

# Copyright reform: Will the EU embrace innovation?

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WORLD MEDIA INTELLIGENCE  
CONGRESS

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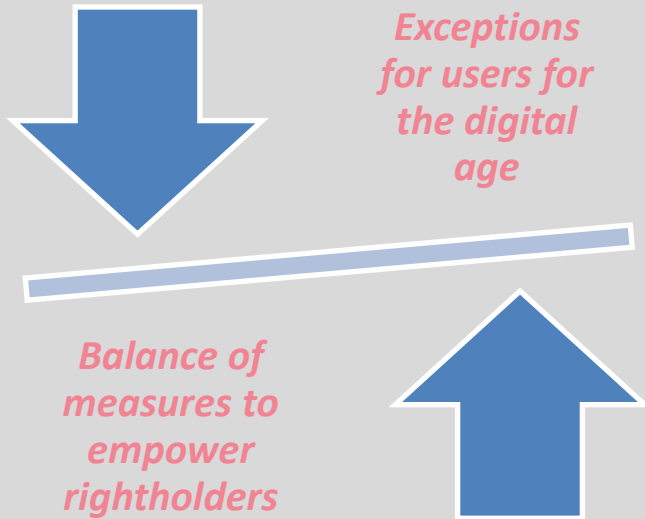


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European  
Publishers  
Council

# The EU Copyright Debate: progress towards a new neighbouring right

## Comprehensive Reform Package from the European Commission:



- Press Publisher's neighbouring right: pro-innovation
- New TDM exception: pro-innovation
- Update of teaching and library exceptions: pro-innovation
- Online Platforms: Closing the Value Gap: pro-innovation
- Enhanced negotiating rights for authors including journalists



# Game changer: placing Copyright at the heart of press freedom

*“I strongly believe that **copyright is also of paramount importance** for the issues that we talk about today, namely how **to guarantee press freedom and how to encourage quality journalism, including online.**”*

*“An independent and pluralistic publishing sector is of particular importance for the creation of high-quality journalism in the digital age. Equally, it is indispensable for our society, cultural diversity and democratic participation.”*

*“Journalists and those that invest in their work – publishers, must be able to keep on playing their fundamental role to ensure high quality news reporting in our societies.”*



**Commissioner Oettinger, World Press Freedom Day, 3 May 2016**





## The Neighbouring Right:

### *What is being proposed?*

- New **exclusive neighbouring right** for press publishers
- Protects against **unauthorised copying and commercial re-use**
- **20 years** term of protection
- Not expanding the rights that have already been harmonised by the EU
- Simply **adds press publishers as beneficiaries** of *some* of the harmonised rights
- Definitely **NOT a links tax!**

### *What will this provide for publishers?*

- ✓ **Legal clarity to the market and before the courts**
- ✓ **Improved bargaining power:** Publishers can open negotiations with users
- ✓ **Easier to enforce copyright at publisher level**
- ✓ **Opportunity to convert infringers into customers.**
- ✓ **Does not extend to ‘non-commercial’ hyperlinking.**
- ✓ **Citizens continue to link and share without penalty**



## Mixed bag: Changes that some MEPs and some Member States are looking for

### *Some we like more than others*

- Removal of artificial limit to ‘digital uses’ to cover distribution of print, and the rental and lending rights (also the position of new Rapporteur, Axel Voss)
- Longer term of protection (up to 30)
- Inclusion of scholarly journals
- Inclusion of News Agencies
- Explicit exclusion of private, non-commercial uses

### *Others we don't like at all*

- Presumption of representation of the author's individual works (First rapporteur - **overturned**)
- Presumption of transfer of rights (Opinion rapporteur - **overturned**)
- Deletion! (Opinion rapporteur – overturned)
- Reduction in term of protection - **TBD**

*Note: All three committees providing opinions have voted in favour of the neighbouring right*

## Text and Data Mining / Content Mining : promoting innovation



### Proposal for a **New TDM** exception:

*For researchers to be able to use "text and data mining" technologies to analyse large sets of text and data for non-commercial purposes*

# Text and Data Mining:

## *What is the EC proposing?*

An exception for **reproductions and extractions** for the purposes of **scientific research**.

