



COPYRIGHT ORIENTATION DEBATE – CONSUMERS' CALL FOR COPYRIGHT REFORM

Letter sent to President José Manuel Barroso

Contact: **Kostas Rossoglou**

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Re: Copyright orientation debate - Consumers' call for copyright reform

Dear President,

I write on behalf of The European Consumer Organisation (BEUC) to express our views on the urgent need for copyright reform which will achieve balance between creators' interests to receive fair compensation for their work and the right of consumers and society to access knowledge and information.

The orientation debate on copyright due to be held by the College of Commissioners on 5 December should be the opportunity for this need to be highlighted and for concrete measures to be adopted in the coming months which help establish a balanced and forward-looking EU copyright framework.

To this end, we would urge you to revise Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society and address the shortcoming of consumers' access to all types of content, including audiovisual content and e-books. Please find attached for your consideration:

1. The reality check of the Directive 2001/29 which has failed to achieve harmonisation of national legislation;
2. Our Consumer Copyright Agenda which outlines our comprehensive strategy to realise copyright laws fit for the Digital Age.

From the consumers' point of view, the current copyright framework is far from balanced. In many Member States, copyright law makes the everyday activities of consumers, such as backing up and copying legally bought music, films and e-books in order to play on a different device, illegal. Under current laws, parodies and pastiches which have gained new cultural relevance in the digital 'mash up' culture are illegal.

The Directive has also failed to achieve the objective of harmonising the copyright laws of EU Member States. Significant divergences exist in regard to the scope of the exceptions and limitations - which creates legal uncertainty for both consumers and creators.

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In addition, the current copyright framework, which is based on an exhaustive list of optional exceptions and limitations, lacks sufficient flexibility to take account of technological developments. A dynamically developing market, such as the market for online content, requires a flexible legal framework that allows new and socially valuable uses which do not affect the normal exploitation of copyright works to develop without the copyright owner's permission.

BEUC does not condone copyright infringement, but rather sees it as a symptom of the lack of legitimate online offers for content. It is not only for consumers to respect the rights of creators, but also for creators to respect the expectations and demands of a new generation of consumers.

Digitisation creates a great distribution channel for most artistic or cultural products. The transition from a physical, retail-based market to one that is fully digital and truly global might hurt conventional business models. Rather than seizing the opportunities provided by digitisation, a number of right holders' associations continue to seek support for outdated business models that have failed to benefit creators themselves and to consider disproportionate enforcement as the solution to their failure to adapt their business to the digital environment.

We are confident that consumers are willing to pay for good legal alternatives. But the offerings have to be attractive enough for those who are paying. However, when looking at the current state of legal offers for music and audio-visual content across Europe, one can easily conclude that those available to consumers remain poor both in terms of quantity and quality.

The European Union needs a future-proof and balanced legal framework, one that allows access for consumers to digital content in Europe's Single Market, while at the same time ensuring the fair compensation of creators.

Copyrighted works are both an output of intellectual creation and an indispensable input to creativity. Copyright law needs to balance the incentive to create with access to works. With countless new opportunities arising from the ways in which content is accessed and distributed, the need to rethink the European legal framework has arisen with the aim of achieving a fair balance between the different stakeholders, promoting innovation and cultural diversity.

We remain at your disposal to further discuss our concerns.

Yours sincerely,

Monique Goyens
Director General

Cc: All Members of the European Commission