

Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (codified version)

CHAPTER II

RIGHTS RELATED TO COPYRIGHT

Article 7

Fixation right

- 1 Member States shall provide for performers the exclusive right to authorise or prohibit the fixation of their performances.
- 2 Member States shall provide for broadcasting organisations the exclusive right to authorise or prohibit the fixation of their broadcasts, whether these broadcasts are transmitted by wire or over the air, including by cable or satellite.
- 3 A cable distributor shall not have the right provided for in paragraph 2 where it merely retransmits by cable the broadcasts of broadcasting organisations.

Article 8

Broadcasting and communication to the public

- 1 Member States shall provide for performers the exclusive right to authorise or prohibit the broadcasting by wireless means and the communication to the public of their performances, except where the performance is itself already a broadcast performance or is made from a fixation.
- 2 Member States shall provide a right in order to ensure that a single equitable remuneration is paid by the user, if a phonogram published for commercial purposes, or a reproduction of such phonogram, is used for broadcasting by wireless means or for any communication to the public, and to ensure that this remuneration is shared between the relevant performers and phonogram producers. Member States may, in the absence of agreement between the performers and phonogram producers, lay down the conditions as to the sharing of this remuneration between them.
- 3 Member States shall provide for broadcasting organisations the exclusive right to authorise or prohibit the rebroadcasting of their broadcasts by wireless means, as well as the communication to the public of their broadcasts if such communication is made in places accessible to the public against payment of an entrance fee.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Article 9

Distribution right

1 Member States shall provide the exclusive right to make available to the public, by sale or otherwise, the objects indicated in points (a) to (d), including copies thereof, hereinafter ‘the distribution right’:

- a for performers, in respect of fixations of their performances;
- b for phonogram producers, in respect of their phonograms;
- c for producers of the first fixations of films, in respect of the original and copies of their films;
- d for broadcasting organisations, in respect of fixations of their broadcasts as set out in Article 7(2).

2 The distribution right shall not be exhausted within the Community in respect of an object as referred to in paragraph 1, except where the first sale in the Community of that object is made by the rightholder or with his consent.

3 The distribution right shall be without prejudice to the specific provisions of Chapter I, in particular Article 1(2).

4 The distribution right may be transferred, assigned or subject to the granting of contractual licences.

Article 10

Limitations to rights

1 Member States may provide for limitations to the rights referred to in this Chapter in respect of:

- a private use;
- b use of short excerpts in connection with the reporting of current events;
- c ephemeral fixation by a broadcasting organisation by means of its own facilities and for its own broadcasts;
- d use solely for the purposes of teaching or scientific research.

2 Irrespective of paragraph 1, any Member State may provide for the same kinds of limitations with regard to the protection of performers, producers of phonograms, broadcasting organisations and of producers of the first fixations of films, as it provides for in connection with the protection of copyright in literary and artistic works.

However, compulsory licences may be provided for only to the extent to which they are compatible with the Rome Convention.

3 The limitations referred to in paragraphs 1 and 2 shall be applied only in certain special cases which do not conflict with a normal exploitation of the subject matter and do not unreasonably prejudice the legitimate interests of the rightholder.