Below some elements you can attribute to Nathalie. (but indeed problematic claims, as if there should be no content under copyright protection... Also these claims are not really based on our proposal but the recent ongoing campaign around the debate)

The Commission's proposal is balanced and puts a big emphasis on freedom of expression as well as the interests of the European creators aiming for a fairer and sustainable marketplace for the creative industries and the press, while ensuring that online platforms – 7000 are European – can develop new and innovative offers and business models.

We want to underline that it is essential to strike the right balance in the copyright rules in protecting authors and creators while not curbing freedom of expression and the capacity for online economy to grow in the EU. These rules were designed for a rapidly developing online environment. We need this modernisation for all players, creators, authors, consumers and platforms alike.

**Article 11:**

The Commission has proposed a new related right for press publishers for the use of their publications in digital environments. This will **strengthen the bargaining position of publishers when they negotiate the use of their content with online players.**

Some controversy has arisen around this article as installing a "hyperlink tax". **This is not the case. The Commission made clear in its proposal that the proposed publishers' right will not affect people's ability to link to newspapers websites online.**

This is absolutely not an EU levy on search engines either. We want to enable the press industry to develop new business models and to ensure that quality journalism flourishes in digital era.

Related or neighbouring rights are attributed to those that help make the original author’s work available to the public at large, for example performers, producers and broadcasters. It would recognise their role as investors in content and give them a stronger position when negotiating with other market players. We want the press industry to benefit from a fairer market place and the best possible environment to develop innovative business models so it can to continue to offer the quality content online which consumers crave.

Granting such rights to press publishers would not affect the way users share hyperlinks on the internet.

**Article 13:**

**On the Commission's proposal – "value gap" (Article 13)**

We aim to reinforce the position of right holders to negotiate and be remunerated for the online use of their content on online platforms.

We ask the platforms which store and provide access to large amounts of user-uploaded content to put in place effective and proportionate measures applying available technologies that allow them, in partnership with the right holders, to implement the agreements reached on the use of
copyright-protected content, or to prevent the dissemination of infringing content if the right holders prefer so.

Article 13 of the proposed EU Copyright Directive is a targeted and proportionate intervention which addresses a specific problem related to operators giving access to large amounts of unauthorised works. It does not limit access to copyright exceptions or free speech on user generated platforms.

Our proposal is not targeting users and their possibility to upload content; it addresses platforms with large amounts of user-uploaded content which they financially profit on and who have become major sources of access to copyright protected content. We need to ensure that those who create and invest in the production of content have a say in whether and how their content is made available by the platforms and enjoy a fair share of financial rewards.

The primary objective of Article 13 is to allow online content creators and other rightholders to negotiate with online services and content distributors how their work is used and shared online. The aim is to enable creators and the copyright industries to better control the use made of their content by platforms distributing user-uploaded content and to be fairly remunerated for such uses. It is not "censorship", and does not constitute a general monitoring obligation – as confirmed by the Council Legal Service.

On parody:

Let's be very clear on memes: they are already protected by a parody exception in the 17 years old original copyright directive. Parody exception is here to stay. The Commission's proposal did not change this, only added possibility for authors of memes or parodic content to tackle over-removal by online platforms.

Caricatures, parody or pastiche are covered with an optional exception (under Article 5(3)(k) of the existing 2001 InfoSoc Directive), allowing reproduction and communication of such content to the public and guaranteeing the authors' freedom of expression.

Article 13 of the proposed EU Copyright Directive will not affect the application of this exception. According to Article 13, online content sharing services will have to put in place a redress mechanism through which content creators could challenge the removal of content that they consider as unjustified. This means that in cases parodic content is blocked or removed, the creators will be able to contest the removal and can ask the content to be published based on the parody exception in place.

Background: (Moreover auch appeal processes and redress mechanisms (including notice and take down mechanisms under the e-Commerce Directive) are already widely used by all major online platforms, among them for example YouTube and Soundcloud.)

Let us know if you need more!

Best,

European Commission
Spokesperson’s Service
Hi Nathalie and HELP!

I URGENTLY NEED a clear answer to this completely false stuff our deputy prime minister who is in charge of telcos said about the copyright directive. It is really strong. You find my translation below:

The Italian Minister Di Maio (in charge of telcos) today said Italy “will not adopt the new directive on copyright if it doesn’t change” because for him art. 11 mostly and art. 13 “are going to gag the Internet”, and the text as it is now “it’s unacceptable”. He says that there is a “hyperlink tax”, and that indeed snippets are taxed (I quote him: “when we share an article and these three-four lines come out under the link, there you go, those 3-4 lines would be taxed” under the new copyright rules).

He says too: “The controversial proposal initially presented by the European Commission, has two articles that could gag the Internet as we know it today. The first foresees a right for editors, the big newspaper editors, to authorize or block the digital use of their publications introducing even a new remuneration for the publishers, the so called hyperlink tax”.

Then he says about art. 13: “it’s even more dangerous than the previous one, because it imposes to companies which give access to big quantities of data to adopt measures to control ex ante all contents uploaded by users, therefore we delegate to multinationals, which often are not even European, the power to decide what has or hasn’t to be published, what is right and what is wrong, what citizens should know and what they shouldn’t. So if this is not gagging the Internet, then tell me what it is”.

Many thanks,