

BEST CASE SCENARIOS FOR COPYRIGHT

Copyright Reform: Unlocking copyright for users?

WHAT WORKS?

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@tenobre #fixcopyright



BEST CASE SCENARIOS FOR COPYRIGHT



PANORAMA

IN PORTUGAL

PARODY

IN FRANCE

EDUCATION

IN ESTONIA

QUOTATIONS

IN FINLAND



BEST CASE SCENARIOS FOR COPYRIGHT

USERS

ANYONE CAN BENEFIT FROM IT

Including citizens, artists, organizations, and companies

ACTS

COVERS ALL ACTS OF USE

Copy, distribute, communicate, make available online

WORKS

APPLIES TO ANY COPYRIGHTED MATERIALS

Works protected by authors' and neighbouring rights

FREE

FREE OF CHARGE

No remuneration is due to authors or rights holders

LIMITS

LIMITED BY THE PURPOSE and 3-STEP TEST

E.g. non-commercial educational purposes

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FREEDOM OF PANORAMA

Lisbon Municipality runs **Urban Art Gallery** online, to present urban art works located in public spaces

PARODY

Tintin has been given a parallel life full of jokes on current geopolitical events

EDUCATION

An Estonian history teacher runs a **teaching blog** where she makes available her students works

QUOTATIONS

A Finish university prepared **e-learning materials** quoting musical notes and fragments of recordings

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WHY DOES IT WORK?

**FULL ADVANTAGE OF POLICY SPACE AVAILABLE
UNDER INFOSOC**

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**FREEDOM OF
PANORAMA**

EDUCATION

**LITERAL TRANSPOSITION OF THE
INFOSOC PROTOTYPE**

PARODY

QUOTATIONS

**RESPECT THE LIMITS IMPOSED BY
THE INFOSOC**

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WHAT WORKS?

**INFOSOC CAN WORK FOR PARODY,
EDUCATION, QUOTATIONS AND FOP**

BEST CASE SCENARIOS FOR COPYRIGHT

:: Harmonization, convergence and high level of protection of copyright

:: Fairly opened and flexible exceptions in the InfoSoc, but not fair balance between proprietary rights and users rights because exceptions are not mandatory

:: No implementation or narrow implementations of the InfoSoc exceptions in the national laws, leading to legal uncertainty and cross-border problems

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WHAT WORKS?

**DSM DIRECTIVE DOES NOT WORK
FOR EDUCATION**

BEST CASE SCENARIOS FOR COPYRIGHT

- :: Narrows down the InfoSoc policy space
- :: Applies to digital and certain online uses only, whereas the InfoSoc is technologically neutral
- :: Only benefits a few, whereas the InfoSoc covers an opened-network of users
- :: Allows MS to exclude from the scope of the exception materials that are subject to licenses
- :: Mandatorily subject to remuneration, whereas the InfoSoc leaves that decision to MS
- :: Adds complexity, and overlaps with InfoSoc

BEST CASE SCENARIOS FOR COPYRIGHT

Copyright is about balancing the rights of creators and the rights of users.

**Tell the EU to #fixcopyright and adopt strong
copyright exceptions across Europe**

WWW.COMMUNIA-ASSOCIATION.ORG/BCS-COPYRIGHT



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