

ANDRUS ANSIP

VICE-PRESIDENT OF THE EUROPEAN COMMISSION

Brussels, 12 10. 2016
JG/kl Ares (2016) 5892760

Allied for Startups	Electronic Frontier Foundation
Application Developers Alliance	IFLA
Copyright 4 Creativity	IGEL
CCIA	Kennisland
Centre for Democracy & Technology	Libraries and Archives Copyright Alliance
Centrum Cyfrowe	Open Forum Europe
Communia	Open Media
DIGITALEUROPE	Open Rights Group
EBLIDA	Samenwerkingsverband Auteursrecht en Samenleving
EDiMA	Vereniging van Openbare Bibliotheken
EDRi	Wikimedia
Electronic Information for Libraries	
EuroISPA	

Dear Sirs,

Thank you for your letter from 9 September 2016 where you raise certain concerns about the proposal for a Directive on Copyright in the Digital Single Market as adopted on 14 September 2016.

One of the main goals of the Commission's Digital Single Market Strategy is to achieve a wide availability of creative content across the EU, while making sure that EU copyright rules continue to provide a high level of protection for right holders in the digital environment. Accordingly, one of the Commission's objectives pursued with the recent legislative proposals is to improve the functioning of online market place. In this context, a new related right for press publishers has been introduced, as well as measures to ensure that right holders are in a better position to decide the use and remuneration for the use of their content by user uploaded content services.

The new related right for press publishers, like the one existing for content producers involved in other creative sectors, is needed in order to recognise the organisational and economic contribution of press publishers and protect their investment in high quality press content, which is important for a pluralistic society and the democratic debate.

/.../

I can assure you that the introduction of this new right has been carefully analysed as part of the Commission's internal decision-making. Press publications are already protected by the copyright of their author. The new right will not change this. However, the new right will provide press publishers with clearer rules which would facilitate licence agreements for online use of their publications but even more importantly, will allow them to explore new business models and partnerships with online service providers.

We acknowledge the positive effects of the limited liability regime established in e-commerce directive on innovative online services. Our goal is not to change this regime and not to diminish innovation or user choice. The measures set in the new Directive do not take away the benefits of the limited liability for services that fulfil the criteria set in e-commerce directive. Our approach also contains safeguards necessary to respect the freedom to conduct business, privacy rules and fundamental rights of users, including the freedom of expression.

Finally, with regard to the text and data mining (TDM) exception, the Commission's objective is to facilitate the use of text and data mining to support research in Europe. In line with this approach the exception is a targeted one and is designed to provide legal certainty for researchers when seeking to carry out text and data mining on content they have lawful access to. As any exception, it needs to be balanced and proportionate.

The introduction of this new exception does not change the situation for data analytics more generally. The existing exceptions under copyright, notably the mandatory exception for temporary acts of reproduction in the Infosoc Directive, will continue to apply where relevant. Additionally, startups will benefit from the new exception as providers of technology for text and data mining but also in the context of public private partnerships and the new knowledge gained thereby.

I remain at your disposal for further discussions and possible further clarifications needed to ensure there is enough legal certainty for all stakeholders.

Yours sincerely,



Andrus Ansip