



The Consumer Voice in Europe

## The long-awaited EU copyright reform from a consumer perspective

► *Agustin Reyna*

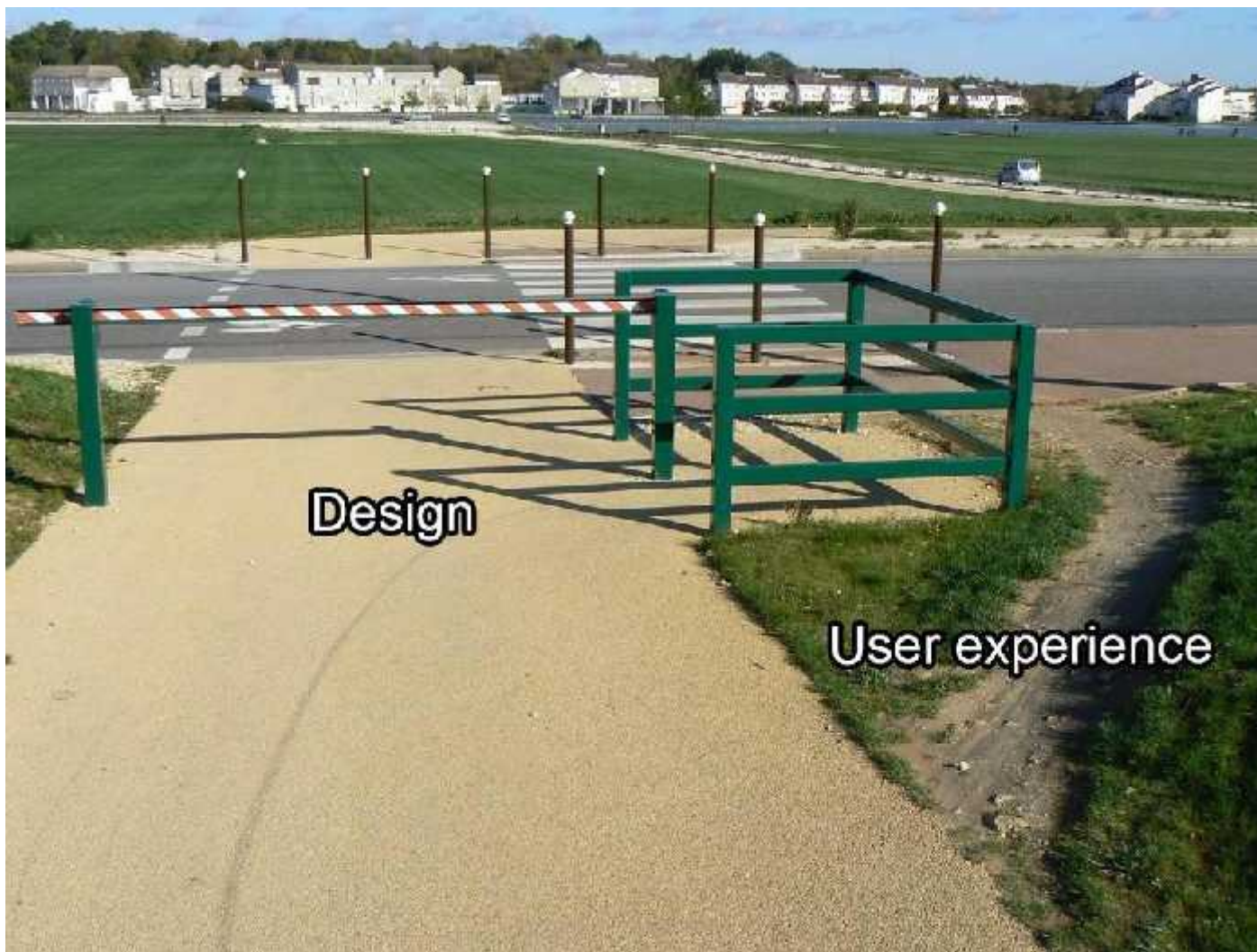
EP Legal Affairs Committee IPR Working Group

Brussels, 22 April 2015

## Copyright is also a consumer issue

- It sets the conditions for access and use of content.
- It defines the availability and choice of legal offers.
- It interplays with other fundamental rights i.e. enforcement of IPR.

