



The Consumer Voice in Europe

#FixCopyright from an EU consumer perspective: content portability

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JURI Public Hearing on the Modernisation of EU
Copyright Rules - Portability

Brussels, 20 April 2016

EU Copyright Law according to



Authors



Right holders



CMOs



Broadcasters



Legislators



Consumers

(67) “Stresses that consumers often face various limitations and the notion of consumers’ rights in the copyright framework is very often absent; calls on the Commission to assess the effectiveness of the current copyright law from a consumers’ perspective and to develop a set of clear and comprehensive consumers’ rights.”

EC proposal on content portability

- First time in EU copyright history that a EC proposal puts the consumer first
- Small but very important step:
 - Small: it will only serve those consumers that a) travel and b) have access to online services in the first place
 - Very Important: it acknowledges that copyright also concerns consumers
- Legislative intervention is justified: no market-lead solutions possible without legal certainty

How to ensure the success of the proposal?

- **Broad and clear scope:** portability of any subscription-based service (= contract)
- **No time limit:** consumers have heterogeneous “portability” needs and expectations
- **Mandatory nature:** obligation to enable portability
- **Retroactive effect** of the regulation
- Short time frame for **implementation (6 months)**
- Legal fiction (article 4) = **legal certainty**

What needs to be clarified?

- Means to verify **habitual residence**: proportionate and non-invasive - EC proposal gives enough flexibility, if necessary a guidance list of mechanisms could help.
- Explicit **prohibition to impose time limit** by contract
- Portability should not lead to consumers being locked-in within the boundaries of the exclusive territory e.g. to give consumer the choice between the catalogue of his habitual residence and of the country in which they are travelling (**Netflix effect**)
- Inclusion of a principle of **technology neutrality**
- Monitoring: are member states accountable for its **enforcement?**

What is next? - broader reform

- Regulatory response to **geo-blocking** in the audiovisual sector.
- Review of the **InfoSoc Directive** - make copyright an enabler not an end result
- Limits are already set in the international framework
- What the EU could and should do for consumers in the upcoming reform:

SatCab review	<ul style="list-style-type: none">✓ Facilitate cross-border access by extending the COO principle for satellite to the Internet.
InfoSoc review	<ul style="list-style-type: none">✓ In absence of an open norm, further harmonisation of exceptions and limitations is needed.✓ New exception on user-generated content.✓ Solve the private copying dilemma: to clarify the harm triggering compensation.



A Digital Single Market for Creativity and Innovation: Reforming Copyright Law without curtailing Internet Freedoms

Open letter

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Brussels, 07 April 2016

Dear President Juncker,
 Dear First Vice-President Timmermans,
 Dear Vice-President Ansip,
 Dear Commissioner Oettinger,
 Dear Commissioner Jourová,



Thank you

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