EU Copyright Directive

Why in news?

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The European Parliament recently approved a new copyright legislation, increasing the responsibilities of technology platforms and the rights of content producers.

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What is the legislation on?

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- It is commonly known as the EU Copyright Directive, or the Directive on Copyright in the Digital Single Market.
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- It aims at balancing profits for the creators and profits for platforms that make the content publicly available.
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- These platforms are online service providers that organise, promote, or categorise copyright-protected content uploaded by users.
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- These include Google, Facebook, Wikipedia, Reddit and YouTube.
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What are the key proposals?

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- Article 11 allows publishers to gain copyright protection on their content that is being used by online content providers.
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- The law makes it necessary for online content providers to get authorisation from the content creators.

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- Without this, the provider will have to prevent availability of that content.
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- This would give publishers the extended rights over online use of their content.
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- But, it still allows for
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i. the legitimate private and non-commercial use of press publications by individual users
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ii. mere hyperlinks which are accompanied by individual words
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- Article 13 makes online content platforms liable to take “effective and proportionate measures” on copyright violations.
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- It mandates them to remove violations expeditiously and demonstrate efforts to prevent future availability.
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- This shifts the burden from the copyright holder to the platforms.
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- Another key provision is the exemption to scientific researchers using text and data mining technologies, and educational purposes.
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- The law also gives small enterprises more leeway in removal of unauthorised content.
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What are the concerns?

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- Platforms such as Facebook and Google make a lot of money from content that is made by others.
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- However, technology platforms, academics, industry pioneers, and rights organisations are concerned of threats to freedom of expression and to “open online sharing”.

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- Specifically, the “upload filter” of Article 13 could encourage companies to deploy algorithms that play it safe and over-restrict content.
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- The resulting “censorship machines” will not be able to differentiate parodies, satire, and memes.
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- This could turn the internet into a place where everything uploaded must be cleared by lawyers before it can find an audience.
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What are the similar measures elsewhere?

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- In 2013, a German law allowed publishers to stop search engines from using their news content beyond the headlines.
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- The law was later diluted to allow for snippets of the content.
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- In 2014, Spain passed a similar law giving publishers the right to levy licensing fees on online content aggregators.
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- In response, Google News closed operations in Spain and removed Spanish media outlets from the platform.
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- Both these laws have been dubbed the “Google tax”.
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- YouTube’s “Content ID” system deploys filtering against copyright violations.
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- However, Google marks a distinction between -
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i. proactive monitoring of content uploads
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ii. Content ID’s mandate to simply react to infringement notifications in accordance with US Laws
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- The US Digital Millennium Copyright Act of 1998 exempts online service

providers from manually screening or automatically filtering out copyright infringement.
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- This places the burden on copyright holders to request the removal of violations.
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- In India, the Information Technology Act of 2000 clears online-platform liability if the company can prove that
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i. there was no knowledge of the infringement
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ii. due diligence was taken to prevent the violation
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What next?

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- The European internet-related legislation has consistently ruled far more strongly against Internet companies than the US.
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- This significantly includes the recently implemented General Data Protection Regulation (GDPR).
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- Now, before it becomes law, the EU Copyright Directive will go through “trilogue negotiations” until early 2019.
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- This would be among the European Commission, the Council of the European Union and the European Parliament.
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- Views from all stakeholders will be directed to Members of the European Parliament.
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- After that, the Directive will need to go through the 27 member states.
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Source: Indian Express

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