

Protecting Europe's creative sector against the threat of technology

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Opinion

Technology is threatening many aspects of Europe's creative industry – rapid action is essential to combat this, argues Axel Voss.



Axel Voss | Photo credit: European Parliament Audiovisual

When the European Commission first proposed copyright reform in 2016, changes to platform liability were strongly fought for.

Careful examination of the methods of influence quickly shows that this is an important topic for the future. The interests of the various parties are as varied as the expectations are high.

The way in which the EU will act to bring copyright law into line with the digital world is now greatly

anticipated.

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The questions that Europe is now asking itself are: “Do we want to protect the creative sector in Europe, or do we want to leave it defenceless against the large US platforms? What is the value of our Europe’s creative industry to us?”

The rapid pace of technological development in the last few years has highlighted a number of challenges that pose a threat to the very existence of the Europe’s creative sector.

I would like to look at two of these areas in detail. First, the European creative industry.

Since the emergence of platforms that more or less open publishing up to everyone, artists face a dramatically different world from that of just a few years ago.

“Do we want to protect the creative sector in Europe, or do we want to leave it defenceless against the large US platforms?”

An almost unlimited access to music, film, documentaries, etc, means that it is now virtually unheard of to sit in front of the radio waiting for your favourite song, so that you can record it.

Equally, no one searches through the CDs in a music store looking for their favourite album. Songs, films, documentaries and images are now instantly available via a range of platforms.

This presents numerous sales channels for artists - a music store with a worldwide customer base and thousands of daily users.

However, this sales channel generates minimal revenues for the artist while cannibalising traditional sources of income. While the artists’ work can be found and used on these platforms, it is often the case that they receive no or very little recompense for it.

As the user now has free access to everything, they see little point in seeking out a traditional music store and paying for the product.

The platforms are the clear winners. They accrue huge profits from making content available free of charge, while artists have little to show for their creative work.

The platforms are making use of a 2001 liability exemption rule, the “safe harbour clause” of the e-commerce directive. This states that platforms that only provide infrastructure are not liable for the content available on their sites.

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This cannot continue to apply. The platforms do much more than simply providing the infrastructure, which is why they can make the profits that they do.

It is therefore essential that liability for copyrighted works be encoded into law, allowing creators based in Europe to finally receive their fair share of the profits generated by the platforms.

Second, European press publishers, which face similar challenges. Large platforms earn large amounts of money from press articles, leaving the publisher with virtually nothing.

To date, publishers have been unsuccessful in earning income through licensing their content to these powerful online platforms that are taking the bulk of advertising revenues.

However, the work of the publishing houses is vital in ensuring pluralism, quality of information, cultural diversity and democracy as a whole.

It is therefore essential that publishers be protected from exploitation and from becoming dependent on the large platforms.

Ancillary copyright is essential to ensure that publishers can demand fair compensation for their work, which is currently being used free of charge by the platforms.

It is intended to prevent search engine providers such as Google - and other internet platforms - from using excerpts from press articles free of charge.

It thus protects press content from unauthorised publication and from being made available with permission in the digital world, restoring its economic value. The idea is to put press publishers on a level playing field with online platforms.

This would affect not only search engines such as Google, but also social networks such as Facebook and Twitter along with news aggregation sites.

All of these should pay realistically for the content that publishers and their authors produce.

Copyright reform is urgently required at the European rather than at the national level.

Given the lack of boundaries to the digital market, Europe must be able to act consistently, and on a level playing field, with the large US tech firms.

About the author

Axel Voss (EPP,DE) is rapporteur of Parliament’s report on Copyright in the Digital Single Market

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