



**EBF**

## **Comments to the Commission Communication on Creative Content Online in the Single Market**

To: Audiovisual and Media Policies Unit  
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From: The European Booksellers Federation  
Subject: Communication on Creative Content Online in the Single Market  
Date: 28 February 2008

### ***The European Booksellers Federation***

The European Booksellers Federation (EBF) represents Booksellers Associations (hereafter BAs) in the European Union, and its Members are the national BAs from the 27 Member States of the EU.

Through its Members, who in turn represent most individual bookshops in Europe, EBF represents more than 25,000 individual booksellers.

The objectives of EBF are to:

- Enhance the perception of the bookseller and promote the activities of the book trade
- Strengthen links between booksellers associations
- Assist booksellers associations in promoting excellence in the profession
- Speak for booksellers in the European forums and represent the interest of the trade before the European Institutions.

In view of this last point, the EBF very much welcomes the opportunity to be able to comment on the Commission's Communication concerning Creative Content Online in the Single Market {COM (2007) 836 final}.

EBF represents book retailers and consequently leaves it to the right holders in the book chain, i.e. authors and publishers, to provide the Commission with technical comments about Digital Rights Management and Multi-territory rights licensing. EBF fully support its colleagues in their efforts to protect and enforce copyright and to make sure that DRM systems ensure full protection of right holders.

This being said, booksellers are by nature very close to the market and aware of the changes in consumers' habits. In recent years, EBF has witnessed and watched closely the evolution of the music industry and in particular the retail side of it and has learned from their experience.

***EBF's General Position on Creative Content Online, Digital Rights Management, Legal Offer and Piracy***

The European Booksellers Federation greatly appreciates the work the European Commission has done to develop the latest Copyright Directive 2001/29 and to make sure it was enforced with the Enforcement Directive 2004/48/EC.

Six years ago, when the Directive was adopted, the book trade environment was very different to what it is now, in all our Member States. Bookselling over the Internet was in its infancy, few supermarkets were involved in book selling and most consumers had not heard of "search engines".

Despite these developments, it seems to EBF that the Copyright Directive 2001/29 has managed not only to embrace all the changes that have taken place in the course of the last six years but that the existing legislation will also be able to provide a valid framework for future changes and new emerging technologies.

We see the attractiveness of introducing new initiatives to minimize barriers within the European Union so as to provide citizens with maximum access to European cultural heritage.

However, it is our view, that few, if any at all, Digital Rights Management Systems will stop hackers. If consumers really want information that is available on the Internet, they will obtain it in some way or another.

The threat posed to creativity by Internet pirates is considerable, and consumers, especially those from the younger generation, are part of a culture that objects to pay for information obtained over the web. As the Commission is aware, the extent of abuse in the music industry has been huge. How many EU citizens have actually paid for the songs they have on their iPods and MP3 players? The influence of the P2P file sharing networks is vast.

We believe that what has happened in the music sector is likely to happen in the consumer book market. EBF predicts that the turning point will occur when one of the hardware manufacturers produces a reading device for consumers that has:

- an excellent reading screen
- a powerful, but light battery, and
- an inexpensive price tag.

Copyright was designed to encourage and protect creativity so as to reward those with creative ideas. Creative Content Online means what it says, namely that individual consumers will have direct access to any creative content put online.

In the past, the consumer would have gone into a library or a bookshop to obtain the material needed. EBF's fear is that if remote access to content is so easily achieved, and if, moreover, Digital Rights Management Systems can be by-passed through piracy, then the bookshop is also likely to be by-passed. Why go into a bookshop to pay for the output of a creative mind if you can get it for free over the Internet? Why order a book on the website of a publishing house or a bookseller if you can successfully hack the file and download it on your electronic reader?

The result of this change in consumer behavior is that there would be no incentive for authors, publishers and booksellers to invest in their activities anymore, and the consequence would be a considerable impoverishment of the European cultural heritage. Bookshops would lose a significant market share and many would be forced to close, thus damaging many local communities.

Therefore, we believe that it is crucial for the successful development of a legal online book market that the Commission take all necessary steps to enforce respect of copyright. EBF shares the concerns of the right holders who fear that they might lose control over their rights in a digital environment that could be potentially devastating for the whole book trade.

In order to make sure that right holders are protected for the benefit of European creativity and heritage, we believe that it is particularly important to secure the co-operation of Internet Services Providers and search engines. Piracy cannot be combated by simply appealing to the goodwill of Internet users. Adequate, reliable and functional measures are needed to effectively enforce the existing legislation, securing the sustainability of the European creative industries in general and of the book trade and book retailing in particular.

Finally, we observe from the Communication that a Content Online Platform has been set up. EBF offers its support to this initiative and would very much appreciate to be invited to participate in the Platform or in one of the working groups.

**Fran Dubruille**

Director

European Booksellers Federation