



Notification Number: 2016/470/F

Draft decree implementing Articles L136-3 and L136-4 of the Intellectual Property Code

Date received : 05/09/2016

End of Standstill : Closed

Message

Message 002

Communication from the Commission - TRIS/(2016) 02737

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2016/0470/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201602737.EN)

1. Structured Information Line

MSG 002 IND 2016 0470 F EN 05-09-2016 F NOTIF

2. Member State

F

3. Department Responsible

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4. Notification Number

2016/0470/F - SERV

5. Title

Draft decree implementing Articles L136-3 and L136-4 of the Intellectual Property Code

6. Products Concerned

Automated image referencing services

7. Notification Under Another Act

-

8. Main Content

Article L136-3 of the Intellectual Property Code establishes a compulsory collective management mechanism for the right to reproduce and represent plastic, graphic or photographic works of art by automated image referencing services. It combines this collective management with a remuneration for the authors of the works of art concerned. Said remuneration is fixed by means of a voluntary agreement, or, failing that, by decision of a joint committee.

The purpose of this draft decree is to specify the conditions for approving the royalty collection and distribution society appointed to exercise the right to reproduce and represent plastic, graphic or photographic works of art as part of automated image referencing services.

The draft decree also specifies the operational procedures of the joint committee tasked with fixing a scale of the remuneration due to the authors concerned in the absence of an agreement between the approved royalty collection and distribution society and operators of automated image referencing services.

9. Brief Statement of Grounds

Articles L136-1 et seq. of the Intellectual Property Code, introduced by Law No 2016-925 of 7 July 2016 on the freedom of creation, architecture and heritage, set out the conditions under which the authors of plastic, graphic or photographic works of art exercise their exclusive rights of reproduction and representation vis-à-vis automated image referencing services.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): Articles L136-3 and L136-4 of the Intellectual Property Code

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-



13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspect

No - the draft is neither a technical provision nor a conformity assessment procedure.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

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