

The European Commission

Audiovisual and Media Policies Office
Information Society & Media Directorate-
General

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Consultation concerning communication from the Commission to the European Parliament, the Council, the European and Social Committee and the Regional Committee on creative online content in the single market, COM(2007) 836 final

General remarks:

ITEK – and thus the Confederation of Danish Industries (DI) – welcomes the implementation of a consultation on the conditions for creative online content in the single market. It is the general attitude of DI/ITEK that the creative online entertainment industry currently is in its embryonic stage, but with the proper framework it can develop into a significant billion-euro industry in the EU. DI/ITEK recommends caution on the part of the Commission regarding further legislation and regulation of this developing market. It is the general view of DI/ITEK that market forces should guide developments with a view to creating a booming online industry. DI/ITEK, however, is aware of the importance of a number of restricting factors:

- The European film industry is experiencing intense competition from the rest of the world. The main reason is that Europe embraces a wide range of smaller languages that need to be considered, and budgets are often much lower than, for example, those allocated in the United States. For this reason DI/ITEK calls for barriers to be avoided which could restrict the use of the advertising, sponsorships and product placement that are vital sources of financing the development of television and film productions.
- The dissemination of license rights across platforms and national borders should enjoy greater support. Current business conditions in the establishment of creative content on several platforms across national borders are a major source of insecurity for rights holders, who are afraid of losing control of their rights. At the same time, current copyright rules promote that copyright is distributed by country involving unnecessary resources being spent in obtaining rights for each individual member state. ITEK thus recommends that the Commission works towards a model in which a “supra-national” authority can handle copyright across national borders and platforms and issue multi-territorial licence rights in this capacity.
- DI/ITEK is of the opinion that DRM is not the way forward in protecting

rights holders. DRM is already obsolete thanks to the technological development that has eroded this type of technology protection. Instead, rights holders should increasingly perceive an exposure of their material on several platforms as part of a marketing instrument.

- DI/ITEK believes that the re-transmission fee for cable television is highly anti-competitive compared with broadcast and satellite. Accordingly, DI/ITEK recommends that a harmonised solution is found so that double-payment is avoided and the interests of the rights holders are ensured through a form of reasonable billing directly to the broadcasters. DI/ITEK would like future regulation to create equal conditions for all market players on all platforms.

Administration of rights

For several years, DI/ITEK has supported efforts to combat piracy and is strongly opposed to the unauthorised upload and download of copyrighted material. We are therefore backing intensified efforts and cooperation in the battle against piracy. However, we do not concur with the type of agreement that has been entered into in France, under which a “supra-national” internet authority is empowered to suspend or terminate access to the internet. Our objections are based on the fact that Denmark has an extremely well-functioning internet and telecom market with close cooperation between the authorities and the telcos /Internet providers. DI/ITEK does not consider it necessary to establish yet another super-regulative” institution. DI/ITEK wants to promote a deregulation of the telecom, media and internet markets. DI/ITEK, however, supports the Commission’s proposal to establish a “Forum on online content” as an inter-sector, international dialogue forum in which companies, providers, telecommunication producers and consumers can share experiences and create the foundation for “good practice on the internet”.

Yours sincerely,



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