices paid by EU citizens to access online content. Copyright levies should be phased out. As long as a Belgian consumer will pay 15 times the copyright levy paid by the German consumer, there is no genuine Single Market for Intellectual Property Rights.

We ask the Commission to do an urgent **implementation check and to agree on a better institutional ex post overview (correlation tables, shorter implementation deadlines)** for the future revision of the relevant copyright acquis.

We ask a **new catalogue of exceptions to copyright** (more not less!). Flexible concepts, such as the **fair use** doctrine, could be considered in addition to a genuine implementation of the exhaustive list of legitimate exceptions to copyright authorized in the 2001/29 Directive.

In the context of the current WIPO negotiations, the **rights of the visually impaired people** and the standardisation and creation of a specific cultural exception for libraries are fully backed by the S&D Group.

The S&D Group made the first step towards a particular category of archives- the orphan works, by creating a legal status and framework for the search, validation and making available of Europe's archives without a known author to the greatest public. Creation and culture are not (only) a market value. **We fully support the plea of libraries to have uniform standards and benefit from uniform rules worldwide**.

Copyright **laws should accommodate competing sets of rights**. The copyright reform is both about the **fundamental right** of access to information and culture and **fair remuneration** for artists. The online environment cancels the artificial scarcity of the analogue world. The artists faced a paradigm shift - the user-generated content and an exploding online delivery demand; the users, on the other side, contest the availability and accessibility of the online offer. We aim at a **flexible copyright framework** that will cope with rapidly shifting technologies and new digital media, and **new economic models** that would void any artificial conflict. and are fully transparent.

## About this event continued

We believe that the discussion on **enforcement measures** in connection with breaches of copyright should be the last stop of copyright reform. We confirm the line taken in the alternative resolution to the Gallo report: while we will strongly condemn any attempt to create a private police to chase young consumers sharing cultural services, **the value of work and the rights of workers are in our genetic code and we are committed to encourage any business model and consumption mode that serves the cultural workers.**

At the same time, digital content goes towards a **cloudification of creativity, copyrighted or not**. This trend corresponds to a shift from **owning to sharing that various industries concerned have to consider**.

We are **strongly against criminal measures** for **private use** of copyrighted materials at European level. The evolution of the digital space should take certain uses such as the *peer to peer review* out of the realm of illegality and **fairness** should equally apply to right holders and users. The IPR strategy should make a priority of including **non commercial uses amongst the legitimate exceptions**, which was not addressed during the WTO negotiations. To do so, we need **clear legal definitions** (commercial uses, harm, injunctions...).

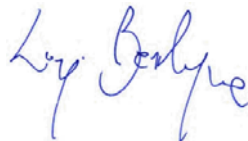
***Educate a child and you will save a man*<sup>1</sup>**. Education and information campaigns at European scale are the first step in forging the attitude of future generations towards artistic works.

**General monitoring** of internet activities should remain **taboo**. Judges should grant proportionate injunctions. The role on internet intermediaries be they Google or credit card companies, cannot breach fundamental rights. Penalties, including pecuniary, should be the last solution for intentional and persistent breaches of norms, given the novelty and rapid shifting of internet norms. For instance, in 2010, in the UK, format shifting was forbidden (ripping of films or music from one device to another). Today, progressive views emerge. As Prof. Hargreaves writes<sup>1</sup>, the IP system as a whole should be responsive to change.

More far reaching projects to solve copyright dysfunctions will give Socialist and Democrats food for thought in the next years: the **European Copyright Code**.



Sylvie Guillaume  
Vice President of the S&D Group



Luigi Berlinguer  
S&D Group Member

# Conference Programme

**09h00** Opening remarks

**Hannes Swoboda**, President of the S&D Group,  
**Sylvie Guillaume**, Vice President of the S&D Group

**09h15** How can we defend equitably the rights of creators, users, consumers?

*Moderator:* Claude COSTECHAREYRE

**1. Creativity vs copyright: is there a line to draw?**

**Subtitle:** Author and authorship in the 21st century; moral and economic rights: duration, scope and management

- Stef Van Gompel, IViR (Institute for Information Law), University of Amsterdam,
- Xavier Blanc, Secretary-General, AEPO ARTIS ( Association of European Performers' Organisations)

**2. "It's the (digital) economy, stupid!"**

**Subtitle:** New online economic models: Fair economic models or new oligopolies?

- In the presence of: Jeremy Rollison, Director, European Digital Media Association
- Tobias Mckenney, Policy Advisor, Google
- Johan Van Roy, Marketing Manager Benelux, Deezer

**3. Culture, information, education, fair use... where does the "legitimate use" end?**

**Subtitle:** What is fair access and fair price? Can a predictable regime be built on the three steps test – for the good of citizens and creators"? Can we agree on a list of "legitimate uses"?

