Copyright in the digital single market

2016/0280(COD) - 17/05/2019 - Final act

PURPOSE: to modernise the EU copyright framework to adapt it to the current digital environment.

LEGISLATIVE ACT: Directive (EU) 2019/790 of the European Parliament and of the Council on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29 /EC.

CONTENT: the Directive lays down rules for further harmonisation of EU law applicable to copyright and related rights in the context of the internal market, taking into account digital and cross-border uses of protected content.

The reform shall adapt copyright rules to today's world, where music streaming services, video-on-demand platforms, news aggregators and user-uploaded-content platforms have become the main gateways to access creative works and press articles.

The new rules ensure adequate protection for authors and artists, while opening up new possibilities for online access to and sharing of copyright-protected content throughout the European Union. They cover the following aspects:

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

The new Directive shall 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.

Licensing and wider access to digital content

The Directive also aims 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.

Right granted to press publishers

The Directive confers a new right on press publishers to use their press publications online. The creation of hyperlinks and the reuse of isolated words or very short extracts by online platforms and services shall be excluded from the scope of the new right granted to publishers of press publications.

In order to ensure that journalists derive economic benefits from the rights of newspaper publishers, the Directive provides that they shall 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

Online content sharing platforms shall 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 authorisation is granted, platforms would be responsible for unauthorised acts of communication to the public, including making copyrighted works available to the public, unless they demonstrate that: (i) they have made every effort to obtain authorisation and to ensure the unavailability of unauthorised content for which rights holders have provided necessary and relevant information, and (ii) they have acted promptly to remove any unauthorised content following receipt of a notification and do everything possible to prevent subsequent uploading.

Freedom of online expression

The Directive establishes safeguards for users by expressly allowing users to create and upload content free of charge for the purposes of quotation, criticism, review, caricature, parody and pastiche. Providers of online content sharing services shall put in place an effective complaints and redress mechanism to enable users to quickly challenge the unjustified removal by platforms of content they have put online.

Fair remuneration for authors and performers

The Directive shall increase transparency and balance in contractual relations between content creators (authors, performers) and their producers and publishers. Five measures to strengthen the position of authors, performers are planned:

- the principle of appropriate and proportionate remuneration for authors, performers;

- an obligation of transparency to promote access by authors, performers to better information on the exploitation of their works and performances;

- a mechanism for ajusting contracts so that authors, performers can obtain a fair share when the remuneration initially agreed becomes disproportionately low in relation to the success of their work or performance;

- a revocation mechanism enabling creators to recover their rights when their works are not exploited; and

- a dispute settlement procedure for authors and performers.

ENTRY INTO FORCE: 6.7.2019.

TRANSPOSITION: no later than 7.6.2021.