

Copyfighters:

Position paper on a Modern Copyright Reform

Young people today are facing challenges with copyright laws in their daily Internet use. Most of them are not aware of the copyright aspects of their regular activities on the Internet. However, people find it difficult to grasp the whole complex legal framework in order to avoid conflicts. During the Copyfighters event, 25 young people from 18 European countries met in Tallinn to discuss these issues and came up with the following statement:

We acknowledge the need for copyright reform in several areas to address the challenges the traditional copyright model faces from user behavior and technological progress.

propose the introduction of a fair use exception, in order to enable future uses and allow for case-by-case judgements for copyright cases.

Furthermore, basic copyright exceptions and limitations, like freedom of panorama and parody, should be harmonized in all EU countries.

4: Intermediaries

New platforms and technologies help lower the barriers for people to access art and culture. At the same time, these platforms and the content they disseminate create new challenges. While there is sometimes a need to remove content from these platforms, it is important to safeguard user's rights when:

- Intermediaries must only remove content in accordance with publicly available content removal procedures, follow due process, exercise tests of necessity and proportionality, and provide appeal mechanisms to an independent and impartial actor.

- Governments, intermediaries, and civil society should work together to develop a framework for periodic, independent and impartial reviews of the intermediary's content restriction policies and assess their impact on human rights.

- The implementation of automated content recognition systems should not be imposed by law. If intermediaries opt to implement such systems voluntarily, it is important that they safeguard fundamental rights, including the freedom of expression, as well as respect copyright exceptions and limits.

- The law should make distinction between the platforms by content type (data hosting providers, publishing platforms, search engines, payment systems, and so forth) and by scale. No administrative, financial or technological barriers should be created for new market entrants.



1. Territoriality

We share the deep belief that territorial copyright with different legislation in different countries is not in line with the borderless nature of the Internet. The countries of the world should agree upon a single copyright standard clarifying the confusion of interjurisdictional issues on the Internet. We believe the European Union stands in an excellent position to lead the way by creating a digital single market. Therefore, we call on the European Union to set an example in harmonising copyright legislation by introducing a single European copyright title.

2. Geoblocking

Many young people move to other European countries and travel regularly. The Internet and social media have made a huge impact on sharing and communicating with people internationally. The Internet has also made people aware of many cultural goods and services. However, many barriers exist and Europeans are finding it increasingly difficult to have access to the same goods and services that are available

in their home countries, and vice versa. For example, when it comes to audio-visual content, it is important to have legally available services that are high in demand and that people want to consume. Furthermore, geoblocking hinders new business models for creating cultural works and needs to be ended to significantly reduce piracy, as it is often impossible to legally access the works people are interested in.

3. Fair use

Existing copyright legislation has in practice proven to be unenforceable in a digital environment. Significant portions of the population engage on a day-to-day basis in online activities such as image sharing, which are often illegal. Besides the effects this has on users it also discourages new businesses from emerging due to legal uncertainty. Users should be protected through the introduction of flexible exceptions to copyright legislation.

Fair use should have an open definition which would allow for the inclusion of future technologies and business models. We

5: Remix Culture

The undetermined legal status of remix works that extend from visual arts to fan fiction is a significant issue which prevents us from active participation in a democracy where we are not merely recipients but rather creators of new meaning.

Commercial companies threaten small actors who manage to attract audiences with their new creative works which are based on copyrighted materials. Many such works fall into a category of transformative works which bring renewed creative value, boost arts and sciences, which is a purpose of copyright; such works are a promotion of copyrighted works, however this potential is not explored and small creators are still treated as criminals.

It is important to protect small creators from such threats posed by big companies by bringing more clarity on the terms of use of both copyrighted and out of copyright works.

- Introduction of an exception for non-commercial user-generated content, compensated by collective licensing in case of commercial use.

- No copyright claim on digital copies of public domain (out-of-copyright) artistic works in any format.

- Simplified copyright clearance process for GLAMs (Galleries, Libraries, Archives, and Museums).

- International legal compatibility with the Creative Commons licensing model for digital content available for creative repurposing.

6: Education, open access

We experience barriers when trying to access scientific works for our studies and education. We believe that everyone would benefit from an open access regime, therefore all research that is partially or fully publicly funded should by default be released into the public domain. To further lower the paywall of the current publishing system, we believe that peer review should become the focal point of reform, so that we establish alternative means of validating research besides few large publications.

A clearly defined exception for educational purposes, both formal and informal, must be added to the harmonised copyright laws to enable all forms of learning, including sharing materials freely in class or during extracurricular activities and even for self-learning. Teachers should be spontaneously allowed to spontaneously use resources from the Internet in education and show them to

pupils and students without a bureaucratic licensing process.

Support for researchers in negotiations with publishers to allow open access to research in repositories.

7: Ancillary right for press publishers

We oppose the creation of new neighboring rights for press publishers. Despite the disastrous results observed in Spain and Germany the EU is still considering to add a mandatory ancillary right for press publishers. Also known as “link tax”, this new right would require content aggregators like news search engines to pay press publishers a fee for listing a title page and a link to their contents.

This proposal would have an unpredictable impact on the Internet as it disregards its decentralized nature, which relies on the content aggregators and search engines to deliver information. Such a system is a threat to our freedom of information, limiting the right to be informed.

Content aggregators and press publishers have long enjoyed a mutually beneficial relationship on the Internet that should not be destroyed by a mandatory ancillary right with unpredictable effects. We therefore oppose the creation of new neighboring rights for press publishers.



In conclusion:

Copyright's territoriality is a barrier affecting all EU citizen's sharing and communicating with people internationally. We therefore call for harmonising national copyright frameworks and banning geoblocking in the EU.

Fair use is a legal tool permitting some uses of copyrighted material without permission from the original rights holders. We support promoting such limitations and exceptions to the copyright rules when it benefits users' rights and the public interest.

Companies should not be incentivised nor requested to restrict the privacy and free speech rights of their users. We strongly oppose the obligation for intermediaries to install filtering and monitoring systems of almost all material uploaded to the Internet in Europe.

Copyrights restrictions often constitute obstacles to education and science. We advocate for the expansion of public domain to increase access to, and reuse of, culture and knowledge.

Charging fees for sharing links with snippets of text ignores the reality of the internet. We therefore strongly oppose ancillary rights for publishers