

EU's New Copyright Law

Why in news?

The European Union's Parliament recently passed a new copyright directive.

What is the EU Copyright Directive?

- The Directive comprises of a set of measures designed to reform the way copyright works in the EU.
- The objective is to “protect creativity in the digital age”, as stated by the European Commission.

What triggered the changes?

- Lawmakers have become concerned about what is uploaded and shared on the internet platforms in the recent times.
- These include the spread of fake news, psychological profiling of users to influence their behaviour. E.g. [Cambridge Analytica](#) scandal
- Also, violent, harmful content being spread on platforms such as YouTube targeting children and other vulnerable communities have raised concerns.
- Moreover, the tech companies such as Google and Facebook do not take the responsibility for the damages caused by content they disseminate.
- When challenged on multiple global legal platforms and rights forums, companies did not express their willingness to filter such contents.
- Certainly, such lethargic, revenue-focussed approach has driven the lawmakers to make the regulations stricter.

What are the controversial provisions?

- Among the reforms, it is Article 11 and 13 of the Directive which have sparked controversy.
- Article 11 notes that search engines like Google and news curation platforms (like Google News) must pay to use links from news websites.
- Article 13 basically deals with how online content-sharing services should deal with content for which someone holds a copyright.
- The company, say YouTube, must make all the ‘best’ efforts to get permission from copyright holders for all the content uploaded.
- If not, the technology firms will be penalised for all non-copyrighted content

appearing on their platforms.

- The rules are applicable for almost all services, except those that are less than 3 years old in the EU or have an annual turnover of less than \$11.2 million.
- It covers most services that help people surf for stuff that is uploaded online including YouTube, Soundcloud, Vimeo, etc.
- There are some exceptions such as
 - i. online encyclopaedia that do not target profits (like the wikis)
 - ii. open source software development platforms
 - iii. cloud storage services
 - iv. online marketplaces
 - v. communication services

What does it mean for the users?

- **Favourable** - The new rules would help musicians in the digital age gain their fair share of royalties and rights from the technology companies.
- Earlier, companies have been using such content at will and free of cost.
- It would strengthen Europe's creative industries, which represent 11.65 million jobs, 6.8% of GDP and are worth €915,000 million a year.
- **Negatives** - If a fan of AR Rahman living in the EU want to upload an ARR song on YouTube for fun or to share among friends, s/he may not be able to do it that easily now.
- An activist who wants to share some archival footage of a strike, showing human rights violations, may not be able to upload.
- This is because s/he may not be able to bypass the filters content platforms may put in place.

What are the concerns?

- The new law is expected to change the way content is used and disseminated on the World Wide Web.
- For the firms, it is not that easy to seek and buy licence for all the content that goes up on YouTube.
- So, eventually the companies will be forced to introduce mass-filters that would make uploading content legally and logistically difficult.
- It could hand over the free and open internet to corporate giants at the expense of ordinary people.
- Moreover, big tech companies may be able to introduce the checks and balances needed.
- But small entities will end up shutting shop, paving the way for more

concentration of power in tech business.

- Also, it will help governments in the EU and/or elsewhere use these clauses to crush dissent and free speech.

What could the global ramifications be?

- Europe's approach in dealing with user data and online privacy has caught the attention of policy-makers and rights activists across the globe.
- This is especially after the EU introduced the stringent [General Data Protection Regulation](#) (GDPR). [Click [here](#) to know more on GDPR]
- In such a context, the copyright directive will trigger a global debate and the results may change the way the Web is used.
- The legislation only applies to countries in the European Union.
- But, it is bound to have a much wider impact on a global scale, particularly with regard to the US tech giants such as Google or Facebook.
- These will obviously be affected by the legislation, in their European operations.

Source: Business Line