- Joe Mc Namee, EU advocacy coordinator, European Digital Rights
- Kostas Rossoglou, Senior Legal Officer, Bureau of European Consumers

*10h30* *Coffee break*

# Conference Programme

## **10h45 Enforcement measures for intellectual property rights - what is fair and proportionate?**

*Moderator:* Claude COSTECHAREYRE,

### **1. Is copyright enforcement obstinate or obsolete?**

**Subtitle:** Some concepts: global licence, graduated response, abuses, damages, injunctive measures, sanctions, technological protection measures, commercial scale

- In the presence of C. Geiger, Director General, Centre d'Etudes Internationales de la Propriété Intellectuelle (CEIPI). Université de Strasbourg
- Caroline Colin, Head of Intellectual Property Unit of the CRIDS, Université de Namur

### **2. ....More than copyright: patents on medicines, software, trademarks, border measures - what should change?**

- Javier De la Cueva, Lawyer, Madrid
- Jean-Luc Gal, Head of Brussels Bureau, European Patent Office

### **3. How to reconcile IPRs protection with humanitarian concerns (poverty alleviation, genetic resources, access to medicines for third world countries)?**

- Aziz Rehman, Legal & Policy Advisor, Médecins sans frontière, Geneva
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## **12h15 Conclusions:** What priorities for the IPRs/copyright reform? Adoption.

*12h45 Drinks and refreshments*

# List of Participants

AGER	Patrick	ECSA
ALLEN	James	Confed. British Industry
AMILHAT	Melanie	Silvestro sprl
ANTHONIS	Emilie	ACT
BAKO	Eszter	EuroISPA
BARUCH	Robbert	Buma/Stemra
BATES	Eamonn	Eamonn Bates Europe
BECKER	Ann	European Publishers Council
BEDNARICH	Irena	Hewlett Packard
BERGMAN-TAHON	Anne	Federation European Publishers
BIERNAUT	Ewa	European Commission
<i>BLANC</i>	<i>Xavier</i>	<i>AEPO-ARTIS</i>
BOEYNAEMS	Francis	APCO Worldwide
BONGARD	Sacha	Eamonn Bates Europe
BONNEAU	Mathilde	Brunswick Group
BOTTINI	Mariacristina	SIAE
BOUE	Thomas	Business Software Alliance
BRUNET	Arnaud	Sony Europe
BRUNET	Maël	Open Forum Europe
BUCH	Xenia	Bundesverband Diakorie
BUSCH	Cristina	IMAGO
CARMONA OLIAS	Maria Paz	ICMP
CASTEX	Françoise	European Parliament (MEP)
CHAMPY	Nathalie	Ultimate Circle
CIAVARELLA	Rachelle	CRIDS
<i>COLIN</i>	<i>Caroline</i>	<i>Université de Namur</i>
COLLET	Guenaëlle	EBU
COMBES	Alexandra	Ultimate Circle
<i>COSTECHAREYRE</i>	<i>Claude</i>	<i>Niagara</i>
<i>DE LA CUEVA</i>	<i>Javier</i>	<i>Lawyer</i>
DE LOOZ-CORSWAREM	Joy	Federation European Publishers
DE RIBAU COURT	Ingrid	IFRRO
DEBILIO	Rosario	CRIDS, University of Namur
DEBROSSES	Véronique	GESAC
DELFORGE	Veronique	Cabinet d'avocats ULys
DOS SANTOS	Cristina	University of Namur
DU MOULIN	Marc	
ELZER	Nina	European Parliament
ENGSTROM	Christian	EP - GREENS
FERNANDEZ ESTEBAN	Marisa	European Commission
FILIPOVIC	Damir	Samsung Electronics
FINIDORI	Jean- Christophe	Asso. FUSART de l'Art de l'Entreprise
FOINIKOPOULOU	Alik	Cabinet DN
FONTANEL	Héloïse	SACEM
FONTES	Guilherme	Federation of European Sporting Goods
FORBES	Arthur	European Commission
FOSSOUL	Virginie	ULB
FRIEDLANDER	Daniel	IFPI
FURKEL	Maxime	Lexmark International
<i>GAL</i>	<i>Jean-Luc</i>	<i>European Patent Office</i>
GALASKI	Julia	International Union of Cinemas
GALLO	Alexandro	VUB
GERLACH	Christina	ARD

