

ALLIANCE
FOR INTELLECTUAL PROPERTY

COPYRIGHT REFORM – THE FACTS

The Alliance for Intellectual Property members represent a vast number of British creators and businesses. Over 3 million jobs (or 1 in 11 of all UK jobs) are now in the Creative Industries alone and this sector is the fastest growing in the UK economy. We are world leaders in the creation and protection of IP in all forms but we need to keep adapting to ensure that creativity and opportunity exists in the future. On 5 July there is a vote in the European Parliament where MEPs will be asked to back the mandate adopted by the Legal Affairs (JURI) Committee on 20 June which is the result of serious and considered negotiations.

There is a big campaign currently spamming inboxes of MEPs and attracting attention in the wider media on the issue of Copyright reform, and specifically on Articles 11 and 13 that were voted for by the JURI Committee.

This campaign is pushing individuals to lobby against the Copyright Directive, but it is ignoring the facts which are set out below:

Myth Number 1: Article 13 will censor users = FALSE

Article 13 imposes no obligation on users

In fact the Article actually **enhances the legal certainty for users** as it clarifies that licenses from right holders cover the acts of uploading by individual users acting in a non-commercial capacity.

See compromise 14 Article 13, Paragraph -1a.

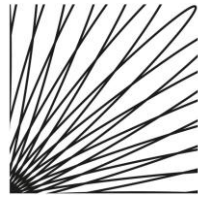
Myth Number 2: Article 13 will filter the internet = FALSE

The measures will not filter the internet as a whole but apply only to active platforms that actively share and exploit copyright protected content. This specific copyright protected content will be identified on the basis of information provided by the right holder to the platforms using a digital fingerprint.

See compromise 14, Article 13, Paragraph 1a. This is also clearly stated in the Council Legal Service opinion for the Working Party on Intellectual Property issued on 11 October 2017, point 12.

Most major platforms, such as YouTube with Content ID, already use finger-printing and content recognition technology which is vital in ensuring that creators are paid when their content is used online. Article 13 clearly states that Member States shall ensure that the **implementation of such measures shall be proportionate and strike a balance between fundamental rights of users and right holders and shall** in accordance with Article 15 of Directive 2000/31/EC, where applicable, **not impose a general monitoring obligation.**

See compromise 14, Article 13, Paragraph 1b



Myth Number 3: Article 13 will breach consumer privacy / fundamental rights = FALSE

The protection of intellectual property rights is a fundamental right enshrined in Article 17 of the Charter of Fundamental Rights of the European Union.

The Council Legal Service opinion for the Working Party on Intellectual Property issued on 11 October 2017 concluded in point 22 that

"Article 13 responds to the Court's requirement of ensuring a fair balance between the competing fundamental rights which must be reconciled, and that the limitations to those fundamental rights do not appear to be disproportionate."

Moreover, Article 13 specifically clarifies that **the measures should not require the identification of individual users** and the processing of their personal data and **should be in full compliance with the General Data Protection Regulation**.

See compromise 14 Article 13, Paragraph 2.

See also Council Legal Service opinion for the Working Party on Intellectual Property issued on 11 October 2017, point 20.

Myth Number 4: In the case of a wrongful deletion, users will have no right to complain = FALSE

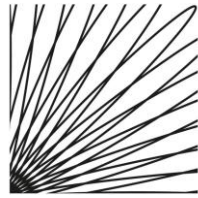
On the contrary, Article 13 specifically provides that if any content is wrongfully removed by the platforms, **consumers have access to effective and expeditious complaints and redress mechanisms**, at a much higher standard compared to what is already currently available for consumers.

See compromise 14 Article 13, Paragraph 2.

Myth Number 5: Article 13 will affect the entire internet (including Wikipedia and Open Source Software) = FALSE

Article 13 actually only concerns platforms that host artistic and creative content protected by copyright and that optimise, categorise and curate creative works, and specifically **excludes services acting in a non-commercial purpose such as online encyclopaedias (NO impact on Wikipedia)** - as well as **educational and scientific repositories**, providers of **cloud services (eg DropBox)**, **open source developing platforms, online market places** and all services where content is uploaded with the authorisation of all concerned right holders.

See compromise amendment 2, Article 2, point 4a new of the JURI text



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Myth Number 6: Article 13 will kill memes = FALSE

Again, Article 13 only creates an obligation at the level of the services and **not on the consumers**. People will still be able to access and post their content freely on Twitter, Facebook or other platforms.

It must be noted that in most cases memes and mash-up are and will continue to be covered by existing copyright exceptions (i.e. parody, criticism, citation, etc.). Therefore, they by definition can be created and posted by citizens on the basis of such exceptions.

Myth number 7: The proposal would impose a link tax = FALSE

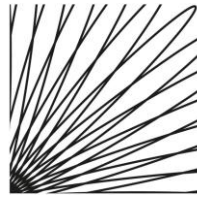
Users sharing links to news publications on social media are not affected.

All acts of hyperlinking are clearly excluded from the scope of Article 11.

What Article 13 actually does is ensure that artists and creators have more power in determining the conditions under which their work is exploited online and that they are **fairly remunerated** by online platforms for the digital use of their works.

See compromise 12 on Article 11 Paragraph 2a new.

Thank you for taking the time to read this and be apprised of the facts. Your support is vital in protecting the livelihoods of creators and allowing the UK to continue to be a world leader in IP creation.



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The Alliance for Intellectual Property (IP) is a UK-based coalition of 20 trade associations and enforcement organisations with a collective interest in ensuring intellectual property rights receive the protection they need and deserve. Our members include representatives of the audiovisual, music, video games, image and business software sectors, as well as sports industries, branded manufactured goods, publishers, authors, artists, retailers and designers.

