

differences in regulatory approaches. Substantial differences also exist between different sectors of the creative industries.

Concerns continue to be raised that authors and performers are not adequately remunerated, in particular but not solely, as regards online exploitation. Many consider that the economic benefit of new forms of exploitation is not being fairly shared along the whole value chain. Another commonly raised issue concerns contractual practices, negotiation mechanisms, presumptions of transfer of rights, buy-out clauses and the lack of possibility to terminate contracts. Some stakeholders are of the opinion that rules at national level do not suffice to improve their situation and that action at EU level is necessary.

**72. [In particular if you are an author/performer:] What is the best mechanism (or combination of mechanisms) to ensure that you receive an adequate remuneration for the exploitation of your works and performances?**

[Open question]

í .  
í .

**73. Is there a need to act at the EU level (for instance to prohibit certain clauses in contracts)?**

YES ó Please explain

í .  
í .

NO ó Please explain why

í .  
í .

NO OPINION

**74. If you consider that the current rules are not effective, what would you suggest to address the shortcomings you identify?**

[Open question]

í .  
í .

**VI. Respect for rights**

Directive 2004/48/EE<sup>64</sup> provides for a harmonised framework for the civil enforcement of intellectual property rights, including copyright and related rights. The Commission has consulted broadly on this text<sup>65</sup>. Concerns have been raised as to whether some of its provisions are still fit to ensure a proper respect for copyright in the digital age. On the one

<sup>64</sup> Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.

<sup>65</sup> You will find more information on the following website:  
[http://ec.europa.eu/internal\\_market/ipenforcement/directive/index\\_en.htm](http://ec.europa.eu/internal_market/ipenforcement/directive/index_en.htm)



