

Brussels September 9<sup>th</sup> 2016

Dear President Juncker, Vice-President Ansip, Vice-President Timmermans, Commissioners Oettinger, Jourová, Bieńkowska, Navracsics,

The signatories below are writing to you in anticipation of the upcoming copyright package reform that is expected to be released on September 15<sup>th</sup>.

We support copyright reform that creates an online environment that promotes innovation, serves consumers and supports creators. We recognise the importance of copyright and the need to respect it, however, we ask for copyright reform that upholds and strengthens the fundamental principles of the Digital Single Market such as rights of citizens to freedom of information, access to knowledge and the limitation of intermediaries' liability, which lie at the very foundations of the internet.

We call upon the European Commission not to create new ancillary rights for publishers. The creation of a new ancillary right for publishers is against those fundamental principles. The creation of similar ancillary rights in Spain and Germany has produced no positive outcomes but has harmed consumers, innovation and the internet at large.

We request that the European Commission publishes the response to its public consultation on the role of publishers in the copyright value chain and on the 'panorama exception'. It is our understanding that from individual consumers to start ups, publishers, small and large businesses, civil society organisations, academics, universities and industry groups, many have pointed out that new ancillary rights for publishers were harmful.

We strongly urge the Commission to preserve the Internet as an engine of growth, by maintaining the tenets of the e-commerce Directive liability regime in its upcoming copyright proposal. The limited liability principles for hosting providers – as enshrined in the Directive – have allowed the European digital economy to flourish. The limited liability regime for intermediaries provides a balanced framework which ensures that the interests of right holders, citizens, consumers, and businesses can be vindicated in the online environment. An undermining of the safe harbour and no-general monitoring obligations of the e-commerce Directive would have immediate and far-reaching chilling effects on innovation, consumer rights and freedom of expression and would risk turning back the clock on Europe's Digital Single Market.

Furthermore, limiting a proposed Text and Data Mining (TDM) exception to only “public interest research institutions” could ultimately restrict, rather than unlock, use of TDM across sectors and would be more likely to drive such research and innovation out of Europe. Any entity that has lawful access to data should be permitted to perform TDM and analytics on that data, regardless of the entity's status as a research organisation or commercial entity.

We await with interest the legislative proposals that the European Commission will adopt later this month and hope that you will take our concerns into consideration.

Should you have any questions regarding the above, please contact any one of the signatory organisations.

Yours Sincerely,



**Allied for Startups**

**Application Developers Alliance**

**C4C** - Copyright 4 Creativity

**CCIA** – Computer and Communications Industry Association

**CDT** - Centre for Democracy & Technology

**Centrum Cyfrowe**

**Communia**

**DIGITALEUROPE**

**EBILDA** - European Bureau of Library, Information, and Documentation Associations

**EDiMA**

**EDRi**

**EIFL** – Electronic Information for Libraries

**ENCES** – European network for copyright in support for education and science

**EuroISPA** – European Internet Service Providers Associations

**EFF** – Electronic Frontier Foundation

**IFLA** - International Federation of Library Associations and Institutions

**IGEL** - Initiative Gegen Ein Leistungsschutzrecht (Initiative against an ancillary copyright law for press publishers)

**Kennisland**

**LACA** – the Libraries and Archives Copyright Alliance

**OFE** - Open Forum Europe

**Open Media**

**ORG** – Open Rights Group

**SA&S** - Samenwerkingsverband

Auteursrecht en Samenleving (Partnership Copyright & Society)

**VoB** - Vereniging van Openbare

Bibliotheken / The Netherlands Association of Public Libraries

**Wikimedia**