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FOR IMMEDIATE RELEASE

MEPs call for a level playing field on copyright for online platforms

MEPs advocate for copyright liability of online platforms in order to remove distortions in the digital market and to provide better conditions for creators and consumers.

Brussels, 20/06/2016 - In light of the upcoming copyright reform, 58 MEPs sent an open letterⁱ urging the European Commission to put an end to the transfer of valueⁱⁱ currently taking place at the expense of creators, and called for a legal clarification of the liability regime for online platforms.

More creative content is being consumed today than ever before on services like user-uploaded content platforms and content aggregation services. Yet most of these services provide extremely low remunerations or outright refuse to pay authors. The letter, signed by 58 MEPs, explains that “[t]he **upcoming copyright reform should make clear that liability exemptions can only apply to genuinely neutral and passive online service providers, and not to services that play an active role in distributing, promoting and monetising content at the expense of creators.**”

*The President of GESAC, **Christophe Depreter**, called the letter “an important signal to the Commission that the political will is there, and that the transfer of value issue needs to be dealt with urgently”.*

GESAC applauds this initiative launched by MEPs Pervenche Berès, Christian Ehler and Martina Dlabajovaⁱⁱⁱ that asks the Commission to clearly put creators and consumers at the centre of the upcoming review of the copyright Directive^{iv}.

*In a reaction to the letter, Polish film director **Agnieszka Holland** said she was “encouraged to see so many Members of the European Parliament identify the critical problem of fair remuneration online that creators are faced with” and hoped to “see meaningful changes from European decision-makers before the end of the year”.*

Although the Commission has consistently noted that it wishes to tackle the transfer of value problem in the copyright reform, it is crucial to keep the issue high on the agenda, considering the relentless efforts of certain internet giants to water down any initiative that could lead to re-balancing this problem towards ensuring fairer conditions for creators and the entire European Digital Single Market.

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About GESAC

GESAC groups 34 of the largest authors' societies in the European Union, Iceland, Norway and Switzerland. We defend and promote the rights of about 1 million creators and rights holders in the areas of music, audiovisual works, visual arts, and literary and dramatic works.

About Christophe Depreter

Trained as a lawyer, Christophe Depreter has been active in the field of authors' rights for many years. He joined Sabam in 1997, the Belgian authors' society that represents over 39,000 authors, composers and publishers. In 2009, he became Sabam's CEO. In 2012, Mr Depreter was elected President of GESAC. He was recently re-elected for a two year term.

About Agnieszka Holland

Three time Academy Award Nominee and Director of episodes in *The Wire*, *Treme* and *House of Cards* among many others, Agnieszka Holland knows as much success in the United States as she does in Europe. Born in Poland, Holland studied film in Czechoslovakia and was rewarded early on in her career with the 1980 international Critics Prize in Cannes for her movie *Provincial Actors*. Inherently political in her work, she found herself exiled from Poland and moved to France in 1981. Mrs. Holland is the Chair of the European Film Academy board.

ⁱ <http://www.pervencheberes.fr/wp-content/uploads/2016/06/Letter-transfer-of-value-20-06-2016-envoi.pdf>

ⁱⁱ The 'transfer of value' issue: www.authorsocieties.eu/transferofvalue

ⁱⁱⁱ MEPs Berès and Ehler are co-chairs of the Creative and Cultural Industries Intergroup, MEP Dlabajova is vice-chair

^{iv} The "InfoSoc" Directive (2001/29/EC). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0029:EN:HTML>



Jean-Claude Juncker
President
of the European Commission
Andrus Ansip
Vice-President
of the European Commission
Günther Oettinger
Commissioner

Brussels, 20 June 2016

Open letter: Status of online platforms in the EU as regards copyright and the need for legislation

Dear President Juncker,
Dear Vice-President Ansip,
Dear Commissioner Oettinger,

Following the release of the e-commerce package and ahead of the publication of the Copyright reform we would like to draw your attention to a specific issue, which we believe is vital for a thriving cultural and creative economy in Europe.

Creative industries in Europe make a substantial contribution to EU economy, creating more than €550 billion in value added to the GDP (4.4% of total GDP), and providing 8.3 million full-time jobs, thereby employing 3.8% of Europe's workforce. Creative industries also account for roughly 4.2% of EU exports, while being one of the few IPR-intensive sectors generating a trade surplus. Cultural and creative industries (CCIs) in the EU employ as many people as the food and beverage service industry does; provide work for nearly 2.5 times more people than automotive manufacturers and 5 times more than the chemical industry.

