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## **EU AGREES DRAFT COPYRIGHT REFORM, RILING TECH GIANTS**

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EU negotiators struck a deal on Wednesday (14 February) to revamp two-decades-old copyright rules that will force online platforms to remove copyright-protected content, in an effort to protect rights-holders and their revenues.

The provisional agreement, clinched after three days of last-round talks by MEPs, member states' representatives and EU commission officials in Strasbourg, comes after a two-year battle between tech giants and the creative industries.

The agreement will force platforms such as Youtube, Twitter or Google News to take down user-generated content that breaches intellectual property.

Platforms will also have to sign licensing agreements with musicians, performers, authors to use their work online and will be required to install upload filters to prevent users from uploading copyrighted materials.

Platforms will also need to negotiate licences with publishers and journalists, or they will not be able to display longer fragments of articles unless publishers waive their rights.

"Europeans will finally have modern copyright rules fit for the digital age with real benefits for everyone: guaranteed rights for users, fair remuneration for creators, clarity of rules for platforms," EU commissioner for digital policy, Andrus Ansip said.

Opponents of the deal say it could lead to censorship, limit freedom of expression, and hurt independent creators, and have other unintended consequences, while supporters hope it would help generate revenue for artists, and news publishers for content that appears online.

### **Best efforts**

The draft agreement means Google's news service would be required to secure licences with publishers such as newspapers to show articles on its feed.

A similar effort in Spain cause Google News to withdraw its service from the country rather than pay, campaigners warned. Google has similarly threatened to pull Google News services out of Europe.

The other key element, known as Article 13, is to make online platforms that allow users to upload

content responsible for copyright violations.

It means Youtube would have to secure authorisation of rights holders, which opponents argue, could hurt some artists and narrow consumer choices.

In situations where no licences are concluded, they are required to make "best efforts" to obtain the authorisation.

EU negotiators agreed that "very short extracts", snippets of text, or hyperlinks will not be covered by the new rules. The agreement would also allow free sharing of memes, GIFs if there was no commercial purpose.

The deal also gives smaller internet companies, with an annual turnover less than  a monthly audience under five million unique visitors and which are younger than three years old, some exemptions from the rules.

The deal was made possible after France and Germany proposed a compromise last week.

## **Compensation**

MEP Axel Voss, responsible for the file, said the new rules would make internet giants pay their dues to rights holders.

"This deal is an important step toward correcting a situation which has allowed a few companies to earn huge sums of money without properly remunerating the thousands of creatives and journalists whose work they depend on," he said.

This was echoed by a European umbrella association of authors and composers.

The rules "will enable creators to be remunerated fairly by large online platforms that today are siphoning the value of the creative sector while failing to compensate creators," said Veronique Desbrosses, director general of GESAC.

But MEP Julia Reda from Germany's Pirate Party warned algorithms in upload filters cannot tell the difference between copyright infringements and legal parodies, and that the overhaul would lead to censorship.

"Requiring platforms to use upload filters would not just lead to more frequent blocking of legal uploads, it would also make life difficult for smaller platforms that cannot afford filtering software," she said.

The agreement was also criticised by the Computer & Communications Industry Association, which represents platforms like Google and Facebook, warning the EU's move could harm the continent's tech sector.

"We fear the law could harm online innovation, scale-ups, and restrict online freedoms in Europe," said Christian Borggreen, vice-president of CCIA in Brussels.

The body representing European consumer organisations, BEUC, also expressed disappointment.

"It will become much harder for users to share their own, non-commercial music, video or photo

creations online. This reform is not based on the reality of how people use the internet," the group's deputy director general, Ursula Pahl, said.

### **Welcome from newspapers**

Publishers nevertheless welcomed the overhaul.

The European Magazine Media Association, European Newspaper Publishers' Association, European Publishers Council and News Media Europe said in a joint statement: "If we want a future for professional journalism in the EU, we must take action to support the press and to redress an unbalanced ecosystem."

The overhaul is part of the effort by the EU to rein in tech giants and force platforms to bear more responsibility for what appears on their sites.

Months of lobbying by tech giants and open-internet activists have held up an agreement after it was first proposed by the EU commission in 2016.

The deal will now have to be approved by the European parliament and the council of member states.

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