Benefits **research organisations** *if* they have lawful access to the content

Rightholders can take measures to **ensure the security** and integrity of the networks and databases

Opportunities for **public-private partnerships**



# Timeline and Next Steps

European Commission presented proposal to the Parliament and the Council  
September 2016

The Parliament amends the proposal =  
Lobby MEPs: *Ongoing*

The Council forms its own position =  
Lobby Perm Reps/Member States: *Ongoing*



Commission, EP and Council: informal trilogue negotiations  
to speed up process of adoption = lobby EC/EP/Council: *? January 2018 ?*



Council and Parliament vote to agree to final text based on outcome of dialogues:  
*? June 2018 ?*

Implementation at national level – Law comes into force: *? June 2019 ?*



# Communicating with politicians, national experts and stakeholders

## Empower Democracy

with free, independent journalism.  
#SaveYourPress

[www.empower-democracy.eu](http://www.empower-democracy.eu)



Embracing innovation  
Promoting diversity of opinion

# Communicating with politicians, national experts and stakeholders

READ MORE

We're not faking it. We love real news

2017-02-07 - This is the second in our series of letters from the initiative "Empower Democracy" on the realities of today's newspaper and magazine publishing industry. In this letter, we focus on the issue of Fake News. We hope you will find it of interest.

READ MORE

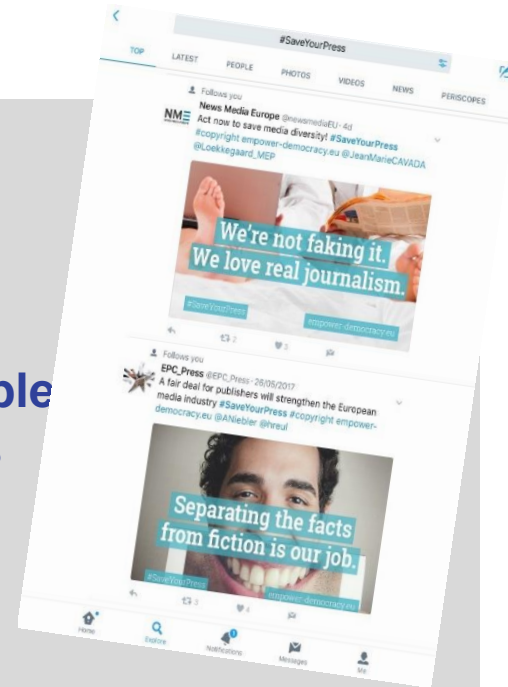
SEE ALL POSTS

[www.empower-democracy.eu](http://www.empower-democracy.eu)

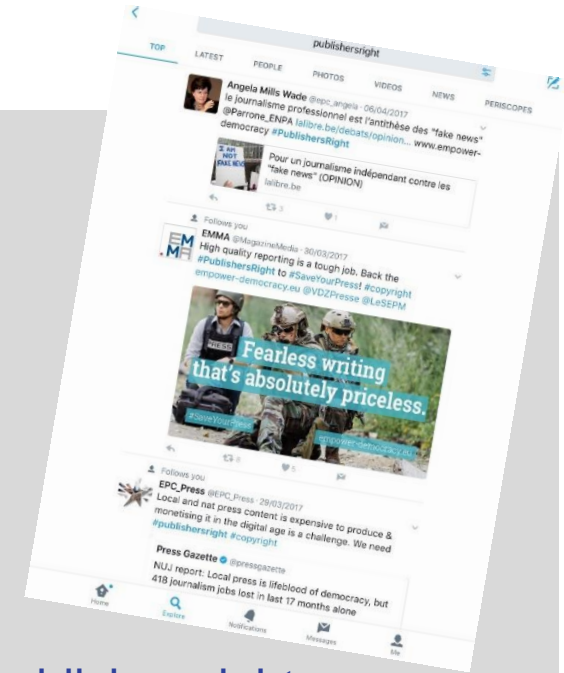
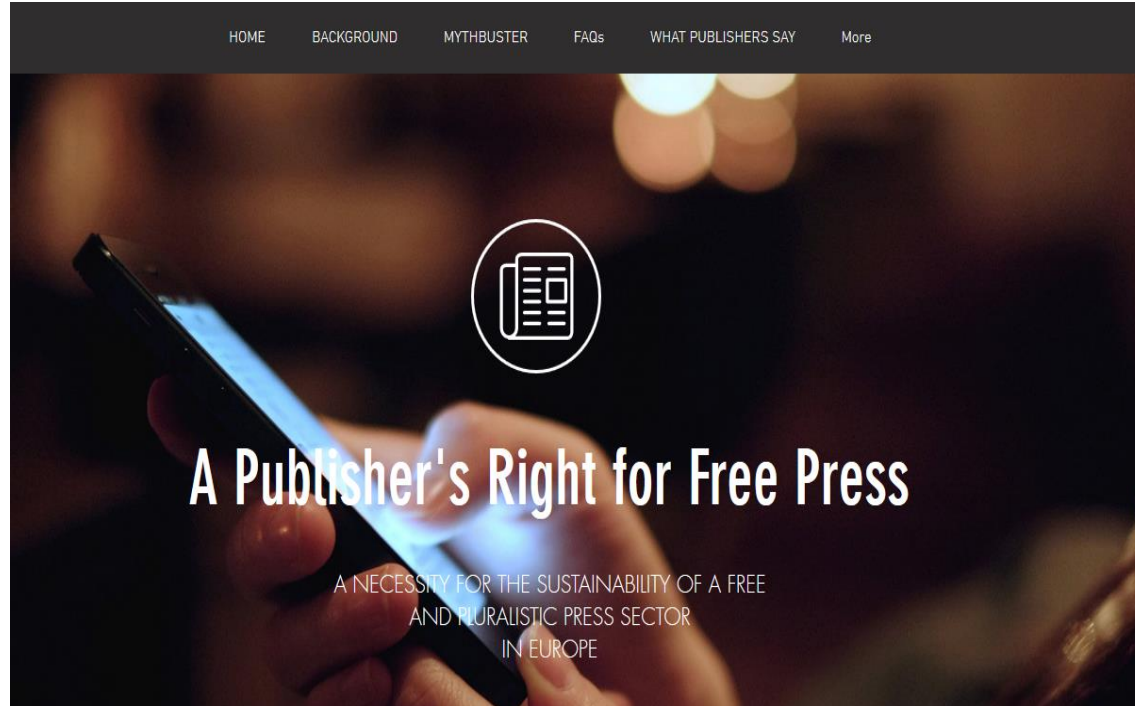
EMPOWER  
NOW