*GEIGER*

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GREER  
GUERRA

*GUILLAUME*

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HATTERMANN  
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OBERMEIER  
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PICKARD  
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European Parliament (MEP)  
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The Premier League  
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Cabinet DN  
  
Digitaleurope  
Interel European Affairs  
European Young Innovators Forum  
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IMPALA  
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ADAMI  
BASCA  
Finnish Composers Copyright Society  
European Parliament (MEP)  
IFPI  
Intel Corporation

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Max  
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Franziska  
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*BEUC*  
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European Parliament  
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European Parliament  
INTA  
Association of European Radios  
Confederation of Danish Industry  
Silvestro sprl  
Italian Association of Phonographic Producers  
IFRRO  
UNI MEI Global Union  
*S&D Group*  
European Digital Rights  
European Parliament  
SAA  
Perm. Representation of the Netherlands  
Brunswick  
European Parliament  
Eurocinema  
CSPH  
University of Athens  
European Parliament  
Fleishman-Hillard  
Federation European Publishers  
*IViR*  
*Deezer*  
  
Eurocinema  
CEPIC, Centre of the Picture Industry  
KEA European Affairs  
Computer & Communications Industry  
Association  
Confederation of Danish Industry  
Federation German Newspaper Publishers  
European Parliament  
USEU Mission/Foreign Commercial Service  
Groen!  
European Parliament  
European Parliament

\* *Speakers are marked in red*



# Practical Information

## **Mobile Phones**

Please be so kind as to switch your mobile phone to silent during each conference session. Thank you for your cooperation.

## **Taxis**

Taxis are always immediately available outside the entrance to the European Parliament, in Place du Luxembourg

## **Badges**

We would be grateful if participants would wear their badges at all times.

## **Filming and photography**

There may be photography and filming during this event. If you do not wish us to use your image as part of the conference outcomes or wider event promotion, please come and speak to one of the staff members on the day, providing your business card.

## **Web-streaming**

This event will be web-streamed in order to allow as many people as possible to participate.

## **Hand-outs**

A certain number of handouts are available for delegates. If these documents are no longer available, please send an email to [s-d.juri@europarl.europa.eu](mailto:s-d.juri@europarl.europa.eu) stating which documents you would like to receive.

# Opening speeches and presentations

**Hannes Swoboda**, President of the S&D Group

**Sylvie Guillaume**, Vice President of the S&D Group

## Speaker Biographies



**Hannes SWOBODA** was elected as President of the S&D Group in 2012. As a staunch pro-European and a dedicated member of the Social Democratic Party in Austria (SPÖ), he joined the European Parliament right after Austria's accession to the EU and was the leading candidate of the SPÖ in following elections (2004, 2009). He is known as an engaged parliamentarian-having served in 15 committees, 11 delegations and the rapporteur of countless reports. Through his regional focus on south-east Europe, central-Asia and Russia and steady contribution to the fight against political extremism and promoting minority rights, Swoboda is considered to be an expert of European integration. Having served as a vice-president of the S&D Group, his law and economics background, the 14 years representing the interest of employees in the Vienna chamber of labour as well as the nine years he served in the Vienna Assembly and Municipal Council, these qualifications have provided him with vast experience and knowledge of foreign affairs, urban development, education, health, housing and labour policies.



**Sylvie GUILLAUME** was elected Member of the European Parliament on the Socialist list of the South East constituency of France (Rhône Alpes, PACA and Corsica) in June 2009.

She's a member of the Parliamentary Committee on Civil Liberties dealing with Civil Liberties, Justice and Home Affairs. She specifically works on the harmonization of the European asylum system and human rights. She's also a substitute member of the Committee for Women's Rights and Gender Equality. Women's rights activist, she was National Secretary of the French Socialist Party delegated to Gender Equality from 1995 to 1997. She's also the substitute member in the Constitutional Affairs Committee.

In January 2012, she was elected Vice President of the Group of Socialists and Democrats in the European Parliament dedicated to the Europe of citizens (covering Civil Liberties, Justice, Home Affairs, Constitutional Affairs, Legal Affairs and Petitions). She's also responsible for driving a mission to mobilize youths into European issues. Activist, local and national leader for the Socialist Party since 20 years, after having worked in the field of social economy, she's also Deputy Mayor of Lyon delegated to social affairs and solidarity. In the mandates and responsibilities that she has been in charge of, authenticity and a strong desire to bring people at the heart of all policies has always guided her actions. Fair and thoughtful, she defends a certain idea of politics based on work, listening, respect for the commitment and pedagogy on political action.

