

## **Licences for Europe**

### ***Ten pledges to bring more content online***

The "Licences for Europe" stakeholder dialogue was launched by the Commission in February this year following its 18 December 2012 Communication on "Content in the Digital Single Market". The Communication set out two parallel tracks of action: on one hand, to complete its on-going effort to review and to modernise the EU copyright legislative framework; while on the other, to facilitate practical industry-led solutions to issues on which rapid progress was deemed necessary and possible.

The dialogue was held under the joint responsibility of Internal Market Commissioner Michel Barnier, Digital Agenda Commissioner Neelie Kroes and Education, Culture, Multilingualism and Youth Commissioner Androulla Vassiliou. It was organised into four thematic working groups: Cross border access and portability of services; User generated content and micro-licensing; Audiovisual Heritage; and Text and Data Mining.

Pledges have been made by stakeholders in all four working groups. They have either been agreed by copyright holders across different sectors, on a case-by-case basis with representatives as varied as Film Heritage Institutions, retailers, and broadcasters; or they constitute plurilateral commitments on the part of an industry sector. They cover, variously, the music, print and audio-visual sectors. Taken together, the Commission expects that these pledges are a further step in making the user environment easier in many different situations.

Two groups – User generated content and Text and data mining – did not reach consensus among stakeholders on either the problems to be addressed or the results. However the discussions provided useful insights into the issues at stake and some understanding of the positions of different stakeholders. At the same time, concrete pledges, expected to make a difference in online users' life, were presented in these areas too.

This document summarises "Ten pledges to bring more content online" that are the outcome of the "Licences for Europe" stakeholder dialogue. These pledges are without prejudice to the possible need for public policy action, including legislative reform.

The Commission will monitor the implementation of the "Licences for Europe" pledges so that they bring real value added in practical terms. The Commission expects the partners involved to implement these pledges fully and without delay.

In parallel, the Commission will complete, by spring 2014, its on-going review of the EU Copyright framework with a view to a decision whether to table legislative reform proposals. The pledges outlined above and the discussions, including in the areas where no stakeholder consensus emerged, will feed into the review process. A public consultation will be launched in the near future in the context of the review. This will provide

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a further occasion for all voices to be heard in the debate, and help focus the discussion on the wider set of issues being addressed in the review process.

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### **Ten pledges to bring more content online**

- 1. Further development of cross-border portability of subscription services.**
- 2. Improved availability of e-books across borders and across devices.**
- 3. Easier licencing for music.**
- 4. Easier access to print and images.**
- 5. Enabling the identification of your work and rights online.**
- 6. More active reader involvement in the online press.**
- 7. More heritage films online.**
- 8. Freeing up TV footage archives through digitisation.**
- 9. Improving identification and discoverability of audio-visual content online.**
- 10. Easier text and data mining of subscription-based material for non-commercial researchers.**

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## **1. Cross-border portability of subscription services: joint statement by the audio-visual industry.**

Today, subscribers to audio-visual services online, e.g. consumers watching movies via an Internet service provider or web-store, are often denied access to services legally bought in their own EU country when they cross national borders.

### This will change:

Representatives of the audio-visual sector have issued a statement affirming their willingness to continue to work towards the further development of cross-border portability. Consumers will increasingly be able to watch films, TV programmes and other audio-visual content for which they have subscribed to at home, when travelling in the EU on business or holidays. This is already largely the case with music, e-books, magazines and newspapers.

[Signatories: Association of Commercial Television (ACT), European Coordination of Independent producers (CEPI), Europa Distribution, EUROVOD, Federation of European Film Directors (FERA), International Federation of Film Distributors Associations (FIAD), International Federation of Film Producers Associations (FIAPF), Independent Film & Television Alliance (IFTA), International Video Federation (IVF), Motion Picture Association (MPA), Sports Rights Owners Coalition (SROC), Society of Audiovisual Authors (SAA)]

## **2. Improved availability of e-books across borders and across devices: a Roadmap by the e-book sector.**

Despite progress consumers are often still not able to transfer their e-book content from one device to another due to different e-book formats and other restrictions. Nor can they easily find online offers in particular from smaller market players.

### This will change:

Publishers, booksellers and authors will continue promoting cross-border access, interoperability and discoverability of e-books through several initiatives, such as ePub, an open standard format that will make it possible to read e-books across different devices. As a result, you will increasingly be able to access your e-books online anywhere and from any device, provided your retailer works with interoperable formats.

[Signatories: European Writers Council (EWC), European Booksellers Federation (EBF), International Association of Scientific, Technical & Medical Publishers (STM), Federation of European Publishers (FEP), European Publishers Council (EPC)]

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### **3. Easier licensing for music: commitments by the music sector.**

Use (and re-use) of music on major platforms is largely covered by blanket licence agreements between producers, publishers, authors' collecting societies and those platforms. Small businesses or individuals who want a licence for e.g. the use of background music on their website may have difficulties to acquire the necessary licences.

This will change:

Record producers offer a new pan-European licence enabling background music on websites. For authors and publishers, their collective rights management societies have committed to spreading best practice on existing licensing schemes. This will make small-scale licences available in all EU countries, e.g. for background music on websites and small-scale web/podcasting.

[Initiatives by International Federation of the Phonographic Industry (IFPI) and the European Grouping of Societies of Authors and Composers (GESAC)]

### **4. Easier access to print and images: a toolkit by the print industry.**

Today, users do not always know what they can or cannot do with a text or picture, and if and how they can get a licence.

This will change:

A range of new licensing solutions will allow all users (from businesses to individuals) to know what they are able to do with text and images and seek permission through streamlined licensing solutions if needed. This includes the identification of rights holders, information to users about licensing and licensing conditions, and easy pay-per-use payment systems.

