

Resolution of the representatives of the Governments of the Member States of 24 July 1984 on measures to combat audio-visual pirating

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RESOLUTION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES of 24 July 1984 on measures to combat audio-visual pirating (84/C 204/01)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,

Whereas the phenomenon of audio-visual pirating and of trade in illicitly reproduced works is on the increase;

Whereas this causes harm to authors and other creative artists, interpreting and performing artists, producers of sound and audio-visual works, in particular films, and radio and television organizations and, more generally, to all the theatrical and audio-visual professions as also to national treasuries;

Whereas such harm includes defrauding of their income those who have invested in the production of sound or audio-visual works, which jeopardizes the production of new works of quality, in particular works where high production costs make it necessary to reach a very large audience;

Whereas, furthermore, acts of audio-visual pirating entail for consumers the great danger of a fall in the quality of the products available to them;

Whereas the detrimental effects of such acts overstep national frontiers and whereas, therefore, the problem of pirating, has both a Community and an international dimension;

Whereas the need to find suitable solutions has been recognized repeatedly at international level, in particular by the international Copyright Committees of the Berne Convention and the Universal Convention and at the Colloquia of 25 to 27 March 1981 and 16 to 18 March 1983 ; whereas adoption of the Rome Convention of 26 October 1961 for the protection of performers, producers of phonograms and broadcasting organizations, the Geneva Convention of 29 October 1971 for the protection of producers of phonograms against unauthorized duplication of their phonograms and the Brussels Convention of 21 May 1974 relating to the distribution of programme-carrying signals transmitted by satellite testifies to this same concern;

Whereas, nevertheless, the phenomenon of pirating has become more and more widespread, and this may partly be attributed to the lack of procedures and penalties which can be effectively applied to pirates and traders in copied material,

HAVE ADOPTED THIS RESOLUTION:

The Member States 1. will endeavour to ratify, quickly, if they have not yet done so, those international Conventions which they consider likely, by the reciprocal provisions which they contain, to facilitate the initiation of procedures against acts of audio-visual pirating;

2. will, under the international conventions to which they have acceded or will accede, strengthen where necessary their national legislation, and in particular criminal law legislation, so as to provide the

competent services with all the means necessary to seek out and prove acts of counterfeit and provide the judicial authorities with the legal weapons that are essential for the dissuasive and effective repression of such acts;

3. will consider at the level of the authorities concerned any measures the situation demands to ensure that close cooperation between them in combating audio-visual pirating is instituted and developed;

4. will implement a systematic policy of cooperation between authorities and members of the professions concerned with a view to following developments in the phenomenon of pirating and constantly adapting to that development the techniques of prevention, detection and repression of acts of fraud.;

5. will, in collaboration with the international intellectual property organizations, pursue a policy of making available to States and copyright holders any information on laws and case law concerning audio-visual pirating;

6. agree to the examination, in the context of current discussions on copyright and in the appropriate framework, of any proposal of a contractual, legislative or other nature which could help to provide an adequate solution to the problems, and in particular any possibility of improving the effectiveness of the procedures and penalties applicable to pirates and traders in copied material.