



Committee on Legal Affairs

01/03/2018

AMENDMENTS: 23

Joëlle Bergeron

Three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability

Motion for a resolution PE618.019 - 2017/2007(INI)

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Amendments per language:

EN: 23

Amendment 1
Max Andersson

Motion for a resolution
Recital A

Motion for a resolution

A. whereas three-dimensional (3D) printing became accessible to the general public when 3D printers for individuals were placed on the market; whereas that market *should*, however, remain marginal in the medium term, taking into account the cost of printers and materials, the limited capacity of 3D printers designed for individual use, and the limited number and nature of materials made available to consumers;

Amendment

A. whereas three-dimensional (3D) printing became accessible to the general public when 3D printers for individuals were placed on the market; whereas that market *will likely*, however, remain marginal in the medium term, taking into account the cost of printers and materials, the limited capacity of 3D printers designed for individual use, and the limited number and nature of materials made available to consumers;

Or. en

Amendment 2
Max Andersson

Motion for a resolution
Recital B

Motion for a resolution

B. whereas *the majority* of the 3D-printed products being created are prototypes;

Amendment

B. whereas *a growing part* of the 3D-printed products being created are *more ready-to-be used or -commercialised items than mere prototypes as they used to be*;

Or. en

Amendment 3
Max Andersson, Julia Reda

Motion for a resolution
Recital B a (new)

Motion for a resolution

Amendment

B a. ***Whereas the use of 3-D printing is becoming more and more widespread in the society, notably in the education field, in citizen and start-up fora, such as 'maker spaces', as well as in the private sphere;***

Or. en

Amendment 4
Max Andersson

Motion for a resolution
Recital F

Motion for a resolution

Amendment

F. whereas 3D-printing technology raises specific legal and ethical issues ***regarding intellectual property and*** civil liability, ***and*** whereas those issues fall within the remit of the Committee on Legal Affairs;

F. whereas 3D-printing technology raises specific legal and ethical issues, ***notably as regards*** civil liability ***rules;*** whereas those issues fall within the remit of the Committee on Legal Affairs;

Or. en

Amendment 5
Max Andersson

Motion for a resolution
Recital H

Motion for a resolution

Amendment

H. ***whereas not all*** 3D-printing production of objects is unlawful, ***nor are all operators in the sector producing counterfeit objects;***

H. ***Where*** 3D-printing production of objects is unlawful ***or infringes third party rights, proper sanctions should be implemented according to the law;***

Or. en

Amendment 6
Max Andersson, Julia Reda

Motion for a resolution
Recital I

Motion for a resolution

I. whereas, from a copyright point of view, useful distinctions should be made: **for instance**, between **home** printing for private use and printing for commercial use, **and** between B2B services and B2C services.

Amendment

I. whereas, from a copyright point of view, useful distinctions should be made, **in particular** between printing for private use **or for uses covered by copyright limitations and exceptions on the one hand**, and printing for commercial use **on the other hand; distinctions** between B2B services and B2C services **should also be taken into account**.

Or. en

Amendment 7
Max Andersson

Motion for a resolution
Recital J

Motion for a resolution

J. whereas a report drawn up by France's Higher Council for Literary and Artistic Property on 3D printing and copyright found that 'the democratisation of 3D printing does not appear, to date, to be causing a huge problem with copyright infringement, **which is the subject of this report**; whereas it acknowledges that 'the main risk of counterfeiting is with works of art';

Amendment

J. whereas a report drawn up by France's Higher Council for Literary and Artistic Property on 3D printing and copyright found that 'the democratisation of 3D printing does not appear, to date, to be causing a huge problem with copyright infringement; whereas it acknowledges that 'the main risk of counterfeiting is with works of art';

Or. en

Amendment 8
Max Andersson

Motion for a resolution
Recital K

Motion for a resolution

K. whereas as a result of the processes that it uses, 3D printing leads to what the industry has described as a kind of ‘fragmentation of the act of creating’ in that a work may be circulated digitally before it takes a physical form, which ***makes it easier to copy and complicates the fight against counterfeiting considerably;***

Amendment

K. whereas as a result of the processes that it uses, 3D printing leads to what the industry has described as a kind of ‘fragmentation of the act of creating’ in that a ***protected*** work may be circulated digitally before it takes a physical form; ***whereas this is not new to the industry which holds intellectual property rights and has developed digital business models;***

Or. en

Amendment 9

Max Andersson, Julia Reda

Motion for a resolution

Recital L

Motion for a resolution

L. whereas, in conclusion, 3D printing has not fundamentally altered copyright, but files created may be considered a work and whereas, if that is the case, the work must be protected as such; whereas, in the short and medium term, and with a view to tackling counterfeiting, the main challenge will be to involve professional copyright intermediaries more closely;

Amendment

deleted

Or. en

Amendment 10

Max Andersson, Julia Reda

Motion for a resolution

Recital L a (new)

Motion for a resolution

L a. Whereas 3D printing has not fundamentally altered the way copyright

Amendment

applies; however, due scrutiny should be brought to how exclusive rights are allocated and implemented, in consideration of the large amount of open-source licenses governing the creation of software in this domain, and in compliance with uses allowed under intellectual property law;

Or. en

Amendment 11
Max Andersson

Motion for a resolution
Recital M

Motion for a resolution

M. whereas the question of liability *for* goods produced and *for* damage resulting from a defective file *could, as regards consumers, be resolved with reference to Articles 10 and 14 of the Commission proposal on certain aspects of contracts for the supply of digital content;*