2,500 Daily Newspapers in print and digital

Over 300m people read magazines regularly



# Communicating with politicians, national experts and stakeholders



[www.publishersright.eu](http://www.publishersright.eu)

# What can publishers do to innovate regardless of what happens in copyright law?

## Identifiers and metadata (1)

- Supply chains based on identifiers and schemas enabling amazing functionality in all kinds of supply chains.
- A supply chain needs many identifiers. Think of an Amazon order – product number, URL, credit card number, account password, delivery reference....
- But not so generally in copyright and especially not in press publishing!
- Our digital supply chain isn't broken – *it has never been made.*

# EPC Pilot Project

## Identifiers and metadata (2)

- **Today:** extremely limited use of IDs, metadata, machine readable licenses
- Each publisher/brand/title uses its own content management system but no options to add IDs and with no standardised metadata
- Task of marking up large repertoire of archived works is too overwhelming
- **EPC Project:** Start now for new content – Start simple with a proof of concept

# The © symbol for the 21<sup>st</sup> Century

The copyright symbol ©

Developed at the beginning of the 20<sup>th</sup> Century

A visually arresting signal – with a clear message:

*“this work is covered by copyright and  
its re-use requires permission”*

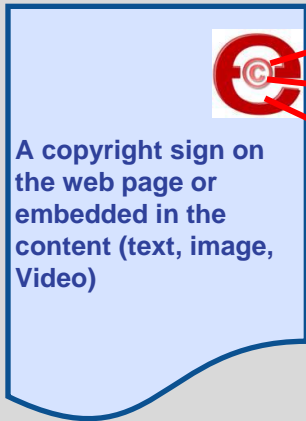
- ✓ EPC to trial a similar device for the 21<sup>st</sup> Century –
- ✓ Interpretable and transactional by both people and machines





## Human readable: site level and/or asset level

The © symbol for the 21<sup>st</sup>  
Century



Human readable,  
copyright statements  
terms and conditions of  
use

Human readable  
methods for  
contacting the  
rightholder

Human usable  
ecommerce engines

## Use “linked data” technology : machine to machine

The © symbol for the 21<sup>st</sup>  
Century



Link to

Machine readable  
copyright statements,  
terms and conditions  
of use

Link to

Machine readable  
methods for  
contacting the  
rightsholder

Link to

Machine usable  
ecommerce engines



# eCopyright symbol



The integrating principle



**THE  
COPYRIGHT  
HUB**

Bringing content to consumers while  
managing the rights of publishers in the 21<sup>st</sup> Century:

*The answer to the machine*

*is in the machine:*

*Remember that?*

# Thank you for your attention

*Any questions?*

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