



European Commission copyright proposals not fit for the digital age

EDiMA believes the continued success of the creative and technology sectors depends on a legal framework that incentivises creativity, investment and innovation. Unfortunately, the Commission's proposed Directive on copyright in the Digital Single Market fails to achieve these aims and is a missed opportunity to put the EU forward as a global innovation leader.

Europe needs a copyright framework for 2016 and beyond, not 1916. The current proposal, however, does not achieve such aims. It does not reflect the current environment in which users' access and consume content online and lacks the ambition called for by most European stakeholders and consumers to realise a Digital Single Market. The Commission has instead sided with the interests of only a select group of stakeholders and not recognised the importance of fully exploiting the opportunities of the online environment.

As a strong supporter of the Digital Single Market, EDiMA views the e-commerce Directive liability regime as essential to ensuring continued growth and innovation online. The current proposal, however, introduces mandatory monitoring measures that will not only hamper the growth of a diverse and innovative eco-system but also lead to overbroad filtering of user generated content. A multi-stakeholder dialogue with the objective of developing voluntary measures directly targeted at reducing the demand for, and supply of, infringing content currently represents the most effective, flexible, and proportionate way to tackle commercial-scale infringements.

EDiMA continues to strongly caution against introducing a new neighbouring right for publishers into EU law. It is not only highly problematic from a legal perspective, going against well-established international law and respect for fundamental rights, but has also had an overwhelmingly negative impact for consumers, news publishers and innovation in those countries where such a right has been introduced, namely Germany and Spain.

Text and data mining (TDM) is an area that Europe has yet to fully leverage; however the proposal's approach to limit a proposed text and data mining (TDM) exception to only "public interest research institutions" is a step backward, not forward, in making Europe a competitive and innovative research environment for both public and private entities, and TDM should be permitted to any organisation with lawful access to data.

Copyright is essential in promoting creativity and innovation and creating trust in the marketplace and EDiMA fully supports the need for effective measures to ensure that copyright is respected. At the same time the legal framework must not hamper the development, innovation, and creativity of today's digital environment, consequences which the Commission has failed to take account of in its proposal.

EDiMA, the European association representing European and global online platforms and other innovative tech companies operating in the EU with members including: Airbnb, allegro group, Amazon EU, Apple, ebay, Expedia, Facebook, Google, King, LinkedIn, Microsoft, Mozilla, PayPal, TripAdvisor, Twitter, Yahoo!, Yelp.

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