

GEO-BLOKKERING OG PORTABILITET

Forum Rettsinformatikk 2016

Thomas Myhr, NRK



PRIORITY

Digital Single Market

Bringing down barriers to unlock online opportunities

3 pilarer – 16 tiltakspunkter

1. Gi bedre tilgang til digitale varer og tjenester for både bedrifter og forbrukere
2. Bedre tilrettelegging for digitale nettverk og digitale tjenester
3. Skape et samfunn med et økonomisk klima hvor europeisk industri og næringsliv kan øke sitt langsiktige vekstpotensial

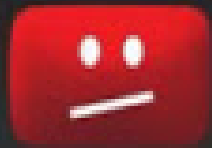
1. Bedre tilgang til digitale varer og tjenester

- Modernisere opphavsrettsregulering
- Revisjon av satellitt- og kabeldirektivet (93/83)
- Fjerne «uberrettiget/unødvendig» geo-blokkering



Programmet kan bara ses i Sverige

→ [Mer information om rättigheter utomlands](#)



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be available in your country**

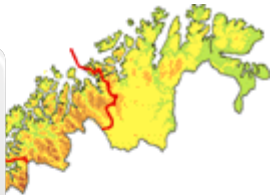


Brussels, 9.12.2015
COM(2015) 627 final
2015/0284 (COD)

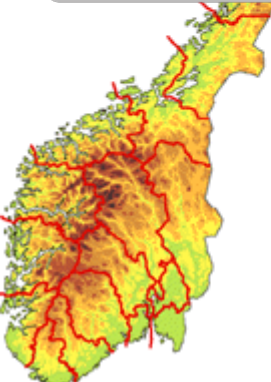
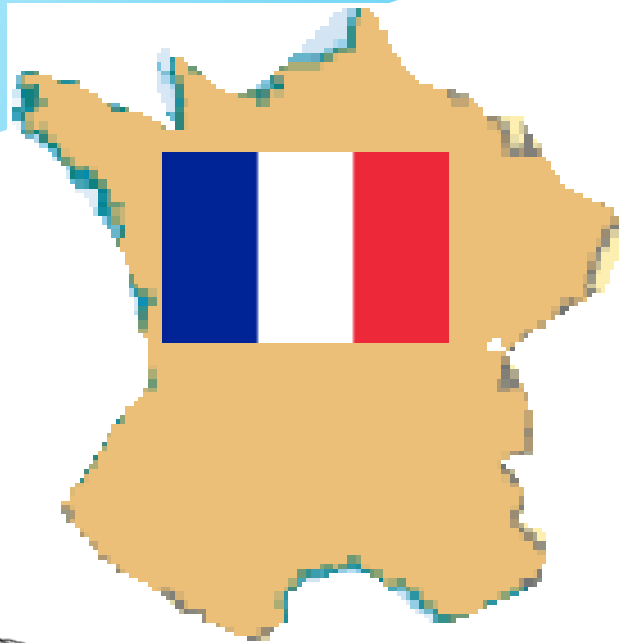
Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on ensuring the cross-border portability of online content services in the internal market

(Text with EEA relevance)

{SWD(2015) 270 final}
{SWD(2015) 271 final}



Portabilitet



«Cross border»



Commission takes first steps to broaden access to online content and outlines its vision to modernise EU copyright rules

Brussels, 9 December 2015

Making EU copyright rules fit for the digital age

Delivering on its [Digital Single Market strategy](#), the Commission today presents a proposal to allow Europeans to travel with their online content and an [action plan](#) to modernise EU copyright rules.

At present, Europeans travelling within the EU may be cut off from online services provided by their home countries, such as sports broadcasts, music, e-books or games that they have paid for in their home countries. The Commission has proposed **Regulation on the cross-border portability of online content services** to lift these restrictions in order to allow EU residents to travel with the digital content they have purchased or subscribed to at home. Cross-border portability, a new EU right for consumers, is expected to be a reality in 2017, the same year as the end of roaming charges in the EU ([see release](#)). Since it is a proposal for a Regulation, once adopted it will be directly applicable in all EU Member States.

In addition, the Commission today outlines its **vision of a modern EU copyright framework**. This "political preview" will be translated into legislative proposals and policy initiatives in the coming months, taking into account all inputs from several public consultations.

Overall, the Commission wants to make sure that Europeans can access a wide legal offer of online content, while ensuring that authors and other rights holders are better protected and fairly remunerated. The key sectors of education, culture, research and innovation will also be better supported within a more modern and European framework.

Andrus **Ansip**, Vice-President for the [Digital Single Market](#), said: "Seven months ago, we announced the fast delivery of the Digital Single Market. Today we present our first proposals. We want to ensure the portability of content across borders. People who legally buy content – films, books, TV series – must be able to carry it with them anywhere they go in Europe. This change, similar to what we did to end roaming charges. Today, we also set out our vision for a modern copyright regime in the EU – and the gradual steps to achieve it. Our aim is to improve people's access to content, using technology and innovation. Europe claiming its digital future."

