

Message in light of the Competitiveness Council – 29 May 2017

Dear Ministers,

Dear MEP Therese Comodini Cachia,

Dear Members of the European Parliament,

The members of the Copyright for Creativity ([C4C](#)) initiative and the undersigned supporting non-member stakeholders represent publishers, journalists, libraries, scientific and research institutions, consumers, digital rights groups, technology businesses, educational institutions and creator representatives.

The Council and European Parliament must put the copyright reform back on the right track.

The European Commission's proposal on copyright in the Digital Single Market failed to meet the expectations of European citizens and businesses. Instead of supporting Europeans in the digital economy, it is backward looking. We need European lawmakers to oppose the most damaging aspects of the proposal, but also to embrace a more ambitious agenda for positive reform.

The lawfulness of everyday activities depends on being able to count on a clear legal framework allowing companies to do business across the EU, individuals to access and use cultural goods, researchers to collaborate across borders using the latest technologies, and creators to be remunerated and contribute to Europe's rich cultural heritage. This clear legal framework implies that the limitation of intermediaries' liability must be upheld in EU law. In particular:

– **ARTICLE 13 (USER UPLOADS): DO NOT IMPOSE PRIVATE CENSORSHIP UPON EU CITIZENS**

The provision on the so-called 'value gap' is designed to provoke such legal uncertainty that online services will have no other option than to monitor, filter and block EU citizens' communications if they want to have any chance of staying in business. The Commission's proposal misrepresents some European Court rulings and seeks to impose contradictory obligations on Member States. This is simply bad regulation. **Article 13 should be removed from the copyright negotiations and dealt with in appropriate contexts.** We strenuously oppose such ill thought through experimentation with intermediary liability, which will hinder innovation and competition and will reduce the opportunities available to all European businesses and citizens.

– **ARTICLE 11 (PRESS PUBLISHERS' RIGHT): DO NOT CREATE NEW COPYRIGHTS**

More and more voices have joined the protest by academics and a variety of stakeholders (including some news publishers¹) against this provision. The Council cannot remain deaf to these voices and must **remove any creation of additional rights such as the press publishers' right.** The consequences would be bad for the EU's credibility and the competitiveness of EU businesses in the digital arena – especially SMEs.

¹ See notably, the following statements by press publishers [here](#) and [here](#).

– **ARTICLES 3-9: PUT EUROPE ON THE MAP BY ENABLING INNOVATION, RESEARCH & EDUCATION**

if Europe wants to be a leader in the area of research but also of innovation by businesses of all sizes, then it must **adopt a fully-fledged exception for text and data mining which applies to any person that has legal access** to content, and can be used for any purpose. It must also ensure that the proposed exceptions for education and the preservation and provision of (online) access to knowledge and cultural heritage apply broadly and uniformly across the EU, without being overridden by contractual terms or technological protection measures.

The signatories to this open letter are committed to Europe’s Digital Single Market. We ask you now, as co-drafters of EU law, to deliver a reform that is fit for purpose in the digital environment and that upholds and strengthens fundamental principles such as the rights of citizens to freedom of communication and access to knowledge.



