

Kluwer Copyright Blog

No longer a blocking minority against extending the term of protection for certain related rights

Johan Axhamn (Department of Business Law, Lund University) · Friday, September 9th, 2011

As highlighted in a previous [post](#) by one of my fellow Kluwer Copyright bloggers, and [others](#), a proposal by the European Commission for a directive on an extension of the term of protection for fixations of performances and for phonograms to 70 years after the recording (from current 50 years) has recently been brought back on the agenda of the European Council. At a meeting of the permanent representatives (COREPER) on 7 September, the proposal was [agreed upon](#) by a large enough votes by the Member States. The proposal has previously been approved by the [European Parliament](#).

Previous attempts to move forward with a vote has effectively been postponed by the fact that a blocking minority of the Member States has opposed the proposal. The Member States opposing the proposal before the meeting of the COREPER were Austria, Belgium, Czech Republic, Luxembourg, Romania, Slovakia, Slovenia, Sweden, and The Netherlands. After Denmark and Portugal – previous members of the minority – dropped their reservations, the minority were five votes short of being large enough to block the vote.

The outcome of the meeting of the COREPER has received criticism by leading politicians in Sweden, a country with relatively high levels of online piracy – a fact which has a direct impact on the sensitivity of copyright policy issues. For example, copyright policy has often been a topic in high level political debates before [general elections](#) and elections to the European Parliament. Indeed, at the last election to the European Parliament i 2009, the [Pirate Party](#) received enough votes to [gain two seats](#).

In a comment in the leading Swedish morning paper *Dagens Nyheter* a political adviser to the Swedish Minister for Justice [submitted](#) that “We believe that this would only benefit the major artists and record labels; a very small percentage of the revenues [gained through the extension] will benefit the ordinary performer.”

Not surprisingly, the result of the meeting in the COREPER has also received criticism from the [Pirate Party](#).

The formal (official) decision will be made by the Council of Ministers on Monday (12 September).

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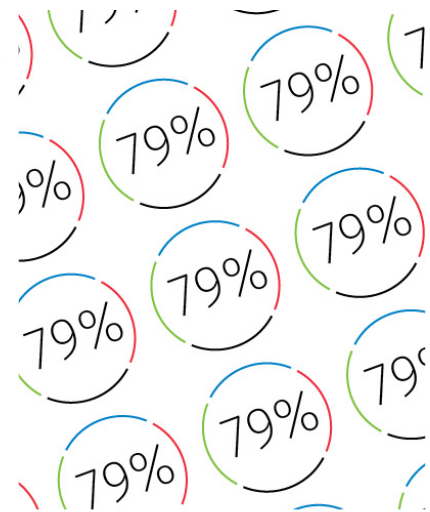
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