It's time to
fix copyright in Europe.

WIKIMEDIA
FOUNDATION

WHAT'S AT STAKE

Copyright law informs everything that you do on the internet — from sharing news articles to uploading your vacation photos to adding knowledge to Wikipedia.

On September 12, the European Parliament will vote on amendments to a proposed EU Copyright Directive, which aims to harmonize copyright across all EU member states. This is a rare opportunity for the European people to define and shape a legal framework that will affect the way they use the internet every day.

Wikimedia supports forward-looking copyright rules that empower people to learn and share knowledge with the world. Changes to the proposed Directive which would harmonize copyright law with how we all use the the internet today include:

1. **No requirements for platforms to pre-filter user uploaded content.**

2. **An exception for the preservation of copies of a work in the public domain.**

3. **An exception for Freedom of Panorama, or the sharing of photographs of public artwork and architecture.**

4. **An exception for user-generated content.**

5. **An exception for text and data mining.**

We go into more details about each of these potential amendments below, with examples of who will benefit most from each.

1.

No pre-filtering requirements for internet platforms.

Why oppose pre-filtering?

If certain language is adopted in the EU Directive, platforms may be forced to employ systems that have the ability to filter out content before it is even published, limiting the information users share and the ways in which they share it. Regulations which require platforms to ensure the functioning of agreements with rightsholders shifts the burden of enforcement onto platforms to police all user-generated content, controlling your access to information online based on their own individual definitions of copyright infringement.

Instead, regulations should focus on driving cooperation between rightsholders and platforms to develop new and better ways to ensure licenses are upheld.

Who is affected by pre-filtering?

Creators who rely on copyright exceptions. One of the biggest issues with automatic filtering of user-generated content is that it often restricts legal uses of works that benefit from exceptions to copyright, e.g. criticism, parody, educational content, and more. With platforms employing filtering technologies whose primary goal is to take-down first, ask questions later, lawful content which relies on exceptions will be one of the first casualties.

Startups and smaller platforms. YouTube's ContentID system, which is often pointed to as a successful automatic filtering mechanism for copyright violations, took $60 million to build. Requiring this type of technology on every platform that hosts large amounts of user-generated content, even if that content is freely licensed or in the public domain, would only serve to further entrench the hold large technology companies have on the online information system. This would disadvantage startup platforms or non-profits like Wikimedia which rely on an effective system of volunteers to flag and remove copyrighted content, not algorithms.

Everyone else. Mandatory filter requirements may be directed at copyright now, but employing technology which scans every piece of user-generated content before it is uploaded creates an infrastructure for more troubling censorship. What now only catches copyright infringement may be used in the future to filter out "offensive" speech, political speech, or any other number of protected free expressions that users have a right to.

2. Preservation of works in the public domain.

Why support a public domain exception?

The preservation of public domain works should not be limited to libraries, archives, museums and film or audio heritage institutions.Everyone should be allowed to contribute to the preservation of history and culture, not just so-called cultural heritage institutions. We support a harmonized legal framework that protects our shared public domain by making sure that no new exclusive rights are awarded for digital preservation of works that are beyond the term of their copyright.

Who benefits from the public domain?

Artists. Whether you prefer listening to "Blowin' in the wind" or watching "Romeo + Juliet", both Bob Dylan and Baz Luhrmann borrowed from the public domain to create new works. As most authors will tell you, creativity always involves building on the past.

People like you and me. Re-using and adapting existing works is how more and more people express themselves nowadays. Internet memes have become a form of expression and communication in themselves and almost always require well-known creations as base material to even work. To enjoy freedom of expression, we must also enjoy the freedom to re-use our cultural heritage online.

Entrepreneurs. A surprising amount of transformative re-use of public domain works is made by commercial users. 33% of all Kickstarter projects relied on public domain works in 2015, generating economic value that would have been impossible without the re-use of cultural heritage works.

Educators. A substantial part of today's educational materials are public domain. We can freely rearrange and digitise rich heritage of libraries to ensure this sum of knowledge is passed on to the next generations.

3. Freedom of panorama exception.

Why support Freedom of Panorama?

Freedom of Panorama allows anyone to take photographs of public buildings and artwork and share them online. While this seems like a commonplace right that everyone should enjoy, Europe has a patchwork of regulations about what photographs you can and can't share online, leading to important cultural and historic sites being essentially erased from the web. A Europe-wide freedom of panorama exception would allow everyone, everywhere to share their hometown with the world.

Who benefits from Freedom of Panorama?

Photographers. Freedom of Panorama removes barriers to create and show images of public spaces, allowing photographers to focus on their art rather than worrying about the law.

