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New European Directives

Huge changes are coming to the copyright world as the European Union approved a directive that will limit how copyrights are shared on online platforms. That directive—as a form of legislation—is called the Directive on Copyright in the Digital Single Market.

The most controversial part of this directive—Article 17—is referred to as a "dark day for internet freedom." Under this Article 17, an internet platform will be liable for content that users upload, and it will hold large technology companies responsible for materials posted without a copyright license from the copyright owner. The reason for implementation of Article 17 is noble: to apply the copyright law to the internet and to demand permission from the copyright owner before the copyrighted work is posted on the internet. Article 17 will allow uploads to non-commercial sites, such as Wikipedia, and will exempt parody and limited use of memes: quotation, criticism, review, caricature, parody, and pastiche.

Article 15 is another part of this European directive that is causing some concern. Article 15 is referred to as a "link tax," and if enacted, will charge the search engines and news aggregate platforms for displaying snippets of news they are linking to.

The European Parliament in its statement said that "YouTube, Facebook, and Google News will be most directly affected by this legislature." And earlier this year, Google responded that it may have to pull its news service from Europe, because Google News will have to pay the link tax, if the legislation is implemented.

This directive will pose a problem for software developers with European users that involves sharing links or copyrighted content. It is undeniable that this directive will affect user generated content.

Although Article 15 and Article 17 have passed the European Parliament, every member state will have to approve the directive, and if they do, they will have two years to implement it. Undoubtedly, when implemented, this directive will affect many U.S. companies with internet platforms in Europe that allow user-generated content and contain shared links.

Feel free to contact Peacock Law regarding your rights and possible liabilities under the European copyright directive.