

FACTSHEET

Copyright

What is the consumer interest in copyright?

Far from being an obscure legalistic concept, copyright laws are relevant and applicable to consumers' daily lives. Copyright affects them each time they watch a TV series on their tablet, make a copy of their music collection for their iPod and or upload family videos online to share. Yet despite increasing relevance of copyright law, consumers are often unsure what's legal or illegal.

Consumers want to access, view, read or listen to legal digital content on any media platform, at a time of their choosing. Furthermore, geographic borders shouldn't be replicated in a successful Digital Single Market. The ongoing disparities from country to country when it comes to accessing or purchasing online content are all too frequent impediments and must be tackled.

Consumers are regularly confronted with access restrictions from certain services depending on the geographic location of their IP address of their computer or mobile device, which often leads to either refusal of access.

Did you know?

- 73% of UK consumers are "never quite sure what is legal and illegal under copyright law".
- Over 83 million Europeans uploaded self-created content to a website in 2012.
- Artists receive less than 1 cent in levies per album sold.
- The top 10% of creators receive 60-70% of the total income of the sector.
- The copyright levy on the same MP3 player can be almost 900% higher in Austria compared to Germany.
- EU industries reliant on copyright exceptions and limitations amount to EUR 1.1 trillion, or 9.3%, of EU GDP.
- French law has lower sentence guidelines for sexual harassment and identity theft than illegal online file sharing.

What needs to change?

- Exceptions and limitations -

We must restore balance between authors' rights and exceptions which benefit users.

Exceptions to, and limitations on, right holders' exclusive rights are important mechanisms for balance in copyright law. They are the way in which the public's "fair usage" rights are expressed.

The EU has to harmonise copyright exceptions and limitations to ensure legal certainty across Europe. Exceptions should be mandatory and not voidable by contract terms or technical protection measure. The future legal framework, a stated policy priority for the EU, should have 'flexibility' at the forefront by introducing 'an open norm for uses that cannot be foreseen at the time of adoption.

¹ Akker, I., et al. (2010). [Economic contribution](#) of EU industries relying on exceptions and limitations to copyright. SEO Economic Research.



- Copyright levies -

The current copyright levies system does not correspond to the needs of the digital environment. They are detrimental to consumers, who bear the costs, while diverging national rules fragment the Single Market.

In the short term, BEUC supports reform of the system. However, alternative means of fair compensation are needed. No levy should apply to works freely distributed by authors or if there is little or no economic harm to the rights holder.

Product price tags, purchase receipts and websites should visibly display any levy fee. Consumers have an undeniable right to know what they are paying for.

- Resale of digital content -

To consumers, a printed book or eBook is of little difference - both are purchases of the work and to permanently and freely utilise it. Yet eBooks have portability, sharing and copying restrictions. There is no justification to discriminate between purchasers of intangible copies (e.g. downloads of songs, movies or computer games) and physical media copies (e.g. CDs, DVDs or DVDROMs).

- Terms of protection -

Long protection terms are counter-productive. They hamper innovation, risk reducing the public domain and increasing retail prices.

Longer terms will impede content reaching the public domain upon expiry. Current term extents for copyright and related rights do not reflect the reality of the digital era and its needs. Indeed, in the EU, copyrighted material remains protected up to 70 years after the death of the author for artistic works, and up to 70 years after the death of the last surviving major contributor (director, composer, screenwriter) for audio-visual content. For sound recordings, the protection extends to 70 years after publication.

- Respect for users' fundamental rights -

More enforcement of outdated rules misunderstood by people and legal experts alike is an unwise approach.

Failing to distinguish between organised criminals infringing IPR for profit and individual users file-sharing for personal use, creates a problem of proportionality. Rights holders' interests must be balanced with those of users such as the fundamental rights to personal data protection; to privacy; to confidentiality of communications.

Finally, allowing private entities to enforce copyright law transgresses the fundamental right to an effective remedy and fair trial.

**More info and brochures including our *Copyright Strategy*
and *Copyright Exceptions & Limitations* online:
beuc.eu/digital-rights/copyright**