

# The Copyright Directive

**Addressing the transfer of value  
online that harms authors**

# About transfer of value



UUC\* platforms generate large revenues from creative works online



Because of a loophole, some UUC platforms do not license their content



This loophole needs fixing so authors can live from their work

\* User Uploaded Content

## There are two types of services that should follow the same rules but currently don't

There are platform services on the one hand



they provide access to user uploaded content and have about 600m monthly active users in Europe.



These platform services that dominate the market wrongly claim to be mere technical intermediaries that aren't required to fairly remunerate creators under EU Safe Harbour provisions.

And digital service providers (DSPs) on the other hand



they provide access to licensed content and have about 60m monthly active users in Europe.



DSPs play by the rules and pay for the content they provide access to. They face unfair and inefficient market conditions because they directly compete with some of these platform services.

VS

# The proposal on transfer of value & GESAC's position



## UUC platforms communicate to the public

Here are 2 situations addressed:

1

When they have an active role:



subject to  
© licence

2

When they become the main source of access to © protected works, even when deemed passive:

obligation to cooperate with RH\* & use technical tools for identification of works



\* Rights holders

## The proposal



## GESAC position in short

### Recital 38

Clarifies the application of the Communication to the Public right to UUC platforms

Clarifies when a service has an active role, and hence loses its safe harbour privilege



= absolute minimum

= provides correct interpretation of existing law

= could be reflected in a new article

### Article 13

Obliges UUC platforms to cooperate with RH when they provide large amounts of content



= useful article

= will create the possibility to cooperate for use of protected works



GESAC (European Grouping of Societies of Authors and Composers) comprises authors' societies from across the European Union, Iceland, Norway, and Switzerland. As such, we represent more than 1 million creators and rights holders in the areas of music, audiovisual works, visual arts, and literary and dramatic works.

#### Our members

ADAGP

AEPI

AKKA/LAA

AKM

ARTISJUS

AUSTROMECHANA

BUMA

EAU

GEMA

HDS-ZAMP

HUNGART

IMRO

KODA

LATGA

OSA

PRS

SABAM

SACEM

SACEM LUX

SCAM

SDRM

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SPA

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