

## EDiMA reaction to Plenary vote on copyright:

Strasbourg, 12 September 2018 - TODAY, in Strasbourg, the European Parliament has voted in favour of a copyright directive that will restrict the access of European citizens to share news online and will force the filtering of citizens' uploads.

The measures adopted today are remarkably similar to those already rejected by a majority of MEPs last July and this is both disappointing and surprising.

In the lead up to July, thousands of citizens voiced their concerns on these proposals and again ahead of this vote. It's disappointing that their voices have not been heeded by MEPs.

"The neighbouring right will restrict the sharing of news online and the upload filter will restrict user uploads. These are bad outcomes for European citizens."

"We hope that the concerns of EU citizens, and all of the academics, small publishers, startups, and the UN, that have been expressed will still be taken into account during the next stage of negotiations. We look forward to working with everyone involved in the aim of a better outcome for all" said Siada El Ramly, Director General of EDiMA.

## NOTES TO THE EDITORS

- EDiMA is the European trade association representing online platforms and other innovative businesses. It is an alliance of new media and Internet companies whose members include Airbnb, Allegro, Amazon EU, Apple, eBay, Expedia, Facebook, Google, King, Microsoft, Mozilla, Oath, OLX, Snap Inc., TripAdvisor, Twitter, Veon Digital and Yelp. EDiMA's members provide Internet and new media platforms offering European consumers a wide range of online services, including e-content, media, e-commerce, communications and information/search services.  
<http://edima-eu.org/>
- On 12 September 2018, the European Parliament voted in favour of the Copyright Directive after the initial report from the Legal Affairs Committee was rejected by the Parliament on 5 July 2018
- The European Commission put forward a proposed reform of the Copyright Directive in 2016 and one of the most contentious issues in this reform is the proposed introduction of a pan-European “neighbouring right” (also called Article 11) and the filtering obligation introduced by Article 13.  
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016PC0593>
- Article 11 would create a “neighbouring right” (also called ancillary copyright or publisher right), one which entitles publishers (including newspapers and other media) to prevent websites, search engines, blogs and aggregators from using their content or permitting the sharing of their content without the prior authorisation of the publisher. In practice, sharing of snippets, or possibly even links (depending on the language of the final text) would be prohibited without a prior agreement between each website looking to share the content and the publisher of the content. The proposed right covers a broad diversity of publications and news agencies, including blog posts, far beyond printed press publications.  
<https://www.ivir.nl/academics-against-press-publishers-right/>
- Article 13 makes online content sharing service providers responsible for the content on their services, so that they must either conclude licences with all rightholders for the content uploaded by users, or find a way to ensure that protected works are not available on their services. Because it is theoretically and practically impossible for a service provider to conclude licences with every rightholder for every type of content, in practice this will mean that online platforms will have to use content filtering technology to monitor and filter everything that European citizens upload on their services. While this provision makes these service providers directly liable for their users' activity, it also creates a near automatic editorial responsibility and false positives in the software risk incorrectly censoring the upload of content by users. The following are excluded from the definition of an online content sharing service provider and consequently the obligations under Article 13: microenterprises and small sized enterprises, service providers that act in a non-commercial purpose capacity such as online encyclopaedia, and providers of online services where the content is uploaded with the authorisation of all right holders concerned, such as educational or scientific repositories. Providers of cloud services for individual use which do not provide direct access to the public, open source software developing platforms, and online market places whose main activity is online retail of physical goods.



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