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Art

Unlock creativity, yes, but by strengthening the creators' rights

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Copyright is in the hot seat, accused of restraining the development of the digital market. The Reda report – called after the representative of the Pirate Party – presented at the beginning of the week at the European Parliament is the first stone laid in this debate this year. Without any surprise, it trims the foundations of the copyright in favor of the users.

“Unlocking creativity” by harmonizing the European copyright while technology and the consumers’ behaviors are going faster than the law represents an objective shared by everyone – from the European Parliament to the European Commission, including creators and their right-holders. That is one of the stakes of the upcoming debates.

Divergences are emerging on the meaning of the words – and indirectly – regarding the choice of the means.

By “unlocking”, the European Commission means sweeping away everything that represents an obstacle to the development of a single market and digital economy. For authors and creators, “unlocking creativity” means providing the financing and the incomes of tomorrow’s works, allowing the creators to make a living from their art and thus strengthen copyright. Facing the acceleration of technology and consumers’ expectations, it is according to the SACD “to ensure that the value produced by the Internet thanks to the works can fairly and equitably benefit to all who participate in the creation”.

The Reda (pre)report tries to reconcile opposites, what is a praiseworthy

approach.

If it attempts a synthesis: “We must establish a system of common copyright, which protects the fundamental rights and make the online services offer easier in the whole Union”, or aims at “the improvement of the negotiating position of the authors and artists compared to the other right-holders and intermediaries”, the Reda report called after the member of the German European Parliament Julia Reda, only representative of the German Pirate Party “on the evaluation of the Directive 2001/29/EC on the harmonization of certain aspects of copyright and related rights in the information society” was made public on January 19, 2015, and presented Tuesday 27th at the Committee on Legal Affairs of the European Parliament. Without any surprise, it proposes to modify copyright in depth, considering that its “contemporary rules do not give enough rights to the users”.

Giving more rights to the users, the recommendations of the Reda report are essentially heading in the same direction:

Limiting copyright in its duration (50 years instead of 70), in its scope (exempting the works produced by the public sector),

Promoting the public domain and authorizing the use of works located in public places, reinforcing the protection of works from the public domain,

Favoring all exceptions, what weakens copyright; linked to teaching, education, public lending right, quotation right, parody right, freedom of linking on the Internet... the whole expanded to all works, in short allowing everyone to transform a work!

Citizens vs. authors?

Facing such a revolution, some get reassured saying that Mrs Reda’ wishes can be amended, fueled with creators’ point of view, and that the voted final report will only be consultative... But is that not the tree that announces the forest of a full inventory of the copyright by the Commission? The commitments of Günther Oettinger, German commissioner in charge of digital economy, aims explicitly at “breaking the national barriers regarding copyright regulation”. He gave himself one to two years to come with a balanced reform on copyright. If the sacred union of public authorities and French rights managing societies announces a

strong resistance, creators must mobilize with real proposals for the future. The Forum d'Avignon is on their side to build and make concrete proposals.



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