

# Copyright reform misses an opportunity to adapt European rules to the digital age

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**BRUSSELS (September 14, 2016)** – The European Commission’s proposal to reform copyright law lacks ambition and misses a vital opportunity to adapt European copyright to the digital age. The Commission is effectively opting to subsidise rights holders that have failed to embrace the thriving digital sector.

“This reform should be about adapting rules in light of digital technology to facilitate easier and faster access to creative content, whether that be an article in a newspaper, a song or a movie.” said John Higgins, Director General of DIGITALEUROPE.

It should also be about allowing businesses in Europe to take advantage of the innovation potential offered by data analytics, he added.

“As it stands, the proposed reform will clip the wings of budding European data entrepreneurs looking for smart ways to mine publicly available text and data. By doing so the European Commission is effectively ruling out the emergence of a European Google, Facebook or Twitter,” Mr Higgins said.

“This proposal appears to be sacrificing the next generation of young, innovative European creators in order to protect the interests of legacy media and their rigid business models,” he added.

DIGITALEUROPE members are very concerned about three issues in particular: the way it deals with text and data mining, the plan to create new publishers’ rights and third, we are alarmed by the proposal’s failure to even address the long-running problem with copyright levies.

Plans to limit a proposed text and data mining (TDM) exception to only “public interest research institutions” could restrict, rather than unlock, use of TDM across a wide range of business sectors.

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.

“The aim was to unlock the potential of TDM. Unless this proposal is radically changed during the legislative process it will drive such research and innovation out of Europe,” Mr Higgins said.

DIGITALEUROPE has consistently stated that there is already an adequate level of protection for publishers’ rights under existing copyright rules. Extending such rights to newspaper publishers for online uses is not needed.

“The double layering of rights for authors and publishers as proposed by the Commission will restrict access to information online,” Mr Higgins said, adding that attempts to do this in Germany and Spain “showed that such an approach has negative effects, even for publishers themselves.”

Also, before providing that the publishers may receive a share of compensation due to authors for private copying or other exceptions, we urge the Commission to require Member States to solve the numerous issues posed by compensation mechanisms and, especially, to define a common methodology to assess the harm caused to the rights holders.

The most glaring omission from this so-called reform is any proposal to scrap or at least improve inefficient and out-dated copyright levies that many but not all European countries permit as a way of compensating artists for the alleged harm caused by private citizens legitimately copying their music and other content onto their digital devices.

“That’s right. According to supporters of levies, if you copy a song you bought legally onto multiple digital devices to make it easier to listen to, then you are harming the artists that created that song. Go figure!” said Mr Higgins.

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## ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE's members include 62 corporate members and 37 national trade associations from across Europe. Our website provides further information on our recent news and activities: <http://www.digitaleurope.org>

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