

Copyright reform: The EU needs to embrace innovation

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Opinion

We need to ensure the new copyright rules are fit for purpose, says Catherine Stihler.



Catherine Stihler | *Photo credit: European Parliament audiovisual*

Digital technologies have transformed the ways creative content is produced, distributed and accessed. Today 49 per cent of EU internet users access music or audiovisual content online and 40 per cent of those aged 15-24-year-old watched TV online at least once a week. In 2015, digital became the primary revenue stream for recorded music.

However, as essential parts of the EU copyright framework date back to 2001 (the 'information society directive'), they are not always adapted to the new and ever growing digital landscape. This is why last year the Commission finally proposed a reform to the InfoSoc directive.

Despite some positive elements, the draft proposal could have done much more to support cultural

heritage institutions and libraries, ease cross-border teaching and education provision and defend the basic freedoms of internet users.

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In my role as the rapporteur on copyright reform in the internal market committee, I have tried to address these shortcomings in my draft report, which will be voted upon on 8 June.

There were a number of other key elements which I found alarming in the Commission's text, such as the text and data mining exception being only available to research organisations - by limiting the benefits of the exception to certain actors and purposes, as suggested, Europe risks missing out not only on potential growth and jobs by casting doubt over the legality of activities of all the existing companies in Europe currently engaged in TDM practices, but also on a chance to help journalists using TDM in their work - data journalism, for example.

This is why I introduced a simple rule for text and data mining, which does not discriminate between users, be they public or private, or purposes, as long as access to content is lawful.

The Commission proposal also aims to change the legal framework for the online use of news, by creating a new exclusive right for press publishers under article 11. Undoubtedly, a free and pluralist press is one of the cornerstones of a democratic society.

However, I doubt that this goal can be achieved by adopting an additional layer of protection, which will have to be cleared in all 28 member states. There was no independently verifiable evidence presented by the Commission on the effects and the proportionality of the intervention, no assessment of the lack of alternatives or on the cost associated with the introduction of his new right. This is why I currently do not believe that this article should be included in the proposal at all.

I think the Commission took the right approach in regard to guaranteeing better remuneration for authors and performers and I broadly support the Commission's stance on this.

I also firmly believe that creators and rights holders should receive a fair and balanced compensation for the exploitation of their works from online service providers, however, we should aim to achieve this without imposing a general monitoring obligation on our citizens.

We cannot infringe the fundamental rights of users, namely their right to protection of their personal data and their freedom to receive or impart information, in accordance with articles 8 and 11 of the Charter of Fundamental Rights of the EU, which the proposed wording of article 13 could end up doing, if left unchanged.

We need to ensure that the new copyright regime is fit for purpose - which is to ensure that Europe's creative sector flourishes in the digital realm, providing ease of access to content to citizens at any given time. This means we should not be wary of innovation, we need to embrace it - and sticking to

analogue ways of thinking will certainly not achieve this.

About the author

Catherine Stihler (S&D, UK) is the IMCO rapporteur on the harmonisation of certain aspects of copyright and related rights in the information society

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