Brief support from an unexpected quarter

THE COMMISSION – the EU’s Civil Service – posted an article on the Medium website that strangely echoed the Freelance’s analysis of the row about the Copyright Directive. This was rapidly removed on the grounds that “it has been understood in a way that doesn’t reflect the Commission’s position” – but not before it had been archived.

Entitled “The Copyright Directive: how the mob was told to save the dragon and slay the knight”, it noted that the Directive “supports a free press and could enable journalists to get some money when their articles are shared online”. It noted that “there is ample evidence from respected sources [giving links] that ‘Big Technology’ has even ‘created’ grassroots campaigns against the Copyright Directive in order to make it look and sound as if the EU is acting against the ‘will of the people’.” That phrasing might have had something to do with its removal.

It concluded: “So next time, when you get a sponsored message on your timeline, which says something like ‘the EU will kill the world wide web as we know it’, stop, pause and consider for a moment. Ask yourself: Cui bono? Who really benefits from this message or this wider negative campaign?” Anti-copyright lobbyists seized on this – or, rather, its overexciting headline – as they did journalists’ unions’ statements.

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proportionate remuneration for all authors, including journalists. It places transparency obligations on publishers (to report to us what use they make of our work). It opens up the possibility of alternative dispute resolution mechanisms which could be useful in some EU member states to avoid lengthy and expensive court cases. It also allows authors to be represented by their unions in that process. I welcome that very much.

I also welcome the new article 9a which safeguards extended collective licensing models as they could be models for future licensing in the digital area to ensure remuneration of journalists. This is a visionary approach with a lot of possibilities to make licensing easy and smooth.

There has been much noise about Article 11 of the Directive, which gives newspaper publishers rights to licence to the likes of Google News. It is important to try to improve this. Newspaper publishers and journalists’ unions agreed last July that journalists must be remunerated for the payment related to article 11. We should clarify provisions and proposals contained in Article 11 of the text – and Recital 35 that interprets it – to support authors in the press sector obtaining fair and proportionate remuneration for their work in future national legislation that will implement this directive.

We have a huge job in front of us in making sure that member states implement the Directive well. We need in particular close cooperation among all the stakeholders: it is in the interest of all of us to use the tools to bring the digital platforms to the table for negotiation.

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