Günther H. **Oettinger**, Vice-President for the [Digital Single Market](#), said: "The proposal proposed today is a first step towards ensuring that portability becomes a reality. It will allow our favourite content to be accessed and used in any Member State."



Brussels, 9.12.2015
COM(2015) 627 final

2015/0284 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL **on ensuring the cross-border portability of online content services in the internal market**

(Text with EEA relevance)

{SWD(2015) 270 final}

{SWD(2015) 271 final}

Article 1 *Objective and scope*

This Regulation introduces a common approach to ensuring that subscribers to online content services in the Union, when temporarily present in a Member State, can access and use these services.

DRAFT OPINION

of the Committee on the Internal Market and Consumer Protection
for the Committee on Legal Affairs

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DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council on ensuring the cross-border portability of online content services in the internal market (COM(2015)0627 – C8-0392/2015 – 2015/0284(COD))

Committee on Legal Affairs
Rapporteur: Jean-Marie Cavada
Rapporteurs (*):
Marco Zullo, Committee on the Internal Market and Consumer Protection
Sabine Verheyen, Committee on Culture and Education

(*): Associated committees – Rule 54 of the Rules of Procedure

OPINION

of the Committee on Culture and Education
for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council on ensuring the cross-border portability of online content services in the internal market (COM(2015)0627 – C8-0392/2015 – 2015/0284(COD))

Rapporteur (*): Sabine Verheyen
(*): Associated committee – Rule 54 of the Rules of Procedure

Brussels, 13 April 2016
(OR. en)

7891/16

**Interinstitutional File:
2015/0284 (COD)**

LIMITE

- PI 38
- CODEC 444
- RECH 93
- EDUC 98
- COMPET 154
- SAN 132
- AUDIO 41
- CULT 27
- DIGIT 35

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	7470/16
No. Cion doc.:	15302/15+ADD 1+ADD 2
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Ensuring the Cross-Border Portability of Online Content Services in the Internal Market - Presidency Compromise Proposal

Delegations will find in the Annex a Presidency compromise proposal as the basis for discussion at the next meeting of the Working Party on Intellectual Property (Copyright) on 18 and 19 April 2016.

Changes in relation to the previous version (7470/16) are highlighted.



European Parliament



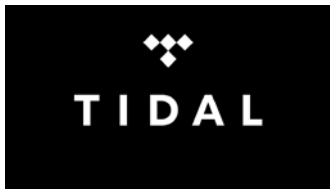
Council of the European Union



Hvilke tjenester omfattes?

- On-line innholdstjenester («On line content service»)
 - Portabelt tilbud av
 - audiovisuelle tjenester,
 - annen tilgang til beskyttet innhold, eller
 - kringkasting (lineært eller ikke-lineært),
 - og
 - som tilbys som abonnement
 - Mot betaling
 - Uten betaling, forutsatt at tilbyder har verifisert abonnents bopel

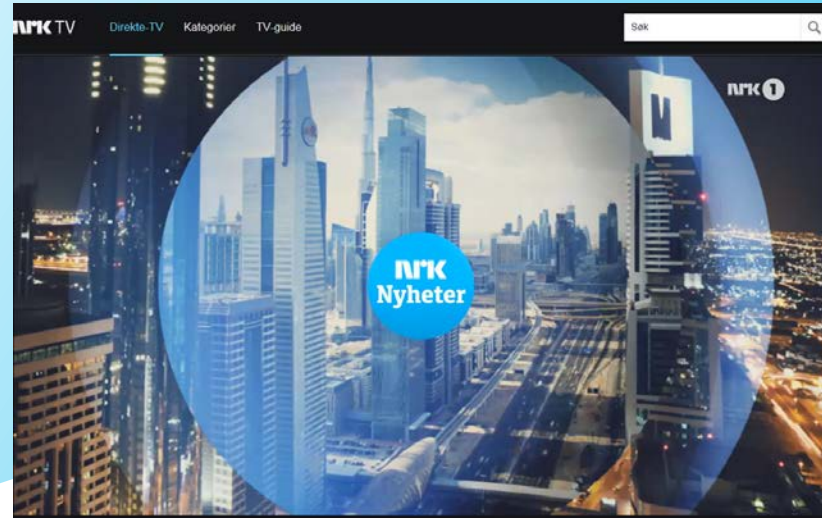
Obligatorisk



TV Overalt



Opt-in



- Juridisk fiksjon – vedr. rettighetsklarering (Art. 4)
 - fremføring i stat der abonnent har sitt bosted

- Ugyldighet (Art. 5)
 - Avtalebestemmelser i strid med forordningen
 - mellom rettighetshaver og tjenestetilbyder
 - mellom abonnenter og tjenestetilbyder
 - Omfatter også gjeldende avtaler (Art 7)

- Autentisering av abonnentens bopelsmedlemsstat
- Midlertidig opphold i annen stat
- Tilleggsbetaling
- Informasjonskrav ved opt-in

SPØRSMÅL?