Copyright in the digital single market

2016/0280(COD) - 26/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 348 votes to 274 with 36 abstentions a legislative resolution on the proposal for a directive of the European Parliament and of the Council on copyright in the Digital Single Market.

The draft legislative act aims to modernise certain aspects of the Union's copyright framework in order to ensure that the rights and obligations of copyright law also apply to the digital sphere.

The position of the European Parliament adopted at first reading under the ordinary legislative procedure has amended the Commission proposal as follows:

Adaptation of copyright exceptions to the digital and cross-border environment

The new directive would facilitate the use of copyright-protected material for research by introducing mandatory exceptions to copyright for the purpose of searching texts and data, online educational activities and the online preservation and dissemination of cultural heritage.

The directive would also aim to improve licensing practices to ensure wider access to content by providing harmonised rules by facilitating: (i) the use of works not commercially available by cultural heritage institutions; (ii) the granting of collective licences with broad effect; (iii) the possibility of obtaining rights for films through video-on-demand platforms.

Protection of press publications with regard to online uses

The directive would give a new right to press publishers for the digital use of their publications. The legal protection of press publications would benefit publishers who are established in a Member State and who have their registered office, central administration or principal place of business within the Union.

The rights provided for would not apply to private or non-commercial uses of press publications by individual users. Moreover, the protection granted would not apply to acts related to hyperlinks. The use of isolated words or very short extracts from press publications would not fall within the scope of the rights provided for by the directive.

Under the amended directive, authors of works included in a press publication should receive an appropriate share of the income that press publishers receive from information society service providers for the use of their press publications.

Use of protected content by online content sharing service providers

Online content sharing platforms should in principle obtain permission from rights holders, for example by entering into a licensing agreement, to make protected works available to the public. If no authorization is granted, platforms would be responsible for unauthorized acts of communication to the public, including the making available to the public of copyright-protected works.

The measures taken by the platforms should be without prejudice to the application of exceptions and limitations to copyright, in particular those which guarantee users' freedom of expression. Users would be allowed to post and make available user-generated content for the specific purposes of quotation, criticism, review, caricature, parody or pastiche.

Fair remuneration for authors and performers

Member States should ensure that, when authors and performers license or transfer their exclusive rights for the exploitation of their works or other subject-matter, they have the right to receive appropriate and proportional remuneration. To this end, Member States would be free to use different mechanisms and would take into account the principle of contractual freedom and a fair balance of rights and interests.

Transparency

Authors and performers should receive regularly - at least once a year - up-to-date, relevant and complete information on the exploitation of their works. They would have a right of revocation in the event of non-use of the work or any other protected object. Revocation could only be exercised after a reasonable period of time after the conclusion of the licence or rights transfer agreement.

Mechanism for adapting contracts

The amended text strengthens the negotiating rights of authors and performers. It gives them the right to claim from the party with whom they have concluded a contract for the exploitation of rights, appropriate and fair additional remuneration when the remuneration initially agreed is found to be unreasonably low in relation to all subsequent income derived from the exploitation of the works.