Axel Voss says the new copyright reform aims to introduce new levels of responsibility for internet platforms and will ensure a press that is financially independent from internet platforms.

The new copyright directive will soon be adopted by the European Parliament. Within this framework, internet platforms will be held to account more stringently for copyrighted content uploaded to their websites by their users. In addition, the economic independence of the press from these platforms will be ensured by a specific law for press publishers.

Until now, various online platforms have not been responsible for content on their websites that has been published by others. The current law provides an exemption from liability in the eCommerce directive.
“This can no longer apply to copyright on this scale”, says Axel Voss, Parliament’s rapporteur on copyright in the digital single market. “The rights of third parties - in this case copyright holders - must be given greater attention”.

Therefore, the Commission has submitted a proposal in article 13 of the directive. Voss also supports a review and revision of this responsibility; “This exemption from liability must be re-examined”, he says.

“The current directive is from 2001. The internet landscape looked completely different then. Platforms where users could publish and distribute content themselves practically didn’t yet exist. Today, however, these platforms are part of our everyday lives”.

The problem is that a huge number of copyright infringements take place on precisely these platforms. “We must urgently adapt the copyright law to reflect the new developments”, says Voss.

Online platforms should be required to set up appropriate licences with rightsholders, “thereby solving the problem of the so-called ‘value gaps’”, explains Voss. A ‘value gap’ is where platforms that make a huge profit from copyrighted content do not share this profit, or fail to share enough of it, with the rightsholders.

This leads to an ever-increasing gap between the value-generating creatives and the platforms that earn profit from their works.

“If I’ve learnt one thing from the debates of the last few months, it’s that we must close the immense gap between the content originators (who earn nothing from online publication) and the platforms (which build whole business models upon this principle). These platforms should properly licence the copyrighted content through which they achieve their profit”, says Voss.

“The economic value achieved by the protection-worthy content that was created in Europe should also be located in Europe”, he continues.

Furthermore, Voss wants to prevent platforms from uploading content containing copyright infringements in the first place. Many platforms already remove content from their websites if the rightsholder informs them about copyright infringements, as is the case with public safety.

“However, I no longer consider this ‘notice and take down’ procedure to be adequate for certain platforms. For rightsholders, this means that they themselves have to constantly check whether their work has been illegally published somewhere. Copyright infringements are illegal and should therefore never occur”, says Voss.

However, this so-called ‘upload monitoring’ has been heavily criticised. Censorship of the internet and restriction of freedom of expression are mentioned in this critique. “That is simply wrong, incredibly
“Whoever asserts this, misjudges the meaning and purpose of copyright and fails to recognise that even proprietary rights are constitutional rights and must be protected by European legislators”, stresses Voss.

“No processing of personal data takes place during this procedure, and there is no restriction of freedom of expression as copyright infringement is not protected by freedom of expression”, he says emphatically.

“However, it is right that we need to have the appropriate balance between constitutionally protected rights and freedoms”.

“The Commission has taken the right approach with its proposal to introduce an additional law for press publishers at European level”, states Voss.

He wants a better publishing law in order to return to a recognition of the economic value of press publications and protect them from economic exploitation.

“The situation is dramatic. Publishers are struggling with huge revenue losses, which in some cases threaten their existence. They must therefore be able to demand an appropriate level of remuneration from those who use or share their works on the internet.”

Given to the fact that some regional publishers have not been able to continue to finance themselves due to changes in user behaviour in the digital age, Voss sees the press as particularly endangered.

“The independence of the press is extremely important for democratic structures. Independence should not only be in relation to the state but must also in relation to financial independence from online platforms. As publishers provide the structure for journalistic publications, they are legally and financially responsible. Therefore, they should also receive their own rights for their contribution.”

Voss also wants to protect quality journalism via the press publishing law. In particular, the ‘fake news’ phenomenon is causing him great concern. “Hardly anyone can distinguish truth from lies these days. ‘Fake news’ is spreading incredibly quickly and is endangering our democratic structures.

I would like to at least try to strengthen quality journalism through the sustainable financing of press content via the ancillary copyright law. Of course, we won’t be able to prevent the problem of ‘fake news’ with these measures, but at least everyone will be able to orient themselves towards quality journalism.”

About the author

Axel Voss (EPP, DE) is Parliament's rapporteur on copyright in the digital single market

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