# Speaker Biographies



**Claude Costechareyre** is as much concerned with the content of the messages as with shaping and executing their application. He intervenes as early as possible to be totally at ease with a dossier, understanding its structure and mastering the fundamental concepts. This allows him to conduct interviews, moderate seminars, nourish debates or controversies with the aim of making the message visible, legible and understandable to the public, even if not familiar with the issue.

He has gained his experience in areas such as:

**Animation:** in 1994, contacted by the Region Rhône-Alpes, he became involved indirectly in the world of education by conducting successively the national selections and the final of the Olympics of the Careers in Lyon. Since then, he developed a privileged relationship with the Region by intervening regularly on **educational** issues.

He also intervenes on issues of land development, equal opportunities for men and women, fight against discrimination and the integration in the city of disabled people.

**Mediation:** Since 2002, he has accompanied the Foundation of European Regions for Research, Education and Life Long Training (FREREF) for which he organises and moderates the Summer Universities on **Life Long Learning** all over Europe.

**Dialogue:** in a context where sustainable development, governance and participative democracy are coming into practice, he is involved in mechanisms at the level of Greater Lyon, the city of Lyon and the Region Rhône-Alpes and is currently leading a unique mechanism in France: the Inhabitants' Conference of the city of Feyzin, a body in which elected representatives, a panel of citizens and the Total refinery of Feyzin to consider ways to improve the coexistence with the refinery.

Curious by nature, a man of conviction and commitment, his status as co-founder of Niagara Innovation, gives him complete freedom to be open to new adventures and experiences.

## **Moderators' introduction**

What type of copyright reform should we have in Europe? This is a complex issue that raises first the question of intellectual property in an environment where the flow of ideas and information is more and more difficult to control.

If the copyright law must adapt to competition law, we should be clear about what should be protected. It is by no means putting into question the recognition of the right to remuneration of an artist, a creator or a researcher, but can we talk about ownership of an idea, a concept that our brain has spontaneously generated? Therefore the IPR strategy should clearly define what the commercial sector is, the non-profit and free dimension. Total protection and zero risk are a mere ideal.

On the other hand, if we want to develop creativity and imagination, we must think how to support the creator (for patent technology, marketing assistance). The question that arises is how to match remuneration to a balanced production model? How to go from an idea to the added value of this idea in economic terms that would be subject to legal protection, and thereby have economic value?

At the same time, if the Internet must remain a place of freedom, if the legislator should create open standards, how do we maintain the balance between free access to information, the legitimate remuneration of a product, a service and the formalisation of a viable economic model?

Can we re-define digital economy and what answers could bring? Can we find the ingredients for just or balanced economic models? Regulation at the European level is likely to reduce "fraud", or to eradicate it?

And finally, what we see on the Internet is not an extension of behavioral patterns found in many other areas, which raises the question of fundamental education and citizenship.

## **Abstracts from speakers' presentations**

### **Stef Van Gompel**

In my presentation I will argue that, while copyright has been progressively expanded in the last decennia, the reality of the digital era shows us that there is an increased need for a more lenient stance towards safeguarding particular users' interests. On the Internet we see various types of socially legitimate uses that do not really harm the author's interests but that are nevertheless restricted by copyright. Examples are user generated content and other types of creative reuse of works. Although a specific exception for user-generated content could be introduced, this would only partially remedy the situation. There is a deeper-seated problem that affects all areas where pre-existing content is reused. The problem is that copyright law has become overly broad. First, it extends to too many works, second, it is too long, third, it includes too narrowly defined exceptions and limitations and, fourth, the introduction of ever stronger enforcement measures has clearly undermined the social acceptance and legitimacy of copyright. I will briefly explain these points and argue that a line between creativity and copyright can certainly be drawn, but only on condition that the balance in copyright law is restored.

### **Jeremy Rollison**

I will be addressing obstacles to the achievement of a European Digital Single Market: Facilitating the creation of a more flexible multi-territory licensing system and conducive regulatory environment to promote the pan-EU availability of innovative new business models that meet consumer expectations, enhance cultural diversity and ensure reward for artists and creators.

### **Tobias Mckenney**

In general, I will be talking about the interaction between technology and culture.

