

# The Copyright Reform

**In an information-based economy, copyright is an underlying mechanism of our activity in the digital world. The copyright reform is a chance to update copyright to the reality of the digital era. Is the European Commission up to the challenge?**

**a guide for the perplexed**

## What was proposed?

The Commission aims at modernising EU copyright law to make it work in the Digital Single Market (DSM). Three important changes proposed are: some new rights for users, a new type of levy for news publishers and an upload filter for digital content hosted on platforms.

## What is the problem?

The solutions proposed neither respond to the needs of the society nor bring the DSM closer:

- Users across EU will continue to have different rights depending on the country they live in.
- With the snippet levy and the upload filter proposals the Commission tries to solve revenue loss problems that are a result of a changing global economy as well as users' practices. It chose the wrong method – by reinforcing copyright, ignoring the existing evidence, and not looking into the broader market reality.
- The snippet levy and content filtering will infringe fundamental rights of access to information, freedom of communication and privacy.

## Why is it important?

The reform is a chance to empower users across Europe to access culture in ways that have been proved not to undermine authors' revenues. This would boost the creation of new business models that will support authors, creators and journalists, and not only powerful intermediaries. The copyright reform should also safeguard freedom of expression and privacy by curbing the surveillance capacity of filtering technologies. The Commission's proposal fails to act on all of these opportunities to secure a better future of Europeans.

## Will the proposal fix the problems?

No. The Commission tries to respond to the global change with reinforcing outdated business models. It proposed a solution that proved to be harmful to the market, as the case of the snippet levy in Spain and Germany. It proposed a solution on filtering which has already been rejected by the Court of Justice of the EU. It allows for further fragmentation of European copyright by allowing licensing and negotiation schemes in member states for cases that are currently exempt from those schemes.

## How can this be fixed?

- The legislators should make it mandatory for member states to implement all available freedoms to use copyrighted works ("copyright exceptions and limitations") that do not harm the author.
- The snippet levy and the upload filter should not be introduced into the new directive.