

EDRi comments on the Draft Opinion of the Committee on Culture and Education for the Committee on Legal Affairs on the implementation of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (2014/2256(INI))

Rapporteur: Isabella Adinolfi

NO POSITION

Draft opinion

1. Highlights the need for a common definition of ‘public domain’ so as to ensure the widespread dissemination of cultural content across the EU;

SUPPORT

Draft opinion

2. Stresses the need to address the problematic boundaries that exist between the reproduction right and the right of communication to the public of works, and to clarify the concept of ‘communication to the public’ in light of the recent case law of the Court of Justice of the European Union;

SUPPORT

Draft opinion

3. Stresses that embedding and linking should not be considered acts of communication to the public and thus should not be subject to Article 3 of the directive;

SUPPORT

Draft opinion

4. Emphasises the need to update the concept of ‘reproduction of works’ by taking into account the possibilities offered by digital technologies in terms of communication to the public;

SUPPORT

Draft opinion

5. Urges for the establishment of mandatory limitations and exceptions to copyright, at least with regard to the most important exceptions, such as those in the field of education, research and libraries, to allow for the more widespread dissemination of cultural content across the EU;

All exceptions and limitations should be mandatory, as it is clearly unbalanced not to offer an exception/limitation when it complies with the three-step test.

SUPPORT

Draft opinion

EDRi Amendment

6. Highlights the fact that a general exception should be introduced to offer a broader interpretation of the current exceptions based on the analogue model, while taking into account the freedom of expression and information, freedom of the arts and sciences and cultural, religious and linguistic diversity, as referred to in the Charter of Fundamental Rights of the European Union;

SUPPORT

Draft opinion

EDRi Amendment

7. Stresses that digital levies should be modernised in light of the development of digital technologies to safeguard rightholder and consumer rights and by taking into account Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market;

It is important that artists and creators get paid for their creativity. However, the use of this levy is controversial because it has helped create many obstacles to the achievement of a single market and serves to discredit copyright in the eyes of citizens. It is therefore necessary to think about the implementation and consequences of this levy.

NO OPINION

Draft opinion

EDRi Amendment

8. Suggests a review of the liability of service providers to guarantee the dissemination of culture across the EU and in accordance with the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights.

It is very difficult to work out if this text is meant to support a (much needed) clarification of ISP liability (which we would support) or is supporting increased liability for intermediaries (which we would oppose).