### **Johan Van Roy**

Launched 5 years ago, **Deezer** is the leading European Music On Demand website with 23m members and 1.6m premium paying subscribers in Europe. Deezer users can, thanks to a catalogue of 18 million tracks and recommendations from our music-loving editorial team, discover and listen to all of their favorite artists, tracks or albums and create their own playlists. With this community and network of 23 million members, users can exchange and share their musical taste and mood. Today Deezer is live in 93 countries, on 5 continents. We have ambitious plans, some high level strategic partners and a burning desire to be the leading music streaming service for music lovers. Find us on [www.deezer.com](http://www.deezer.com).

### **Joe Mc Namee**

While being far from an ideal starting point, the three-step test could be re-interpreted to create a predictable regime that would better meet the interests of the citizen and protects the rights of creators.

Instead, the EU's exceptions and limitations regime starts from a poor starting point and gets worse. This is particularly due to the chaotic approach taken in the Copyright in the Information Society Directive. We now have a system that has become increasingly unpredictable, inflexible and unsuitable for the needs of citizens and the needs of creators themselves.

European innovators are faced with a confused licensing system and a broken exceptions and limitations regime. Auxiliary copyright - "compensating" rights holders for a service that obviously benefits them - is the most recent example of a legislative approach which adds layer upon layer of legal and bureaucratic complexity to the European legal landscape, creating a situation where far too little content is available legally and where European innovators are seriously disadvantaged.

### **Kostas Rossoqlou**

The current copyright framework fails to address the needs and expectations of consumers. There is an absolute lack of consumer rights, while a number of permitted uses are only allowed as part of optional exceptions and limitations and are often overridden by contractual terms. A reform of copyright is needed to integrate consumers' interests.

### **Caroline Colin**

Copyright infringements on the Internet can take various forms including peer-to-peer file-sharing, illegal streaming, dissemination of works on social networks or blog without the permission of the author. All these practices are very difficult to control and so far, despite the many possible paths explored by rights holders, (prosecuting of individual users for deterrence, judicial interdiction of exchange sites or software supply permitting it, filtering requested to internet access providers ...), users still have access to music, movies or other content thanks to unauthorised sites and software, threatening the legitimate remuneration of creators and producers, as well as the development of legal offers respecting authors rights. Given the magnitude of the phenomenon and the legal difficulties encountered, a global consensus exists on the need for action to protect copyright on the internet. Several political projects, currently under discussion in Belgium and elsewhere in Europe and in the world, try to position themselves providing legal solutions to illegal uses of works and protected contents. The challenge is to increase legal and economic certainty in order to encourage the development of online content and to ensure the effectiveness of the European digital market. The solutions offered to the governments and rights holders to strengthen the fight against unauthorized access to works on digital networks are numerous. Indeed several possibilities exist to fight against infringements of copyright on the internet: graduated response system, blocking sites, authorisation mechanism for certain uses ... The respect for intellectual property rights also raises many issues outside copyright, particularly relating to the protection of personal data and the involvement of internet access providers.

## **Javier De la Cueva**

My presentation will be twofold.

The main problem we face nowadays when we think about intellectual property is the invisibility of the wealthiest works: the three layers that operate in networks and that constitute the digital commons. When we think about intellectual property, we think about books, cinema, music and software but we do not realize that the most important work built under intellectual property is the internet. The three layers that compose the digital commons are internet protocols, software to manage the infrastructure (domain name systems, web servers, email software...) and content. The three of them have significant examples of content produced under free licenses: the RFCs (Request for Comments documentation), linux and free software and finally, wikipedia, open street maps or semantic web. Both IP, the commons and the proprietary models, are in tension. Our regulation must chose between whether to implement preference for an IP that belongs to all of us, free for use, copy and distribution, or to the IP that belongs to owners whose markets depend on the criminalisation of the copy.

The second part of the presentation will focus on patents and technical innovation framework and the phenomena of patent trolls.

## **Jean-Luc Gal**

Patents consist on a temporary exclusive right (20 years) to exploit an invention subject to disclosure of the so-called invention and the payment of fees for maintaining the patent into force (deal between the inventor and the society). According to the TRIPs, patents shall be granted without discrimination in all the fields of technology. However, in some technical areas, such as for instance biotechnology or computer-implemented inventions, some specific questions occurs (ethical, technical...). How will we cope with these 'a priori' opposite trends?