Amendment

M. Whereas the question of *the relevance and applicability of existing liability rules to the* goods produced and *to the* damage resulting from a defective file *or from a defective function* of the *physical product resulting from it, arises, in a way similar to the questions highlighted by the European Parliament Resolution on Civil Law Rules on Robotics (A8-0005/2017);*

Or. en

Amendment 12
Max Andersson

Motion for a resolution
Recital M a (new)

Motion for a resolution

M a. Whereas the impact of 3-D printing on consumers' rights and on consumer law in general should be carefully examined in light of Directive XXX on certain aspects of contracts for the supply of digital digital content;

Amendment

Amendment 13**Max Andersson, Julia Reda, Heidi Hautala****Motion for a resolution****Recital O***Motion for a resolution*

O. whereas general liability rules also apply to 3D printing; whereas a specific liability regime could be envisaged for damage caused by an object created using 3D-printing technology, as the number of stakeholders involved in the process often makes it difficult for the victim to identify the person responsible; whereas those rules could make the creator or **vendor** of the 3D file liable, or the producer of the 3D printer, the producer of the software used in the 3D printer, the supplier of the materials used or even the person who **created** the object, depending on the cause of the defect discovered;

Amendment

O. whereas general liability rules, ***including those on the liability of intermediary service providers as defined in articles 12 to 14 of the e-commerce Directive***, also apply to 3D printing; whereas a specific liability regime could be envisaged for damage caused by an object created using 3D-printing technology, as the number of stakeholders involved in the process often makes it difficult for the victim to identify the person responsible; whereas those rules could make the creator or **seller** of the 3D file liable, or the producer of the 3D printer, **or** the producer of the software used in the 3D printer, **or** the supplier of the materials used **for printing**, or even the person who **printed** the object, depending on the cause of the defect discovered **and on the damage that occurred**;

Or. en

Amendment 14**Max Andersson, Heidi Hautala, Pascal Durand****Motion for a resolution****Recital P a (new)***Motion for a resolution**Amendment*

P a. Whereas 3D printing has a role to play in reducing energy and natural resources consumption in the purpose of fighting the climate change; whereas the use of 3D printing would minimise waste

in production and prolong lifespan of consumer products by enabling production of replacement parts at consumer level;

Or. en

Amendment 15
Max Andersson, Julia Reda

Motion for a resolution
Recital P b (new)

Motion for a resolution

Amendment

P b. Having regard to Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market;

Or. en

Amendment 16
Max Andersson, Julia Reda

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. ***Stresses that*** to anticipate problems relating to accident liability or intellectual property infringement, the EU will have to adopt new legislation or tailor existing laws to the specific case of 3D technology; stresses that, in any case, the legislative response should avoid duplicating rules and should ***take into account projects that are already under way; adds that*** innovation ***needs to be accompanied by law, without the law acting as a brake or a constraint;***

1. ***Is of the opinion that in order*** to anticipate ***the legal and ethical*** problems raised by 3D printing technologies, the EU ***should carefully consider adapting*** legislation; stresses that, in any case, the legislative response should avoid duplicating rules and should ***seek to encourage*** innovation;

Or. en

Amendment 17
Max Andersson

Motion for a resolution
Paragraph 2

Motion for a resolution

Amendment

2. *Notes that due care and attention must be given to certain issues, such as the encryption and protection of files, to prevent files and protected objects from being illegally downloaded and reproduced and unlawful objects from being reproduced;*

deleted

Or. en

Amendment 18
Max Andersson

Motion for a resolution
Paragraph 4

Motion for a resolution

Amendment

4. *Notes that solutions of a legal nature could make it feasible to control the legal reproduction of 3D objects protected by copyright, for example, digital and 3D-printing providers could systematically display a notice on the need to respect intellectual property, a legal limit could be introduced on the number of private copies of 3D objects in order to prevent illegal reproduction, and a tax on 3D printing could be levied to compensate intellectual property rights holders for damages suffered as a result of private copies being made in 3D;*

4. *Notes that solutions of legal nature should enable rights-holders to control the reproductions of protected 3D objects when exclusive rights apply;*

Or. en

Amendment 19
Max Andersson

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. *Stresses, however, that technical solutions – currently underdeveloped – must not be overlooked, for example, the creation of databases of encrypted and protected files and the design of printers connected to and equipped with a system capable of managing intellectual property rights;*

deleted

Or. en

Amendment 20
Max Andersson

Motion for a resolution
Paragraph 6

Motion for a resolution

Amendment

6. *Criticises the fact* that at this stage, none of those options is wholly satisfactory on its own;

6. *Notes* that at this stage, none of those options is wholly satisfactory on its own;

Or. en

Amendment 21
Max Andersson

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. *Criticises the fact that the Commission has not revised Directive 2004/48/EC during this term, as it had announced it would, and has instead limited itself to presenting non-binding guidelines, without providing clarifications on issues specific to 3D printing; welcomes, though, the measures announced by the Commission on 29*

deleted

November 2017 which are intended to step up intellectual property protection;

Or. en

Amendment 22
Max Andersson

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Therefore calls on the Commission to give comprehensive consideration to every aspect of 3D-printing technology when taking the measures referred to in its communication (COM(2017)0707); stresses the importance of involving stakeholders in that *work*;

Amendment

8. Therefore calls on the Commission to give comprehensive consideration to every aspect of 3D-printing technology when taking the measures referred to in its communication (COM(2017)0707); stresses the importance of involving *all* stakeholders in that *endeavour, including SMEs and consumers*;

Or. en

Amendment 23
Julia Reda, Max Andersson

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

8 a. Notes the applicability, necessity and practicability of existing liability rules for intermediary service providers which transmit, cache or host and considers them appropriate for 3D printing service infrastructure.

Or. en