

#DSM

Digital Single Market

MODERN EU COPYRIGHT RULES FOR EUROPEAN CULTURE TO FLOURISH AND CIRCULATE



"I want journalists, publishers and authors to be paid fairly for their work, whether it is made in studios or living rooms, whether it is disseminated offline or online, whether it is published via a copying machine or commercially hyperlinked on the web."

President Juncker, State of the Union Address 2016

WHY DO WE NEED TO REFORM EU COPYRIGHT LEGISLATION?



25% of Europeans have already tried to access or would be interested in accessing audiovisual content through online services offered in other Member States.



The four biggest platforms have altogether **2 billion users** accessing hundreds of hours of video and music uploaded every minute.



The number of individuals playing or downloading games, images, films or music in the EU rose by almost **30% between 2012-2016**.



Less than half (47%) of EU films versus 87% of US films released between 2005 and 2014 are available on any video on demand (VoD) service. 80% of EU films are available in 3 or less EU countries through VoD services.

Right holders benefit from these digital opportunities, but they find difficult to negotiate with online platforms.

The European Commission wants to strengthen the position of right holders in their negotiations with online platforms and thus enable them to be better remunerated for the use of their creative content which largely benefits these platforms.

THE SOLUTIONS

The European Commission presented on 14 September 2016 a series of modernised copyright rules that reflect the new challenges presented by digital technologies:



Better choice and access to content online and across borders



Improved rules on education, research, cultural heritage and inclusion of disabled people



A fairer and sustainable marketplace for authors, creators, the creative industries and the press



Commission proposals will have a positive impact in terms of employment and growth on copyright-intensive industries, which represent almost 11,650,000 jobs (5.4%) and €915,000 million (6.8%) of EU GDP

HOW DO THE COMMISSION'S PROPOSALS IMPROVE THE CURRENT SITUATION?

Before the Juncker Commission

Many European **consumers could not access online content services** they had **legally bought** in their home country when travelling across the EU. This was especially the case for films, series and sports broadcasts.

20 million people who live in the EU were born in a different EU Member State from the one they are resident in now. They often cannot access **audiovisual content** from their home countries.

Students and teachers are eager to use digital materials and technologies for learning, but almost a quarter of teachers face copyright-related restrictions in their digital teaching activities.

Right holders face **difficulties in controlling the dissemination of their content** on online platforms storing and giving access to content uploaded by end-users and to obtain remuneration for that use.

Newspapers, magazines and other press publications have made use of online services, social media and news aggregators. This has led to broader audiences, but licencing, enforcement of rights and advertising revenues have been impacted.

26 million blind and visually impaired people in Europe are limited in their access to culture because the formats they need are not readily available.

Under the Juncker Commission



Since 1 April 2018, Europeans are able to access the online content that they have subscribed to at home, wherever they are in the EU. New rules enable them to **watch films or sporting events, listen to music, download e-books or play games – when visiting or staying temporarily in other EU countries**. The interests of right holders are safeguarded to avoid abuses.



New rules will make it easier for broadcasters to enrich their online offers across borders, granting people better choice and **access to content across borders** and allowing European culture to flourish. The new rules should be agreed by the end of the year.



There will be **copyright exceptions for research, education and heritage preservation** so that students, teachers and cultural institutions such as museums, libraries and cinemathèques can fully benefit from the available digital material.



We aim to reinforce the **position of rights holders** to negotiate and be remunerated for the use of their content on online platforms. Such platforms will have an obligation to deploy **effective means** such as technology to automatically detect songs or audiovisual works which rights holders have identified and agreed with the platforms either to authorise or remove.



EU copyright rules also include a provision to **protect journalism** by granting new publishers online rights so they can adapt to the changing digital environment. Defending journalism as well as the freedom and pluralism of the media sector has a positive impact to counter-balance the spread of disinformation online with reliable and trustworthy information.



New rules will allow special formats of print material – such as braille or Daisy – to be made and disseminated for **people with print disabilities**. People who are blind, visually impaired or otherwise print-disabled will soon be able to access more books and other print material, including adapted audio books and e-books, in accessible formats – across the European Union and the rest of the world.

WHAT HAS BEEN DONE SO FAR?

- Commission's proposal for cross-border portability of online content services
To fully use online subscriptions to films, sports events, e-books, video games or music services when travelling within the EU
- Communication on "Towards a modern, more European copyright framework"

9 December 2015

14 September 2016

- Two Commission proposals to modernise EU copyright rules and to facilitate access to content online
- Two legislative proposals to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled (implementation of the Marrakesh Treaty in EU law)

- European Parliament and Council adopt the Regulation on cross border portability of online content services in the internal market

14 June 2017

13 September 2017

- The Regulation 2017/1563 and the Directive 2017/1563 have been adopted for the implementation of the Marrakesh Treaty in the EU law

Next steps:

- The Council has reached an agreement on a mandate to open negotiations with the European Parliament on the Directive on copyright in the Digital Single Market. After the positive vote in the European Parliament on 12 September 2018, the negotiations between the co-legislators will begin soon.
- The proposal for a Regulation aiming at facilitating access online is being finalised between the European Parliament, the Council and the Commission.
- EU Member States have until 11 October 2018 to adopt the Directive 2017/1563 that implements the Marrakesh Treaty.
- In line with the call of the European Council of October 2017, all pending Digital Single Market proposals should be agreed by the end of 2018.