## **Aziz ur Rehman**

The debate about the enforcement of intellectual property rights has come a long way since the adoption of the TRIPs Agreement 1994. The focus is now on the reorientation of IPRs system which is currently grounded in theoretical notion of property rights. Several commentators have offered alternative theoretical models to envisage a functional IPRs system which can proactively address developmental and humanitarian concerns such as access to affordable medicines in resource limited settings. This presentation will focus on the experience of Médecins Sans Frontières in dealing with access related IPRs barriers. Traditional threats to access regimes such as stringent laws and strict regulations are still relevant but the focus is now shifted to enforcement and rules harmonisation. Bilateral and multilateral agreements targeting process harmonisation are equally dangerous and need a careful scrutiny from developmental perspective.

**Panel 1: How can we defend equitably the rights of creators, users, consumers?**

**Moderator:**  
**Claude Costechareyre**

**"Creativity vs Copyright: is there a line to draw?"**

**Panellists:**

**Stef Van Gompel**, *Professor*, Institute for Information Law,  
University of Amsterdam

**Xavier Blanc**, *Secretary-General*, AEPO ARTIS (Association  
of European Performers' Organisations)



## Speaker Biographies



**Stef van Gompel** is senior researcher at the Institute for Information Law of the University of Amsterdam. He specialised in intellectual property law and, in particular, in national and international copyright law. He obtained his law degree (2005, cum laude) and doctorate (2011) from the University of Amsterdam and his diploma Music Management (1999) from the Fontys Business College of Higher Education in Tilburg. He is the author of the book *Formalities in Copyright Law: An Analysis of their History, Rationales and Possible Future* (Kluwer Law International, 2011) and co-author of the book *Harmonizing European Copyright Law: The Challenges of Better Lawmaking* (Kluwer Law International, 2009). He is secretary of the Dutch Copyright Committee that advises the Minister of Justice of the Netherlands on copyright-related matters. He is currently working as a postdoc researcher for the HERA project *Of Authorship and Originality*, for which he analyses the concept of original works of authorship ('The Work as Creative Expression')



**Xavier Blanc**

Born in Lyon 29/12/1960

Members of the Lyon's Bar (France): 1985 to 1989

Since 1989: Head of Legal and International Department, SPEDIDAM, collecting societies of performers in France

Since 1994: General Secretary of AEPO-ARTIS, Association of European Performers Organisations.

**Panel 1: How can we defend equitably the rights of creators, users, consumers?**

**Moderator:**  
**Claude Costechareyre**

**"It's the (digital) economy, stupid!"**

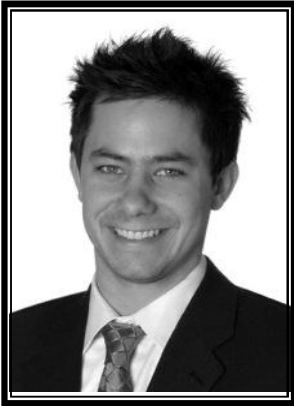
**Panellists:**

**Jeremy Rollison**, *Director*, European Digital Media Association

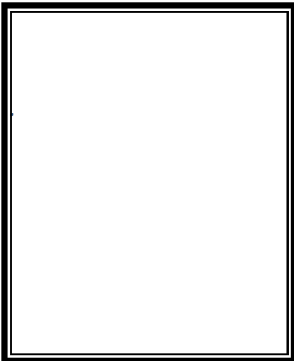
**Tobias Mckenney**, *Policy Advisor*, Google

**Johan Van Roy**, *Marketing Manager Benelux*, Deezer

## Speaker Biographies



**Jeremy Rollison** has served as Director of the European Digital Media Association (EDiMA) since 2007, specialising in EU policy issues surrounding the distribution of online content and services, copyright, e-Commerce, and online consumer policy. He is responsible for the management and coordination of the association's engagement activities at EU level and within Brussels, advocating on behalf of the association on the development of EU policy affecting the online environment and the development of a European Digital Single Market. A graduate from the University of Richmond (US), University of Bath (UK) and l'Institut d'Etudes Politiques de Paris, he also serves as Assistant Director Policy Action, a Brussels-based EU public affairs firm, responsible for the management and development of the firm's ICT practice and client portfolio.



**Tobias Mckenney** is European Intellectual Property Manager for Google. He graduated in law from Poitiers in France and Cambridge in the UK, and trained in IP law firms in Paris before researching copyright issues at the European University Institute and working in the EU institutions on intellectual property issues. He joined Google in 2012.



