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Sent: 02 July 2018 11:57
To: [REDACTED]
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Subject: Tes questions droit d'auteur

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Voici ce que tu peux utiliser on-the-record – désolée en anglais à ce stade, pas encore traduit de mon côté – le reste dont on a parlé est background (pas d'attribution).

Note aussi ce qu'a dit le Président au moment d'une conférence au PE sur la culture en Europe – le 26/6 dernier http://europa.eu/rapid/press-release_SPEECH-18-4292_fr.htm "Tous les créateurs, que leur travail soit diffusé hors ligne ou en ligne, doivent être rémunérés équitablement. C'est pourquoi nous avons proposé une modernisation des règles européennes du droit d'auteur. Nous voulons établir une intersection vertueuse entre égalité des droits pour tous les créateurs, préservation de la liberté d'expression sous toutes ses formes et développement des plateformes européennes en ligne. J'espère, cher Président Antonio, que les co-législateurs parviendront rapidement à un accord sur notre proposition, qui est intelligente et sage."

Je vérifie pour ce qu'a dit la Commissaire à la presse bulgare. Elle en a aussi brièvement parlé à la RTBF mais il faut se connecter à leur site... https://www.rtbf.be/auvio/detail_la-semaine-de-l-europe-l-interview?id=2369353

Merci, bon courage!

Nathalie

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 foster quality journalism and 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 online platforms, and enjoy a fair remuneration. Our proposal does not limit free speech.

It is also 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.

Détails et chiffres dans notre factsheet plus générale sur les différentes initiatives pour moderniser le droit d'auteur (FR disponible): <https://ec.europa.eu/digital-single-market/en/news/modern-eu-copyright-rules-european-culture-flourish-and-circulate>

Communiqué et Memo au moment de la proposition en septembre 2016 (FR disponible): http://europa.eu/rapid/press-release_MEMO-16-3011_en.htm

Les questions les plus fréquentes:

New neighbouring right

The publishers' right proposed by the Commission aims to strengthen the bargaining position of publishers when they negotiate the use of their content with online services. Granting such rights to press publishers would help publishers getting a fairer share of the revenues generated by their content without changing what individual users can do today with press publications.

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 continue to offer the quality content online which consumers crave. The Commission has not proposed a "hyperlink tax" or a EU levy on search engines either. The Commission's proposal does not affect the way hyperlinks are used, copied or shared under the current European rules on copyright. This is explicitly stated in recital 33 of the Commission's proposal.

Value gap

The Commission aims 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. Platforms would have to prevent the dissemination of infringing content only if this was specifically requested by the rights holder and the measures taken by platforms to this end will rely on the information they receive from rights holders on the protected content.

The primary objective of Article 13 is to allow online content creators and other rights holders 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.

Our proposal is not targeting users, it is not 'censorship', and does not constitute a general monitoring obligation – as confirmed by the Council Legal Service that gives opinions to the Council and its committees, in order to ensure that Council acts are lawful and well-drafted.

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. These user-uploaded content platforms have become major sources of access to copyright protected content which they financially profit on, often without the consent of the rights holder.

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. Our proposal does not limit access to copyright exceptions or free speech on user generated platforms. It does not target users and their possibility to upload content.

Its objective is to create a fairer marketplace where platforms and rights holders can negotiate and agree on the use of copyright protected content in a more balanced environment.

On parody/memes:

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 such 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.

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