

Copyright protectionism is a 'danger' to European culture

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Opinion

Geoblocking prevents us from showcasing our cultural diversity, says Julia Reda.



The provisions of 2001's copyright directive have not been able to keep step with the increase of cross-border cultural exchange facilitated by the internet. As a result, the exchange of knowledge and culture across borders is hindered. To meet current challenges, the legislation urgently needs to be harmonised and updated to consider current practices. These are the findings of my evaluation report for parliament's legal affairs committee, which is currently facing a staggering 550 tabled amendments.

One cross-border issue users feel strongly about is 'geoblocking'. Most of us are familiar with the error message "This video/content/service is not available in your country." There's no digital single market when travellers can't use the services they pay for once they cross a border, linguistic minorities are denied access to cultural works in their native language, innovative services are only available in the big member states because of varying regional hurdles – or UK MEPs are blocked from following the cricket in Brussels.

"We risk setting in stone rules whereby consumers will only be able to rent media in digitally locked formats instead of owning a book or an album like they used to"

In the debates in parliament, one argument is used repeatedly to argue against tackling territorial copyright which largely underlies this problem: Geoblocking is essential to protect European cultural diversity. With this oft-repeated assertion, MEPs are taking aim at my proposals to introduce a single European copyright title and make the exceptions in copyright law mandatory across the EU. If successful, they would effectively be reinforcing national borders on the internet.

Indeed, Europe is a diverse cultural market with many languages and regional differences but that should drive us to celebrate our regional cultural treasures by making them more available, not to lock them away behind artificial borders. In the longer term, copyright protectionism of the kind reflected in many amendments is not beneficial, but actually dangerous to European culture.

We risk capturing European artists inside artificial national borders, denying them global audiences.

We risk locking artists and media companies into obsolete business models that are simply unsustainable in the information age, removing incentives for adaptation and innovation. We risk rendering innovation in online media services impossible, effectively handing control over the channels of distribution and sharing of media to overseas companies. The attempts to then extract rent from these corporations in the form of new levies and special taxes just add more barriers to entry for local media start-ups.

We risk excluding Europeans from the emerging practices of transformative creation that open cultural creation up to the broad population and not just those with a profit motive and a publishing contract. We risk making Europe's rich cultural heritage more and more inaccessible each day by standing in the way of its digitisation. We risk setting in stone rules whereby consumers will only be able to rent media in digitally locked formats instead of owning a book or an album like they used to.

Surely artists – most of which the current system hasn't exactly made wealthy – deserve help adapting to the rapidly changing media landscape. Their concerns are understandable but we must not throw away the unique opportunity before us: the facilitation of unprecedented access to culture and knowledge for all, including for research and education. Attempting to instead artificially enforce restrictions, through laws and technological barriers, is a response that will ultimately turn out to be a lost cause and the legal uncertainty and chilling effects that come with fighting for it will have backfired and harmed European culture.

About the author

Julia Reda (Greens/EFA, DE) is parliament's rapporteur on the implementation of directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society

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