

Speech by Vice-President Ansip on copyright at the Charles Clark Memorial Lecture, London Book Fair

"Ladies and gentlemen

I would like to start by thanking all the organisers for inviting me to the London Book Fair.

It is an honour to give this year's Charles Clark Memorial Lecture.

While I am no expert in copyright law, I do share one objective with many illustrious speakers who have delivered the lecture in the past.

That is to find a way to modernise copyright law, maintain protection for authors and maximise access to creativity and culture for current and future generations of readers.

Culture is at the heart of the European project as a way of going beyond borders. But it should not be kept within borders. Cultural lock-in does not help or serve anybody in the European Union – or anywhere, for that matter.

Culture is not some kind of accessory to the European idea. It is an integral part of it. Europe's rich and diverse cultural heritage binds us all together.

When copyright law was first introduced in the early 18th century, it was a watershed moment.

Three centuries further on, we should ask if today's copyright rules are still keeping up with developments. Are they fit for the digital age?

The short answer is 'no'.

EU copyright rules have clearly evolved a great deal since the 18th century. But they were developed before the digital revolution was starting to take off. Before people had heard of Facebook, YouTube or Twitter. Before digital platforms even existed.

Consumer demands and expectations are now very different compared with 10 years ago. Or even five. Digital technologies have transformed beyond recognition how creative content is produced, distributed and marketed.

Take the surge in digital publishing; the digitisation of back catalogues. Or e-books: they took off at astonishing speed when they properly emerged – although that growth now appears to have slowed somewhat.

Digitalisation has led to many new business models.

As you know yourselves, the internet has become the main marketplace for distribution and access to copyright-protected material.

Our rules should reflect these new and emerging online uses.

Like you, I want European publishing to retain its leading global position. That is why reforming rules on copyright lies at the heart of our plan to build a Digital Single Market in Europe. It aims to keep our creative and cultural industries competitive in the digital age.

We plan to achieve that by:

- stimulating cultural diversity;*
- getting more culture to circulate around Europe;*
- and creating new opportunities for creators and the content industry.*

Our reform proposals are all designed with these aims in mind, taking both economic and social angles into account.

From a business perspective, I know that a primary concern is to make sure of recovering your investments in new talent and creativity.

Publishers have to take many risks – starting with the courage of believing in the potential of an author – before making an initial investment. That willingness to take risks deserves to be rewarded.

Authors also deserve reward and recognition for their efforts in artistic creativity. To me, this is a basic function of copyright.

It is why we need fair and clear rules for everyone involved across the publishing value chain. This includes digital platforms. They have responsibilities to contribute back into that value chain. They should also be more active in fighting piracy and illegal material posted online.

As publishers, you need better leverage to improve your negotiations with them.

Let me go into a little more detail of what I mean.

I will start with the value gap.

This is about everyone involved in creating a cultural product being paid fairly for their contribution.

The issue of fair payment – or share of revenue – has become a particular challenge when it comes to material accessed via digital platforms. But the new distribution or access channels are also about being transparent about how the material is used – and what is earned from using it.

Our copyright reform gives publishers and authors the means to negotiate better with digital platforms. Rights holders will be in a stronger and fairer position to negotiate and be paid when a platform puts their work

online. The legal bargaining position of press publishers needs similar improvement and clarity.

We propose a special right to help them negotiate licences with online services for use of their material and to enforce their rights in the digital environment.

This right already exists in EU law for film producers, record producers and broadcasters. To me, it is only fair that it should also apply to press publishers.

Not only will it help them to fight piracy and unauthorised use of your material, it will also help to maintain an independent and high-quality press in Europe.

Our proposal does not change the scope of current copyright protection and case law, including for hyperlinking. I think this is reasonable.

What is not reasonable is to take bloggers to court for hyperlinking to an article. As you know, I do not support the idea of a "hyperlink tax".

Then, authors: Everyone here knows that the publishing industry could not exist without them.

As publishers, you work with authors every day and know the difficulties that many of them face just to earn a living. Again, this concerns balance in contractual relationships. It also concerns transparency, since authors often cannot check how their work is used online, or measure its success.

The Commission's copyright proposal helps authors and performers to obtain fair pay when negotiating with producers and publishers, who will have to be transparent about the revenues they make from particular works.

Before I finish, I want to mention another aspect of copyright law that our reform will address: exceptions.

We have proposed new exceptions for public libraries, museums and archives. These do not destroy publishers' business models. But they do help to give more access to knowledge, as well as remove legal uncertainty for teachers.

Another proposed exception is for text and data mining. This is a promising and important tool for scientists and researchers. They need access to large volumes of data to develop new knowledge and insights. Scientific journals and articles are a major source of that data – usually online.

But text and data mining is developing only slowly, mainly due to legal uncertainty.

Our proposal would require all EU countries to allow research organisations – such as universities and research institutes – to carry out TDM of copyright-protected content to which they have lawful access, without prior authorisation.

I am aware that this is a sensitive issue, far from straightforward. That is why we have included safeguards to maintain the integrity and security of publishers' databases, and limited the scope to research.

Ladies and gentlemen

When it comes to books, much has been written and said about the looming demise of paper. But despite the years of warnings, it has not yet happened.

Yes, if you look at the sales figures, it might appear that the writing is on the wall for print books. But in Europe at least, books are still one of the main products purchased online.

Perhaps there is hope for the two formats to coexist peacefully. Time will tell. In this context, let me say that I have supported the removal of VAT on e-books. I hope that this will soon be a reality.

One thing is clear to me, however. New forms of content and creativity can come from the least expected quarters, especially in a world that is being changed so much by digital technology.

Since I am speaking to publishers, it seems apt to end with a quote. But this is not a quote from a book, or from printed media.

In 2009, the actor and author Stephen Fry tweeted what has become perhaps one of the best-known quotes about e-books: 'One technology doesn't replace another, it complements. Books are no more threatened by Kindle than stairs by elevators'.

Food for thought in this digital age.

Thank you for your attention. It has been a pleasure to be with you today."

For More Information

[Press release: Commission proposes modern EU copyright rules](#)