[Signatories: European Publishers Council (EPC), European Visual Artists (EVA), European Writers' Council (EWC), Federation of European Photographers (FEP), International Federation of Reproduction Rights Organisations (IFRRO), International Federation of Journalists (IFJ), International Association of Scientific, Technical & Medical Publishers (STM)]

### **5. Enabling the identification of your work and rights online: an industry roadmap.**

Web self-publishers, such as creators posting their new songs or videos online, are protected by copyright. Yet, often they cannot (easily) obtain identifiers for their works, or licences for re-using existing content,

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preventing them from monetising their works or stopping infringements of their rights, if they wish.

This will change:

Creators - "self-publishers" - will be able to attach a machine-readable identification to their content, in order to facilitate claims and acknowledgement of authorship and associated rights. This will make it easier to use (and re-use) content. Through more national and regional "hub" websites, like the new industry-led Copyright Hub in the UK, industry will accelerate the development of an efficient market helping users to get the licences they need.

[The Web Content Declaration (WCD) has developed out of the Linked Content Coalition (LCC) - an industry alliance aiming to facilitate licensing through the enhanced exchange of rights information (information about the right owner and the licence conditions)]

**6. More active reader involvement in the online press: a declaration on improving the user experience.**

In the digital environment, an increasing number of newspapers and magazines are encouraging dynamic interaction between users and press publishers.

This will change:

Press publishers will engage with readers to improve user experience, including via the uptake of User Generated Content (UGC) in their online publications and services. This will include improving information about what users can do with press publishers' content and what press publishers can do with users' content, including on how to better identify and protect content, as well as education, awareness-raising and sharing best practices across the sector.

[Signatories: European Magazine Media Association (EMMA), European Newspaper Publishers' Association (ENPA), European Publishers Council (EPC)]

**7. More heritage films online: an agreement on principles and procedures.**

Film heritage institutions struggle to fund the digitisation of European heritage films, and to clear authorisations with rightholders. European cinematographic heritage that would otherwise be accessible to citizens is left on the shelf.

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This will change:

Film heritage institutions and film producers now have a clear agreement on how to go about digitising, restoring and making available European film heritage. This includes approaches for sharing the costs of digitisation and remuneration. It will enable film heritage institutions to free up valuable European films stored in their archives while guaranteeing the rightholders an appropriate share of the rewards.

[Signatories: Association des Cinémathèques Européennes (ACE), Federation of European Film Directors (FERA), International Federation of Film Producers Associations (FIAPF), Society of Audiovisual Authors (SAA)]

**8. Freeing up TV footage archives through digitisation: discussions between public broadcasters and rightholders.**

Public service broadcasters have archives comprising millions of hours of TV footage. Clearing the rights with the myriad of rightholders today makes the use of such material expensive and time-consuming.

This will change:

Broadcasters and rightholders have for the first time agreed to find solutions for the digitisation and making available of broadcasters' TV footage archives.

[Signatories: European Broadcasting Union (EBU), Society of Audiovisual Authors (SAA) not excluding dialogue with other relevant parties.]

**9. Improving identification and discoverability of audio-visual content online: a declaration by the audio-visual industry.**

Some European audio-visual producers have been slow to adopt interoperable identifiers for their productions. This, and a lack of interoperability between the standards available in the marketplace (ISAN and EIDR), has made rights management, including licensing and remuneration, difficult. This puts a brake on the availability of content online.

This will change:

The declaration represents, for the first time, broad support for international, standard audio-visual work identifiers from across a wide spectrum of actors in the European sector. Making current standards interoperable and using them widely will help to take audio-visual works out of the digital 'black hole' and streamline their distribution and discoverability.

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[Signatories: Société civile pour l'Administration des Droits des Artistes et Musiciens Interprètes (Adami), British Film Institute (BFI), European Coordination of Independent producers (CEPI), European Association of Regional Film Funds (CineRegio), Entertainment Identifier Registry (EIDR), Eurocinema, European Organisation of Movie and Television Producers' Collecting Societies (EuroCopya), European Film Promotion (EFP), Federation of European Film Directors (FERA), International Federation of Film Producers Associations (FIAPF), Institut National de l'Audiovisuel (INA), ISAN International Agency (ISAN-IA), Society of Audiovisual Authors (SAA)]

## **10. Easier text and data mining of subscription-based material for non-commercial researchers: a commitment by scientific publishers.**

Researchers are increasingly keen to engage in text and data mining, i.e. the automated 'scanning' of text or datasets in search of e.g. new significant correlations or recurrences. Even when researchers have a subscription to scientific and other publications, it is not clear that they will be able to mine them in the absence of a specific authorisation from publishers. In addition, researchers sometimes face technical problems to mine text or data.

### This will change:

Scientific publishers have proposed a licensing clause for subscription-based material as a solution, further supported by the necessary technological solutions to enable mining. This is expected to allow researchers to mine, for non-commercial scientific research purposes and at no additional cost, journals subscribed by their university or research institution. Researchers will be able to connect to a web-based "mining portal" through which they can access the existing infrastructure of the participating publishers and mine publications subscribed by their university or research institution. A "click-through licence" for individual researchers has been developed.

[Signatories: By 11/11/2013, the following publishers had signed up to this commitment: American Chemical Society, British Medical Journal Publishing Group Ltd, Brill Publishers, Elsevier BV, Georg Thieme Verlag KG, Hogrefe Verlag GmbH & Co. KG, Institute of Physics / IOP Publishing Ltd, John Wiley & Sons Ltd, New England Journal of Medicine (Massachusetts Medical Society), Oxford University Press, Springer Science + Business Media Deutschland GmbH, Taylor and Francis Ltd, Wolters Kluwer Health (Medical Research) Ltd]