



Dear Member of the European Parliament,

The European Parliament will vote on the Copyright Reform in July. As a facilitator and advocate of Finnish science and research, CSC – IT Center for Science is extremely concerned with the content of the proposed reform and its impact on European data economy, research and innovation. **CSC calls for the European Parliament to reject the proposal in its current form and continue its preparation, particularly regarding articles 3, 11 and 13.**

The proposal is problematic in many ways and its consequences are in conflict with both its own aims, as well as with the strategic aims of the EU Digital Single Market. In particular, we ask you to draw attention to the following arguments presented below article by article.

Article 3: Text and data mining

- Restricting text and data mining only for academic organisations for research purposes will undermine European SMEs and their opportunities for RDI, harming European competitiveness¹. In particular, the operating conditions of European data-based SMEs and start-up companies will be weakened, increasing the competitive advantage of companies operating outside Europe.
- The Free Flow of Non-Personal Data initiative aims at the free flow of data, including AI, as an elementary part of European competitiveness. The training of AI requires the possibility for automated data mining, which is restricted in the current Copyright Reform proposal, therefore, it is extremely contradictory with the objectives of the data economy.
- The exception for text and data mining is would not conflict with the benefits of copyright holders, as proven by the Fair Use doctrine ² in the USA.

Article 11: Protection of press publications concerning digital uses

In its proposed form, Article 11 would require the author to authorise the distribution of all digital journalistic content for 20 years from publication. It would prevent, for example, sharing news links in social media as protection would cover all editorial content, including headlines.

- Article 11 hampers or at least significantly impedes research using digital content published by newspapers and magazines. Such materials are used, for example, in political science, history, journalism, sociology, psychology and linguistics.

¹ http://europa.eu/rapid/press-release_IP-18-4227_en.htm

² https://en.wikipedia.org/wiki/Fair_use

- A similar law in Germany and Spain has been found to be unsuccessful. It has made it difficult to access news content, yet it has not provided the supposed benefits to journalists and publishers. In Germany, the law is likely to be pronounced invalid in court.
- Stakeholders³, who are supposed to benefit from the Article 11, are against it.
- Investigative journalism⁴ against crime and corruption would suffer.
- The proposed Article 11 narrows the freedom of expression and makes access to reliable information sources more difficult.
- Start-up companies and innovations based on information sharing, such as projects attempting to reveal fake news, will be harmed.
- Article 11 is in conflict with the *Bern Convention*⁵, which protects authors, but e.g. guarantees a right to quote news articles.

Article 13: Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

If implemented as proposed, service providers would be obliged to monitor in advance and, where appropriate, remove material uploaded by their users in order to reduce copyright infringements. This would apply to all content despite their form.

- Article 13 would narrow the freedom of expression, as the automatic upload monitoring software are unable to identify copyright infringements from legal content, such as parody. Thus, some legal content would also be censored.
- Article 13 contradicts with the European Commission's open science and research aims⁶, as well as expectations on the innovations based on open science.
- Article 13 is inconsistent with the existing EU legislation (the Directive on Electronic Commerce prohibits general monitoring obligations).
- The content of Article 13 has been strongly influenced by the legitimate interests of the music industry and the artists they represent. While we agree upon securing artists' interests, it is important to note, they can be secured with lighter regulation than imposing pre-scanning and monitoring on all possible material uploaded on the internet.
- The rights of independent content providers, including musicians, are compromised if they have to fight for their rights because of errors in automatic monitoring programmes.
- The cost of monitoring programmes is likely to lead to a concentration of monitoring for a few US players, which strengthens their market position and enables more accurate profiling and monitoring of European consumers.

³ <http://mediapublishers.eu/our-views/>

⁴ <https://www.occrp.org/en/62-press-releases/8003-occrp-s-position-on-the-proposed-directive-on-copyright-in-the-digital-single-market>

⁵ <http://www.wipo.int/treaties/en/ip/berne/>

⁶ <https://ec.europa.eu/digital-single-market/en/news/open-innovation-open-science-open-world-vision-europe>



- Content-based start-up companies lose opportunities and funding in Europe.
- The article complicates projects based on communality and shared content creators, such as Wikipedia and Open Source.
- According to the ECJ, Article 13 is in conflict with the fundamental rights of the EU⁷.

Based on the above arguments, we appeal to the Members of the European Parliament to reject the present proposal and return it to further preparation in order to remedy the current critical errors of the proposal before accepting the Copyright Reform as part of EU regulation. We believe that it is in the best interest of all parties to have a copyright regulation that is appropriate for the digital age and is in line with the EU's strategic targets. The purpose of copyright is to support authors, research and innovation - not to ensure the business interests of individual industries.

On 28th June 2018, in Espoo, Finland,
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⁷ Study by Dr. Christina Angelopoulos, an independent expert of intermediary liability at the Centre for Intellectual Property and Information Law (<https://www.cipil.law.cam.ac.uk/>) at the University of Cambridge, in January 2017