



# The 2019 Copyright Reform

DIRECTIVE (EU) 2019/790 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC

# Presentation overview

- **Introduction**
- **Quick history**
- **Three areas of intervention of the DSM Directive**
- **Article 15 and Article 17**
- **State of play of the implementation of the Directive**
- **Assessment of national transpositions**

# History of the DSM Directive

- Proposed in 2016 (in the making for ten years; reason: digitalization)
- Substantial changes during the legislative process (Art. 15, 17 but also new provisions such as e.g Article 14 on out of term visual artworks' © non-protection for distribution/reproduction)
- Fraught long negotiations, first EP negotiation mandate voted down, final agreement just before the 2019 EP elections.
- Long and detailed rules: 32 articles, 86 recitals
- Aftermath: Stakeholder Dialogue and Guidance on Article 17 to help the implementation of that provision
- Transposition deadline 7 June 2021

# Areas of intervention of the Directive

## 1. New exceptions to copyright

- text and data mining (Art. 3, 4)
- digital school and academic education (Art. 5)
- preservation of cultural goods (Art. 6)

## 2. Facilitating licenses and access to content

- Licensing simplified for cultural heritage institutions (e.g. libraries) (Art. 8, 9)
- works of visual art no longer © protected may be freely reproduced and disseminated (Art. 14)
- negotiating mechanism facilitated for audiovisual works on video-on-demand (VoD) platforms (Art. 13)
- Collective licensing with an extended effect (Art. 12)

## 3. A well-functioning of marketplace for copyright

- Pres publishers right (Art. 15)
- Online content-sharing services' special regime of responsibility (Art. 17)
- Strengthening remuneration of authors and performers (Chapter 3, Art. 18-21)

# Article 17 – OCSSP responsibility

## ***‘Use of protected content by online content-sharing service providers’***

- *10 paragraphs*
- *12 relevant recitals*
- *C-401/19 “Polish case”*

# Article 15 – Press publishers' right

- *Certain change of perception of the provision and its goals*
- *Licensing increased*
- *Negotiation facilitating mechanisms between parties*
- *Digital Markets Act Art.6(12) interplay with*

# State of play of the implementation

- Original deadline was two years for transposition by 6 June 2021
- To date: 18 MS transposed (some partially)
- Assessment of national transposition is ongoing