**Johan Van Roy** is working as the Marketing Manager for Deezer Benelux since October 2011. He has 13 years experience in internet (Telenet, Advalvas, PlayTheGame...) and new music business models: ABtv - livestream platform of concert venue Ancienne Belgique, fanfunding platform Akamusic

**Panel 1: How can we defend equitably the rights of creators, users, consumers?**

**Moderator:**  
**Claude Costechareyre**

**"Culture, information, education, fair use ... where does the "legitimate use" end?"**

**Panellists:**

**Joe McNamee**, *EU Advocacy Coordinator*, European Digital Rights

**Kostas Rossoglou**, *Senior Legal Advisor*, Bureau of European Consumers (BEUC)

## Speaker Biographies



**Joe McNamee** is Executive Director for European Digital Rights, an association of 32 digital civil rights organisations from 20 European countries. He holds an undergraduate degree in Modern Languages and postgraduate degrees in European Politics and in International Law.

He has written extensively on the issue of the legal, democratic and practical problems surrounding the increasing tendency for governments to rely on Internet companies to enforce the law in the online environment, including a study on the “slide from self-regulation to corporate censorship” and an article for the Global Information Society Watch journal on “Internet intermediaries – the new cyber police?”

Joe is on the advisory board of the Electronic Frontier Foundation (EFF), on the editorial board of the upcoming UNESCO research project on global privacy trends, member of the Privacy Advocates Advisory Group and of the advisory group of the European Commission's research project on corporate social responsibility in the information and communications technology sector.



**Kostas Rossoglou** holds the position of Senior Legal Officer at BEUC and is leading BEUC's Digital Team. He has been working at BEUC's Legal Department since January 2009 and his main areas of expertise are Intellectual Property Rights, data protection and e-commerce. He is also working in the field of contract law and consumer redress. Kostas Rossoglou is a qualified Greek lawyer, member of the BAR of the Thessalonica, in Greece.

BEUC is a Brussels-based organisation representing forty three reputed independent consumer associations from some thirty European countries (EU, EEA and applicant countries). BEUC investigates EU decisions and developments likely to affect consumers, with a special focus on eight areas identified as priorities by our members: Energy & Sustainability, Financial Services, Food, Health, Safety, Consumer Contracts, Digital and Group Action

**Panel 2: Enforcement measures for  
intellectual property rights - what is fair  
and proportionate?**

**Moderator:**  
**Claude Costechareyre**

***Is Copyright enforcement obstinate or obsolete?***

**Panellists:**

**Christophe Geiger**, *Director-General*, Centre d'Etudes Internationales de la Propriété Intellectuelle (CEIPI), Université de Strasbourg

**Caroline Colin**, *Head of Intellectual Property Units of the CRIDS*, Université de Namur

## Speaker Biographies



**Christophe Geiger** is Associate Professor, Director General and Director of the Research Department of the Centre for International Intellectual Property Studies (CEIPI) at the University of Strasbourg (France), where he teaches intellectual property and competition law. He is also in charge at the CEIPI of the Master 2 (LLM) on European and International IP law, co-directs the Master on Intellectual Property Law and Management (MIPLM) and a joint degree in intellectual property organised with the University of Skopje (Macedonia). In addition, he is affiliated senior researcher at the Max Planck Institute for Intellectual Property, Competition and Tax Law in Munich (Germany), where he was until 2008 in charge of the Department "France and French-Speaking African countries". He specializes in national, European, international and comparative copyright and intellectual property law, has drafted reports for the Council of Europe and the European Parliament (to which he acts as external advisor) and has published numerous articles on copyright and intellectual property law. He is also General Editor of the Collection of the CEIPI published by Litec (LexisNexis), co-editor of the EIPIN series published by Edward Elgar and member of the editorial board of several journals on IP law such as the International Review of Intellectual Property and Competition Law (IIC), the Queen Mary Journal of Intellectual Property, Propriétés intellectuelles, Revista Criação and the Journal of Intellectual Property, Information Technology and E-Commerce Law (JIPITEC). He has edited several volumes on intellectual property law, the most recent being "Criminal Enforcement of Intellectual Property: A Handbook of Contemporary Research" and "Constructing European Intellectual Property: Achievements and New Perspectives", both forthcoming with Edward Elgar 2012.



