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

