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EU Copyright Modernisation: First steps towards a fair and balanced relationship between authors and online platforms

The EU Commission has presented its plans for a modernisation of copyright. The position of authors should be reinforced with a focus on improving how they assert their rights vis-a-vis online platforms. In addition, access to creative contents in the online sector should be improved by a simplified rights clearance in Europe. GEMA considers the Commission's efforts as an important first step in order to establish fair conditions for creative content on the digital common market.

CEO Dr Harald Heker says: "With its proposal for a copyright review, the EU Commission is sending an important signal that the value transfer of creatives towards platform operators in Europe can no longer be tolerated. For fair conditions regarding digital usage of creative content, there must be no ambiguity left that platforms such as YouTube are actively involved in making content protected by copyright publicly available. Legal safeguards have to be established so that these platforms can no longer hide behind privileged positions regarding the liability for host providers, which are intended for purely passive service providers."

Internet platforms generate substantial economic gains by exploiting creative content. The main benefactors are the platform operators which take recourse to an unclear legal situation in order to not pay creatives at all or below value. At the same, platform providers such as YouTube are competing with licensed online services such as Spotify or Deezer. This impedes the development of a common market which is characterised by cultural diversity and fair competition. The EU Commission is now planning to correct this aberration referred to as "transfer of value" or "value gap".

More than 22,000 creatives had recently signed a Europe-wide petition and called on the EU Commission to close "economic and legal backdoors" for online platforms in the course of the impending review. The signatories include many GEMA members such as Klaus Meine (Scorpions), Wolfgang Niedecken and Smudo (Die Fantastischen Vier) as well as artists such as Charles Aznavour, Andrea Bocelli and David Guetta.

The copyright 'packet' presented today also comprises the proposal to introduce a new regulation to improve the access to TV and radio programmes in Europe. Dr Harald Heker comments: "We are pleased that the important role of collective rights management via collective management organisations is being strengthened. A technology-neutral reform of the existing regulations on cable re-transmission is going to significantly simplify the rights clearance process for new providers and therefore also improve the access to the relevant contents for consumers."

GEMA represents the copyrights of more than 70,000 members (composers, lyricists and music publishers) in Germany, and more than two million copyright owners globally. It is one of the largest societies for authors of musical works in the world. Since 2007, GEMA has been represented in Brussels via a liaison office.

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