**Caroline Colin** is Head of the Intellectual Property Unit of the CRIDS (Research Centre Information, Law and Society, University of Namur) where she mainly carries out research in intellectual property, data protection and privacy at national and European level. Her current researches focus on copyright in a digital environment, digital libraries, peer-to-peer file sharing, re-use of public sector information, privacy and emerging technologies. She intervenes in conferences and drafts articles on these topics. She received her doctorate dealing with copyright and users' rights (Larcier, 2011) from the University of Paris XI (France) in 2008. Whilst drafting her thesis, she has taught law in several fields (business, advertising...). She speaks French, English and Italian

**Panel 2: Enforcement measures for  
intellectual property rights - what is fair  
and proportionate?**

**Moderator:**  
**Claude Costechareyre**

**... More than copyright: patents on medicines,  
software, trademarks, border measures - what should  
change?**

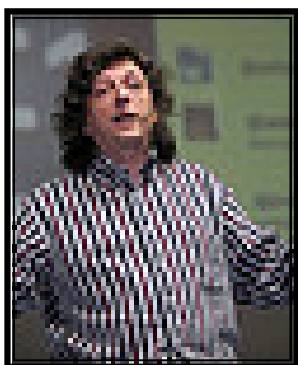
**Panellists:**

**Javier De la Cueva**, *Lawyer*, Madrid

**Jean-Luc Gal**, *Head of Brussels Bureau*, European Patent  
Office



## Speaker Biographies



**Javier de la Cueva** (born in Madrid in 1962) is a practising lawyer. Amongst others, he has handled the defence for Ladinamo (the first ruling ever to acknowledge Copyright), Sharemula (which confirmed that websites offering links to p2p networks are not a criminal offence) and p2p developer Pablo Soto. He created and continues to drive Procedimientos Libres (Free legal proceedings), whose first legal proceeding was a lawsuit against levy on blank CDs and DVDs. He is currently engaged in programming Proyecto Kelsen (a framework for managing legal data under AGPL licence), the Free Legal Ontology, to maintain Opengov.es catalog or to design Praeter Orwell. He is also a professor in the Master's degree programme on Digital Economy and Creative Industries at the Escuela de Organización Industrial and a lecturer. A GNU/Linux user since 1998, he has been a systems administrator under this operating system since 2003. He writes his scripts in Python.



Jean-Luc Gal is the Head of the Brussels Bureau of the European Patent Office (EPO Brussels Bureau). His main activity is to liaise with the European Unions institutions and the NGOs based in Brussels on all the questions relating to patents (particular EU patent, biotechnological inventions and computer-implemented inventions) but also in connection with research, innovation and IP cooperation with EU and non EU Countries.

Previously, Jean-Luc was a national expert seconded by the French National Office of Industrial Property (INPI) to the European Community (DG Internal Market/Industrial Property Unit) and to the French Permanent Representation in Brussels. He was in charge of the follow-up to Directive 98/44 'legal protection of the biotechnological inventions'(implementation of the Directive and report thereon), and of international negotiations in patent law.

Prior to 2000, Mr. Gal was INPI's administrator for multilateral affairs in the Community and International Law Department. He has also practised as an attorney at law specialised in business law.

**Panel 2: Enforcement measures for intellectual property rights - what is fair and proportionate?**

**Moderator:**  
**Claude Costechareyre**

**How to reconcile IPRs protection with humanitarian concerns (poverty alleviation, genetic resources, access to medicines for third world countries)?**

**Panellists:**

**Hafiz Aziz ur Rehman**, *Legal & Policy Advisor*, Médecins sans Frontières, Geneva

## Speaker Biographies



**Hafiz Aziz ur Rehman** is working as Legal & Policy Adviser with the Access Campaign, Médecins Sans Frontières. He has a diverse experience of working on patents and access to medicines issues, public health regulations, consumer protection, competition law and regulatory reforms. Aziz completed his PhD from the Australian National University where his work focused on patent law and access to essential medicines. In 2001 he completed his LLM from the University of Stockholm Law School, Sweden and earned an LLB (Hons) degree from the International Islamic University, Islamabad-Pakistan in 1998. He has published in leading international journals on various themes related to intellectual property, medical innovation policy and international trade















# About the S&D Group

The Group of the Progressive Alliance of Socialists and Democrats (the S&D Group) is the second largest political group in the European Parliament with 189 members from all 27 EU member states and 7 observers from Croatia.

We stand for an inclusive European society based on principles of solidarity, equality, diversity, freedom and fairness. We campaign for social justice, jobs and growth, consumer rights, sustainable development, financial market reforms and human rights to create a stronger and more democratic Europe and a better future for all citizens.



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