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## Digital Single Market

### FREQUENTLY ASKED QUESTIONS

# Frequently Asked Questions on Copyright Reform

The European Commission proposed a copyright reform on 14 September 2016. The proposed Directive updates the existing set of rules on copyright to make them suitable for a well-functioning Digital Single Market.

Below you can find some answers to some of the most common questions around the proposed Directive.

## ? 1. What does the Commission propose in the new Copyright Directive?

The copyright reform focuses on three main objectives:

- More cross-border access for citizens to copyright-protected content online.
- Wider opportunities to use copyrighted material for education, research, cultural heritage and disability (through so-called "exceptions").
- Fair rules of the game for a better functioning copyright marketplace, which stimulates creation of high-quality content.

## ? 2. Will the uploading filters block the way we enjoy

## internet?

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

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

The Commission proposal requires platforms which store and provide access to large amounts of copyright-protected content uploaded by their users to put in place effective and proportionate measures. This, in collaboration with the right-holders to allow the functioning of agreements reached on the use of copyright-protected content, or to prevent the availability of unauthorised content if right-holders prefer not to have their content available on such platforms.

## ? **3. Is the Commission banning MEMEs?**

The Commission is not banning memes, caricatures or any reuse of content allowed under exceptions or limitations to copyright.

Caricatures, parody or pastiche are protected by an optional exception - under Article 5(3)(k) of the 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 Copyright Directive will not affect the application of this exception: the parody exception is here to stay. The Commission's proposal only added the possibility for authors of memes or parodic content to tackle over-removal by online platforms through the mandatory redress mechanism included in the proposal. This means that in case parodic content is removed, the creators of this content will be able to contest the removal and ask the content to be published based on the parody exception in place.

Such complaint processes are already today widely used by all major online platforms.

#### ? **4. Is the Commission proposing a hyperlink tax? Will I be still able to share content online?**

The Commission is not creating a "hyperlink tax". The Commission made clear in its proposal that the publishers' right will not affect people's ability to share content on social media and link to websites and newspapers.

The Commission has proposed a new related right for press publishers for the use of their publications in digital environments in Article 11. This will strengthen the bargaining position of publishers when they negotiate the use of their content with online services. Granting such rights to press publishers would not change what users can do today with press publications.