Architects. Architects are the main stakeholder in Freedom of Panorama as they actually benefit from their works being shared and talked about. When it comes to revenue, architects across Europe are earning more money in countries with a full exception.

Game Developers. Virtual reality applications rely on being able to legally photograph and film public spaces. Freedom of Panorama allows developers to include these public spaces in smart city apps and games.

Audio-Visual Artists. Whether it be for documentaries, or exciting feature films -- filmmakers widely use Freedom of Panorama, which is an important criteria when selecting filming locations.

Wikimedia. Right now, freedom of panorama exceptions are not harmonized across the European Union. For projects like Wikimedia Commons and Wikipedia, this type of uncertainty often means that contributors need to be overly cautious in what they upload, which can result in articles about public spaces or artwork in Europe not being illustrated with actual pictures of those places.

Tourism. Countries and cities invest in modern art and architecture to gain international attention and attract tourists. When images of those works in their public context can be freely shared, it helps promote tourism to those locations.

4. User-generated content exception

Why support a user-generated content exception?

User-generated content is content which uses parts of existing works in new creations like memes, critiques, parodies, or re-arrangements. European member states have differing laws about this type of use, with some allowing it and others not. Wikimedia believes in updating copyright to match the way that people actually create, share, and consume knowledge and culture online, and this includes a user-generated content exception.

Who benefits from a user-generated content exception?

Critics. If you had to choose between a video critique of a movie, would you want to watch one which features a talking head describing scenes from that film, or critique which uses *actual clips from that film* to demonstrate its main points? Critics can more effectively make their points and contribute to the discourse around a work if they are able to show the work they are discussing.

Fans. As important as using clips, stills, and quotes from artistic works is for critiquing that work, those same actions have been just as important for celebrating those works. Fans show their love for their favorite music, movies, and shows by sharing clips or gifs of popular characters or scenes and forming communities around specific works. Online videos dissect stills of works to reveal hidden details. Campaigns making use of user-generated fan content can sometimes even ignite a new fan-base for a show, and some shows have been saved from cancellation due to this phenomena.

Anyone who creates or communicates online. Whether your canvas is memes, song mashups, or parodies, online creation is often predicated on adding to or adapting existing works. Building on content is how more and more people express themselves nowadays. Internet memes have become a form of expression and communication in themselves and almost always require well-known creations as base material to even work. After all, would a Twitter conversation with your favorite celebrity be the same without that perfect reaction meme? To enjoy freedom of expression, we must also enjoy the freedom to re-use existing works.

5. Text and data mining exception.

Why support a text and data mining exception?

When we access text or data we don't only look at it, analyse it, take notes and set up new documents. Nowadays this happens digitally. Progress we have made in the fields of genetic research or astronomy, for example, would nowadays be unthinkable without text and data mining.

Wikimedia supports forward-looking copyright rules that empower people to learn and share information with the world. This includes an amendment which would grant an exception for text and data mining for everyone, not just "research institutions" and not just "for the purposes of scientific research."

Who benefits from text and data mining?

Scientists. Researchers use information technology to obtain new insights and develop novel concepts from large collections of data and text. Practical examples include searching large numbers of biomedical research papers to discover new gene combinations, "distant reading" of thousands of literary works, or linguistic research.

Innovators and entrepreneurs. Have you ever heard of Treemetrics (forest management using earth observation), SentiOne (online monitoring data analysis), or iris.at (AI research assistant)? This is only a select number of European tech startups that rely on legally being able to mine text and data. A legal environment which does not place restrictions on copying for text and data mining purposes will allow startups like these and more to grow and thrive throughout Europe.

Journalists. Journalists analyse large datasets to recognise dependencies or spot improper behaviour. The Panama Papers and Dieselgate are just the most prominent stories.

Citizens. Public institutions are providing data, yet the only way to assure that the public can really make sense of it is using technical tools. Anti-corruption kits are one powerful example of how text and data mining can be used to reveal insights into public information.

Libraries. Unclear rules about text and data mining impede libraries and their users from seizing the full potential of the available information – for scholarship, research, improvements in health and science, creativity, and social inclusion.

WHAT YOU CAN DO

It is important that MEPs know that the direction of copyright in Europe is important to people like you who use the internet every day to create, interact, and share your knowledge.

The most important step you can take to help is to contact your MEP via our landing page: https://fixcopyright.wikimedia.org.

You can also help by translating and sharing Wikimedia's materials in your language, tweeting about the proposal using the hashtag #fixcopyright or participating in Wikimedia events in Brussels and Strasbourg.