



Resolution of the Board Polish Pirate Party

01 / Z / U / 2015

dated on 09 March 2015

**regarding the support of the Member of Euro Parliament Ms Julia Reda
evaluating the Directive 2001/29 / EC (the so-called "InfoSoc Directive")**

§1

- 1) The Board of the Polish Pirate Party, acting pursuant to Art. 3 point 6, sub-point regarding section 4 of the Statute of the Party resolves that it supports the Julia Reda position and supports the MEP in her efforts to gain support of Euro Parliament for the reform of the copyright.
- 2) The Board P3 provides a list of extensions of the postulates of Julia Reda report referred in Annex 1 to this resolution.
- 3) This appendix is an integral part of the Resolution.

§2

The implementation of the resolution shall be entrusted to the Board.

§3

This Resolution shall enter into force on the date of its adoption.



Attachment no. 1

to the Resolution 01/Z/U/2015 dated on 09 March 2015

List of extensions to the postulates of Julia Reda report evaluating the Directive
2001/29 / EC

(the so-called "InfoSoc Directive")

1. We welcome the call of art. 11 13, 14, 16, 17 and 52 of the Charter of Fundamental Rights of the EU written in the preamble. We propose to supplement that list with art. 7 and 8 of the Charter, concerning the right to privacy and personal data protection. In the recent past, the rights of participants of the cultural circuit were violated in the name of the need to protect the copyrights.
2. We propose to supplement Point 3 of the report with the indication that the entities, whose legitimate interests of copyright law should be taken into account and protected, are all participants in the cultural circuit, including the viewers, the listeners and the readers. These provisions in this way will be consistent with the provisions of point 8, which at the same time we propose to supplement with the reference emphasizing that copyright law must fairly balance the interests of all the interested parties.
3. We urge the EU legislator to establish the list of mandatory exceptions and restrictions to the copyright monopoly rules of the creator or the trustee of property copyrights to distribute the work of art. We suggest that the list established at EU level was divided into two parts: the exceptions and restrictions that apply uniformly across the EU, and the additional exceptions and restrictions, which can be added to it at the level of the law of each Member State. As a necessary minimum the list of exceptions should include a principle modelled on the Polish law: Without the permission of the creator it is allowed to use free of charge the already disseminated work for one's own personal use.
4. At the same time we express concern that postulated by Julia Reda harmonization of the law between the countries of the European Union, and in particular the harmonization of exceptions and restrictions of the exclusive copyrights and related rights, could lead to liquidation or restriction of the scope of some existing exceptions in Poland. The reform of copyright law should involve their liberalization in all the countries of the European Union - and not just in some of them, whereas exacerbating them in others.



5. We share the concern of the end users involved in the public consultation for effective copy protection called briefly DRM and urge the EU legislator to legalize their circumvention.
6. We urge the EU legislator to recognize the need to decriminalize non-commercial sharing of cultural goods.
7. We recognize that reprographic fees may be by the lawmakers of some Member States deemed necessary to stimulate creativity but we point out, and that they may be perceived as unfair to consumers of culture. They should not be treated as an arbitrary turnover tax levied on buyers of mass-produced devices. Their height and extent of the equipment and materials charged with them cannot not exceed the actual scale of the losses incurred by the authors in connection with the copying of their works from the lent equipment and materials. We also believe that the introduction of such charges must be linked with the legalization of non-commercial sharing of cultural goods.
8. We urge the EU legislator to protect the public domain and to provide developers the possibility to transfer the work to the public domain (waiver of copyright and property rights).
9. We see the need for revision of the Berne Convention in order to adapt its records to the current technical conditions. We emphasize that the current rigor of the term of protection, which is the Berne Convention is too long, and thus detrimental to the development of culture, technology and society.
10. We recommend extreme caution in the matter of the harmonization of the copyright, since it may result in deterioration of users' rights in some EU countries.
11. We welcome the European Commission public consultation conducted on copyright, and the report which arose as a result thereof. We urge the EU legislator to conduct further consultations on the matter, and especially to submit for consultation the final proposals for changes in copyright law. We emphasize the importance of public consultation as part of the following transparent and democratic principles of law-making.
12. We recommend the review of the Directive excluding computer programs from the law of fair use in order to provide a minimum of fair use in relation to computer programs to provide the opportunity to do a backup of legally purchased software.