Despite the fact that more creative content is being consumed today than ever before, on services such as user-uploaded content platforms and content aggregation services, the creative sectors have not seen a comparable increase in revenues from this increase in consumption. One of the main reasons is being referred to as a transfer of value that has emerged due to the lack of clarity regarding the status of these online services under copyright and e-commerce law.

The existing Safe Harbour provisions within the e-Commerce Directive 2000/31/EC allow platforms and intermediaries such as YouTube to claim that they are passive and neutral hosting services entitled to benefit from exemptions to copyright law.

The European Parliament took position on this issue on various occasions such as within the report on *The harmonisation of certain aspects of copyright and related rights in the information society (2014/2256(INI))*, "{... virtually all the value generated by creative works is transferred to those digital intermediaries, which refuse to pay authors or negotiate extremely low levels of remuneration"}.

Furthermore in the report *Towards a Digital Single Market Act 2015/2147(INI)* the European Parliament called on the Commission to “consider evidence-based options to address any transfer of value from content to services that will make it possible for authors, performers and right holders to be fairly remunerated for the use of their work on the internet without hampering innovation”.

In view of the upcoming copyright reform, we would like to once again call on the Commission to create legal certainty by presenting solutions which will suit creators, right holders and consumers alike. We believe that there will not be a Digital Single Market without content. Therefore the upcoming copyright reform should make clear that liability exemptions can only apply to genuinely neutral and passive online service providers, and not to services that play an active role in distributing, promoting and monetising content at the expense of creators.

We are convinced that removing this distortion in the digital market would stimulate growth in the European digital economy.

Members of the European Parliament,

Berès Pervenche

Ehler Christian

Dlabajova Martina

Becker Heinz K. (EPP - AT)

Belet Ivo (EPP - BE)

Blanco Lopez José (S&D - ES)

Cavada Jean-Marie (ALDE - FR)

Costa Silvia (S&D - IT)

Danti Nicola (S&D - IT)

de Grandes Pascual Luis (EPP - ES)

Delvaux-Stehres Mady (S&D - LUX)

Fisas Aixela Santiago MEP (EPP - ES)

Gomes Ana (S&D - PT)

Grammatikakis Giorgios (S&D - GR)

Griffin Theresa (S&D - UK)

Guillaume Sylvie (S&D - FR)

Guteland Jytte (S&D - SE)

Gutierrez Prieto Sergio (S&D - PT)

Honeyball Mary (S&D - UK)

Jätteenmäki Anneli (ALDE - FIN)

Joulaud Marc (EPP - FR)

Juvin Philippe (EPP - FR)

Kaili Eva (S&D - GR)

Kammerevert Petra (S&D - DE)

Kelly Sean (EPP - IR)

Köster Dietmar (S&D - DE)

Le Grip Constance (EPP - FR)

Lenaers Jeroen (EPP - NL)

Lopez Aguilar Juan Fernando (S&D - ES)

Luis Valcárcel Siso Ramón (EPP - ES)

Maullu Stefano (EPP - IT)

Morgano Luigi (S&D - IT)

Mosca Alessia (S&D - IT)

Niebler Angelika (EPP - DE)

Papadimoulis Dimitrios (GUE - GR)

Proust Franck (EPP - FR)

Reding Viviane (EPP - LU)

Reul Herbert (EPP - DE)

Revault D'Allonnes Bonnefoy Chr. (S&D - FR)

Rocheffort Robert (ALDE - FR)

Rozière Virginie (S&D - FR)

Ruas Fernando (EPP - PT)

Saïfi Tokia (EPP - FR)

Serrão Santos Ricardo (S&D - PT)

Sógor Csaba (EPP - RO)

Takkula Hannu (ALDE - FIN)

Tang Paul (S&D - NL)

Toia Patrizia (S&D - IT)

Vaidere Ines (EPP - LET)

van Nieuwenhuizen Cora (ALDE - NL)

Verheyen Sabine (EPP - DE)

Voss Axel (EPP - DE)

Ward Julie (S&D - UK)

Wenta Bogdan (EPP - PL)

Werner Martina (S&D - DE)

Zorrinho Carlos (S&D - PT)

Zver Milan (EPP - SL)

Zwiefka Tadeusz (EPP - PL)