



IAS PARLIAMENT

Information is Empowering

A Shankar IAS Academy Initiative

EU Copyright Directive

Why in news?

\n\n

The European Parliament recently approved a new copyright legislation, increasing the responsibilities of technology platforms and the rights of content producers.

\n\n

What is the legislation on?

\n\n

\n

- It is commonly known as the EU Copyright Directive, or the Directive on Copyright in the Digital Single Market.

\n

- It aims at balancing profits for the creators and profits for platforms that make the content publicly available.

\n

- These platforms are online service providers that organise, promote, or categorise copyright-protected content uploaded by users.

\n

- These include Google, Facebook, Wikipedia, Reddit and YouTube.

\n

\n\n

What are the key proposals?

\n\n

\n

- Article 11 allows publishers to gain copyright protection on their content that is being used by online content providers.

\n

\n\n

\n

- The law makes it necessary for online content providers to get authorisation from the content creators.

\n

- Without this, the provider will have to prevent availability of that content.

\n

- This would give publishers the extended rights over online use of their content.

\n

- But, it still allows for

\n

\n\n

\n

- i. the legitimate private and non-commercial use of press publications by individual users

\n

- ii. mere hyperlinks which are accompanied by individual words

\n

\n\n

\n

- Article 13 makes online content platforms liable to take “effective and proportionate measures” on copyright violations.

\n

- It mandates them to remove violations expeditiously and demonstrate efforts to prevent future availability.

\n

- This shifts the burden from the copyright holder to the platforms.

\n

- Another key provision is the exemption to scientific researchers using text and data mining technologies, and educational purposes.

\n

- The law also gives small enterprises more leeway in removal of unauthorised content.

\n

\n\n

What are the concerns?

\n\n

\n

- Platforms such as Facebook and Google make a lot of money from content that is made by others.

\n

- However, technology platforms, academics, industry pioneers, and rights organisations are concerned of threats to freedom of expression and to “open online sharing”.

\n

- Specifically, the “upload filter” of Article 13 could encourage companies to deploy algorithms that play it safe and over-restrict content.

\n

- The resulting “censorship machines” will not be able to differentiate parodies, satire, and memes.

\n

- This could turn the internet into a place where everything uploaded must be cleared by lawyers before it can find an audience.

\n

\n\n

What are the similar measures elsewhere?

\n\n

\n

- In 2013, a German law allowed publishers to stop search engines from using their news content beyond the headlines.

\n

- The law was later diluted to allow for snippets of the content.

\n

- In 2014, Spain passed a similar law giving publishers the right to levy licensing fees on online content aggregators.

\n

- In response, Google News closed operations in Spain and removed Spanish media outlets from the platform.

\n

- Both these laws have been dubbed the “Google tax”.

\n

- YouTube’s “Content ID” system deploys filtering against copyright violations.

\n

- However, Google marks a distinction between -

\n

\n\n

\n

- i. proactive monitoring of content uploads

\n

- ii. Content ID’s mandate to simply react to infringement notifications in accordance with US Laws

\n

\n\n

\n

- The US Digital Millennium Copyright Act of 1998 exempts online service providers from manually screening or automatically filtering out copyright infringement.

\n

- This places the burden on copyright holders to request the removal of violations.

\n

\n\n

\n

- In India, the Information Technology Act of 2000 clears online-platform liability if the company can prove that

\n

\n\n

\n

- i. there was no knowledge of the infringement
- ii. due diligence was taken to prevent the violation

\n

\n\n

What next?

\n\n

\n

- The European internet-related legislation has consistently ruled far more strongly against Internet companies than the US.

\n

- This significantly includes the recently implemented General Data Protection Regulation ([GDPR](#)).

\n

- Now, before it becomes law, the EU Copyright Directive will go through “trilogue negotiations” until early 2019.

\n

- This would be among the European Commission, the Council of the European Union and the European Parliament.

\n

- Views from all stakeholders will be directed to Members of the European Parliament.

\n

- After that, the Directive will need to go through the 27 member states.

\n

\n\n

\n\n

Source: Indian Express

\n



IAS PARLIAMENT

Information is Empowering

A Shankar IAS Academy Initiative