

## What is the Copyright Directive?

The draft “**Directive on Copyright in the Digital Single Market**” is an important piece of European Union legislation designed to modernise copyright for the digital age. If passed, it will help ensure a much fairer deal for those working in the creative sector.

Current EU copyright laws were passed in 2001 — three years before the launch of Facebook, four years before YouTube and five years before the arrival of Twitter — and are in urgent need of updating to reflect the way in which creative content is used online today.

The proposed new legislation aims to ensure that individual creators (such as musicians, photographers, authors etc), publishers and performers benefit from the online world in the 21st century. As well as providing three new exceptions to assist users of copyright works, the proposals offer:

- a new right for press publishers
- fair compensation for publishers
- transparency and contract adjustment mechanisms for authors and performers
- a system to increase the responsibility of internet platforms, such as YouTube and Facebook, for the creative content uploaded on their platforms

The last of these proposals is designed to fix the so-called “value gap” — the yawning disparity between the profits earned by some user upload platforms that pay little or nothing for the use of works such as music and images, and the incomes earned by those who create the content in the first place.

The proposals were first put forward in 2016 and — following two years of debate and amendment — face a crucial vote in the European Parliament on **12 September**.

## When will it become law?

Legislation, like the directive, starts with a draft produced by the European Commission. The European Council and the European Parliament then debate it in parallel, make amendments, and each bring their preferred positions on the text to final “trilogue” negotiations between all three institutions. The Council approved its text in May 2018 and Parliament was expected to do likewise in July. However, MEPs voted narrowly against sending Parliament’s draft text forward to trilogue, opting to debate it further and vote again in full parliamentary session on 12 September.

The September vote is crucial because if Parliament does not give the go-ahead for trilogue negotiations on this date, there is unlikely to be enough time for the directive to be completed before elections for a new parliament in 2019. In other words, the chance to update copyright laws is now or never (or certainly many years in the future).

## Why is it controversial?

It shouldn’t be controversial but there has been significant and coordinated opposition across the EU to two parts of the draft Directive:

- Article 11, which introduces a new right for press publishers, and;
- Article 13, which requires certain online content-sharing services that allow users to upload copyright works, such as music and images, to obtain a licence from the rightsholders or take measures to prevent their availability

The campaign against Articles 11 and 13 has been characterised by misconception and misinformation, including claims that the directive will end the sharing of hyperlinks and introduce censorship. MEPs have been subject to intense, mass lobbying by activists, backed by internet giants who want to preserve their commercial advantage at the expense of creators whose content drives revenue on their platforms.

To find out what Articles 11 and 13 really say, read the BCC’s “**Briefing paper 2: Articles 11 and 13 — the facts**”. Please also see “**Briefing Paper 3: 12 Tweetable lines**”

### What can I do?

We need MEPs to support the Copyright Directive on 12 September. Contact your own MEPs\* and use your networks to spread the message that the new Copyright Directive will:

- help professional creators earn a living
- make it easier for internet users to create, post and share content
- support investment, innovation and growth in the creative sector
- drive economic prosperity

\*The BCC has produced sample letters for you to customise in “**Briefing paper 4: Write to your MEPs**”, along with a spreadsheet showing how UK MEPs voted, organised by region and including their email addresses.

Please note that MEPs have been deluged with emails from opponents of the campaign, very many of them automated. The more personalised your letters, the more effective they will be. Better still, we recommend that BCC members send **hard copy letters** to MEPs, as these are much more likely to be read. Address details here: <http://www.europarl.europa.eu/meps/en/search.html?country=GB>

### How UK MEPs voted by party