LIST OF SIGNATORIES

1. [C4C](#) (Copyright for Creativity) – International
2. [adigital](#) (Spanish Association of the Digital Economy) – Spain
3. [AEEPP](#) (Spanish Association of Publishers of Periodical Publications) – Spain
4. [AIIP](#) (Association of Internet Service Providers in Italy) – Italy
5. [Allied for Startups](#) (European startups associations) – Europe
6. [ANSO](#) (Association of Digital Publishers) – Italy
7. [ApTI](#) (Digital rights organisation) – Romania
8. [Article 19](#) (NGO defending freedom of expression and information) – International
9. [ASIC](#) (Association of Internet Community Services) – France
10. [Asociación Española de Startups](#) (Spanish startups association) – Spain
11. [Bitkom](#) (German Federal Association for Information Technology) – Germany
12. [Bits of Freedom](#) (Digital rights organisation) – Netherlands
13. [Brand24](#) (Social media monitoring) – Poland
14. [CCIA](#) (Computer and Communications Industry Association) – International
15. [Center for Democracy & Technology](#) (Digital rights organisation) – International
16. [Centrum Cyfrowe](#) (Digital rights organisation) – Poland
17. [COMMUNIA](#) (International association on the public domain) – International
18. [Creative Commons](#) – International
19. [Creative Commons Austria](#) – Austria
20. [DIGITALEUROPE](#) (Digital technology industry in Europe) – Europe
21. [DINL](#) (Dutch Digital Infrastructure Association) – Netherlands
22. [EBLIDA](#) (European Bureau of Library, Information, and Documentation Associations) – Europe
23. [eco](#) (German Internet Industry Association) – Germany
24. [EDiMA](#) (European Digital Media Association) – Europe
25. [EDRi](#) (European Digital Rights) – Europe
26. [EFF](#) (Electronic Frontier Foundation) – International
27. [ENCES](#) (European Network for Copyright in Support of Education and Science) – Europe
28. [Epicenter.works](#) (Digital rights NGO, fighting for privacy and information freedom in the Internet) – Austria
29. [EuroISPA](#) (European Internet Services Providers Association) – Europe
30. [FiCom](#) (Finnish Federation for Communications and Teleinformatics) – Finland
31. [FNM](#) (Forum New Media – E-Learning association) – Austria
32. [Freischreiber](#) (Association for the advancement of freelance journalism) – Austria
33. [German Startups Association](#) – Germany
34. [GetStarted by Bitkom](#) (Start-up association) – Germany
35. [IFLA](#) (International Federation of Library Associations and Institutions) – International
36. [IGEL](#) (Initiative Against An Ancillary Copyright) – Germany
37. [Initiative Netzfreiheit](#) (Initiative for the promotion of Internet freedom) – Europe
38. [ISPA Austria](#) (Association of Internet Service Providers in Austria) – Austria
39. [Istituto Italiano per la Privacy e la valorizzazione dei dati](#) (Italian Institute for Privacy and the Valorization of Data) – Italy
40. [IVDM](#) (German Media Monitoring Association) – Germany
41. [Kennisland](#) (Think thank) – Netherlands
42. [KRIBIBI](#) (Association of Critical Librarians in Austria) – Austria
43. [LACA](#) (The Libraries and Archives Copyright Alliance) – Europe
44. [LIBER](#) (Association of European Research Libraries) – Europe
45. [Mind the Bridge](#) (entrepreneurship education for startups, enterprises and investors) – International

46. [Modern Poland Foundation](#) (NGO focused on digital rights, including open educational resources, and free digitalization technologies) – Poland
47. [Mozilla](#) – International
48. [MRU](#) (Institute of Digital Technologies of the Mykolas Romeris University) – Lithuania
49. [NEMO](#) (Network of European Museum Organisations) – Europe
50. [Open Rights Group](#) (Digital rights organisation) – United Kingdom
51. [OpenMedia](#) (Save the link campaign) – International
52. [Public Libraries 2020](#) (Association of library organisations) – Europe
53. [Roma Startup](#) (Italian startups association) – Italy
54. [SA&S](#) (Association of Flemish organisations in the domains of culture, heritage, education and science) – Belgium
55. [SEPE](#) (Federation of Hellenic Information Technology & Communications) – Greece
56. [Startup Poland](#) (Polish startups association) – Poland
57. [TECH IN France](#) (Association representing France's digital industry) – France
58. [Technology Ireland](#) (Association representing Ireland's ICT, Digital and Software Technology Sector) – Ireland
59. [VAT](#) (Austrian Association of Alternative Telecom Operators) – Austria
60. [VIBE](#) (Austrian Association of Internet Users) – Austria
61. [VoB](#) (Dutch association of public libraries) – Netherlands
62. [Wikimedia](#) – International
63. [Xnet](#) (Digital rights organisation) – Spain
64. [ZIPSEE](#) (Association of Importers and Producers of Electrical and Electronic Equipment) – Poland