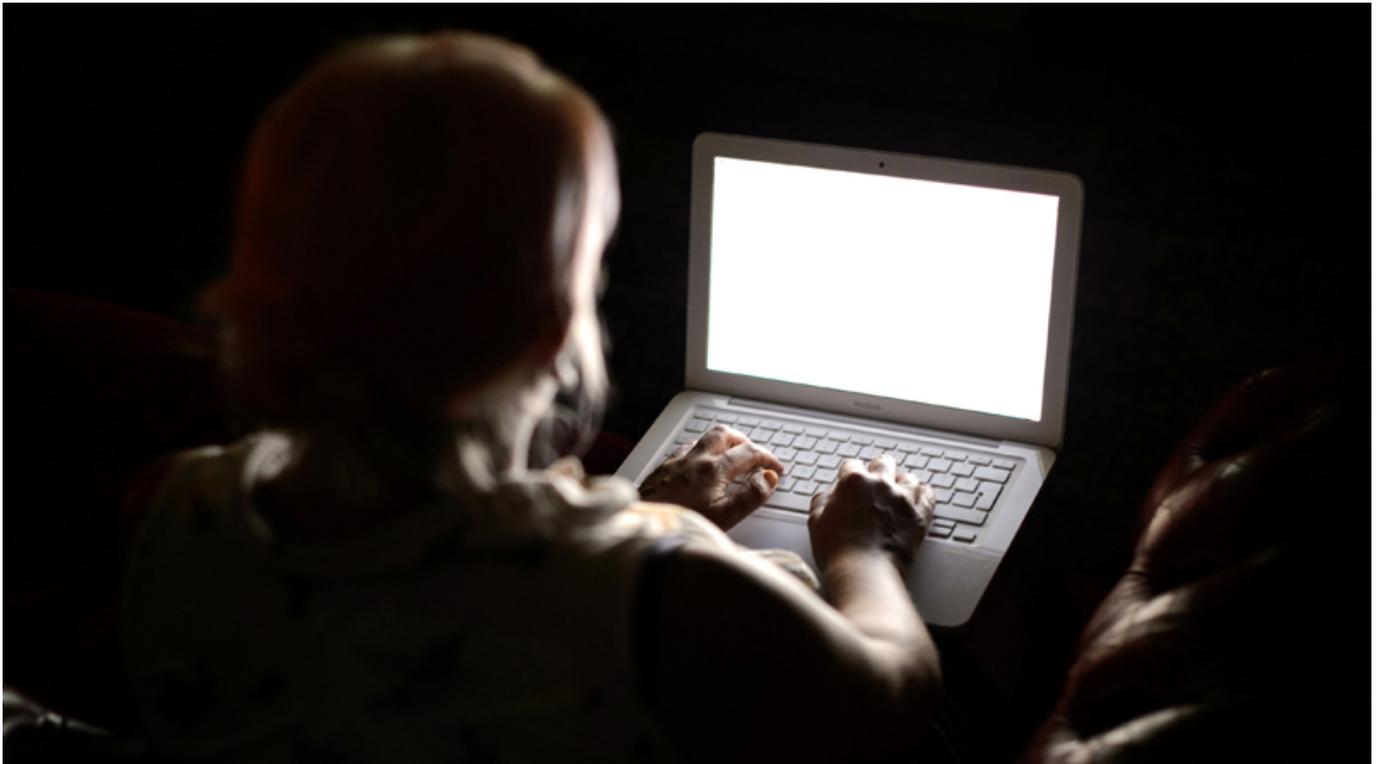


EU copyright law reform must balance needs of 'users and creators'

Written by Dietmar Köster on 10 March 2015 in Opinion
Opinion

The digitisation of the world has far-reaching implications for copyright law, so the regulatory environment in Europe must be adapted to the new digital era, argues Dietmar Köster.



An important political milestone in the development of a new copyright law will be the European parliament report on the revision of the 'InfoSoc directive' that relates to a 2001 directive on the harmonisation of certain aspects of copyright. The rapporteur for parliament's legal affairs committee is Julia Reda of the Greens/EFA group.

In the reform of copyright law we face the major challenge of reconciling the interests of creative artists for fair remuneration and those of users to be able to use the internet as freely as possible.

Consequently, we are calling for an open online culture for the purposes of the widest possible participation of all under conditions of fair remuneration for artists. As far as possible, use of work should not require consent, but be subject to a fee. An alliance between creators and users is needed.

However, excessive copyright protection and protective rights should not become an obstacle to cultural and creative processes.

The reform of copyright also concerns linguistic precision - a distinction should be made between Anglo-American copyright and continental European authors' rights. With copyright exploitation rights are not necessary reserved for the creator.

The continental European copyright system, however, is inseparable from the person of the creator. Only the copyright holder acquires extensive commercial and non-material protection for their work. It is not transferable as only usage rights can be negotiated. In any case we need to clarify this copyright authors' rights question at European level. I prefer a copyright law.

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Creative people are the starting point of all culture. As creators they are crucial to the development of diverse cultural works, on which the whole value chain rests. Therefore, their social and legal position throughout the value chain should be strengthened with regard to creators, intermediaries and users.

In this regard, collecting societies are among the key stakeholders. Collective bargaining structures, for example, can likewise be effective. Additionally, copyright law should be drafted with creative people in mind, to expand their negotiating position with users. In the process, the separation of creators' and users' interests is particularly important.

Many studies show that the cultural and creative sector in Europe contributes significantly to social and economic development. Therefore, safeguarding copyright is of key importance to growth and securing jobs in the cultural industry. A reform must bear this socioeconomic impact in mind.

Currently, the primary beneficiaries of the works of creative artists are major internet platforms like Amazon or Apple and illegal online vendors. Screenwriters, musicians or writers usually fall by the wayside. Therefore, it is also about distributive justice. What is needed is a redistribution of the profits generated for the benefit of creators and consumers. Cultural industry monopolies contradict the requirements of a level playing field in a free market.

Besides creative artists, users are the weakest links in the value chain. Copyright law reform must remedy the legal uncertainty of consumers in a digital world. The non-commercial exchange of files should not be criminalised.

The permanent monitoring of internet connections and users, as well as a ban on the use of the internet as a punitive measure should be rejected. On the other hand, a law oriented to towards creators should not become a consumer protection law.

Exceptions to copyright protection for the likes of schools, universities and libraries should be discussed. Education and research are dependent on the freest possible use of information, but also in this respect the interests of creative artists' fair compensation should be taken into account.

A reform requires a broad public debate involving all stakeholders in order to arrive at a balanced relationship between all stakeholders. The InfoSoc directive report is regarded as groundbreaking insofar as it is the first commentary on the issue of copyright in this legislature and lays down

important parameters for further discussion.

About the author

Dietmar Köster (DE) is parliament's S&D group shadow rapporteur on towards a renewed consensus on the enforcement of intellectual property rights: and EU action plan

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