

EU copyright war 'a shame', says big tech lobby

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"There are so many voices involved," says Siada El Ramly

Tech giants and open-internet activists, not always natural bedfellows, are fighting a proposed copyright law that returns for approval at the European Parliament on Wednesday.

Traditional media, along with film and music stars including Paul McCartney, have lobbied hard for the reform that would force payment from web companies for reproducing or linking to copyrighted [content](#).

In an interview, Siada El Ramly, the executive director of EDiMA, the association that defends the interests of online platforms in Brussels, told AFP that "it was a shame" that the debate was presented "as creators on the one hand and big tech on the other."

"That is not the case. You have artists on both sides with different opinions. There are so many voices involved," she said.

On paying news organisations for content, El Ramly said she fully agreed "that online platforms definitely have a role to play."

"That doesn't necessarily mean that a 'snippet tax', which puts the focus on the aggregation services, is the only way forward," she said.

The lobbyist was referring to Article 11 of the proposal under which news organisations would receive "fair and proportionate remuneration" for use of their stories by companies such as search engines displaying a "snippet" of online content.

"We fear that we are trying to find a solution that hasn't been effective and implement it more broadly. This would have an impact on media pluralism and not be necessarily positive for media outlets," she said.

El Ramly, echoing arguments often made by Google, pointed to experiments with the snippet tax in both Germany and Spain, where the search giant shut down its news aggregator overnight when the tax was adopted.

"In Spain it has had a negative impact on smaller [media outlets](#) where we

have seen small publishing houses actually fold as a result of not being able to use the aggregation services," she said.



Google and Facebook are among the leading opponents to a draft EU reform that would force payment from web companies for reproducing or linking to copyrighted content.

And she argued that in Germany "it hasn't actually created new revenue sources or supported the [media](#) sector as a whole either."

'Not about US'

A bigger issue for tech giants is arguably Article 13 of the draft, which makes [web companies](#) liable for copyright infringements by users posting on their sites.

Web giants say they would have to use automatic filters that risk stopping even legal posts, stifling innovation and free expression.

"We are not actually exaggerating when we say that the filter will have to

be in place," said El Ramly.

"Bear in mind that this is not only to do with audiovisual content, which has been the focus of the debate, but rather all kinds of content including lines of code, pictures."

"Let's put it very bluntly, if the platforms have a liability to make sure that the content doesn't show up, then anything that could be perceived as a copyright infringement would be taken down," she said.

Pressed on whether the likes of Google and Facebook must clean up their act, El Ramly insisted that focusing on US companies missed the point.

"Let's remember that it is not only about US tech. Frankly, that is slightly irrelevant to the crux of the matter, the real issues," she said.

"The platform economy has been very favourable for Europe. It's provided for cultural diversity online, for European consumers to have more choice. We would like to see that continue."

Fervently backing the reform are [traditional media](#) and content providers in urgent search of revenue at a time when so much can be seen online for free.

EU online copyright dispute: a quick guide

European Parliament lawmakers vote Wednesday on a proposed EU copyright law that has set artists and news companies at odds with web giants such as Google and Facebook.

Here is a quick guide to key terms used in the dispute over the EU Copyright Directive.

Copyright, neighbouring rights

Creators of music and movies are demanding web companies pay them for reproducing or linking to their content, based on their intellectual property rights.

At the same time, news organisations are claiming the right to be paid for when their stories are posted or linked to: so-called "neighbouring rights".

Article 11: fair pay

News organisations should receive "fair and proportionate remuneration" for use of their stories by "information society service providers", according to Article 11 of the draft directive.

For this, the web companies would have to negotiate licensing agreements with the news organisations. Some legal experts say this is too complex, piling new rights on top of copyright laws and licences.

Article 13: policing content

Article 13 of the plan proposes to make web companies responsible for preventing copyright infringements by users posting on their sites.

Web giants say they would have to use automatic filters that risk stopping even legal posts, stifling innovation and free expression.

"Error-prone censorship infrastructure... will over-block legal posts, because it can't tell allowed uses of copyrighted material (like parodies) from infringement," said European Parliament member Julia Reda of the Green-affiliated Pirate party.

Conservative member Axel Voss proposed amendments to ensure "exceptions and limitations" and "that automated blocking of content is avoided".

Links and snippets

Opponents of the directive say it could lead to a "tax" on links to news articles online by making sites pay to link to content.

Amendments drafted by Voss propose not to impose payments for the hyperlinks that users click on to get to an article.

But the directive may still demand payment for reproduction of "snippets" or summaries of news stories.

Value gap

Leading support for the directive among artists, ex-Beatle Paul McCartney complained of a "value gap... between the value these platforms derive from music and the value they pay creators".

News publishers also use the value gap complaint: advertisers pay handsomely to put ads on web pages, they say, but companies producing articles that draw readers to those pages say they receive relatively little.

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