## Copyright from a user-perspective

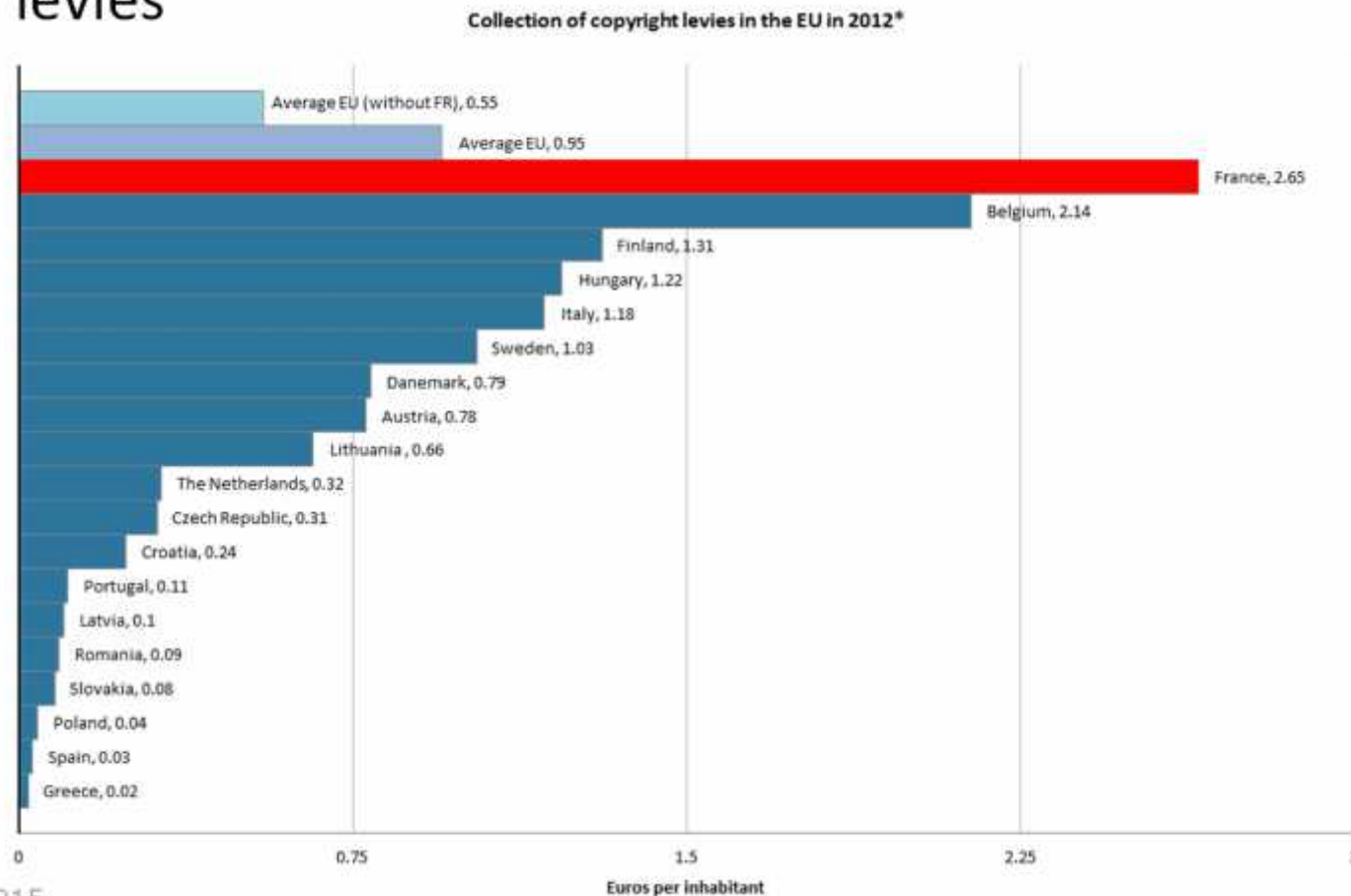


## 1) Restrictions on access and use

- Geo-blocking as a case of territorial discrimination (art. 20.2 Services Directive)
- TPMs and contractual clauses dictating conditions of access and use of content.
- Discrimination of content supplied digitally or in physical medium
- Need to incorporate consumers' legitimate expectations

## 2) Consumer economic detriment

- Fragmentation caused by national regimes for copyright levies



Source: UFC-Que Choisir from WIPO/ThuisKopie report. Germany not included due to a number of judicial recourses preventing the collection of levies at the time of reporting.

# Lack of transparency in copyright levies

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La tablette étanche la plus fine et la plus légère au monde

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Processeur quatre cœurs, 3 Go de RAM, appareil photo 8,1 mégapixels et écran HD Phosphor LED de 25,6 cm (10,1 pouces). Tout cela dans la tablette étanche la plus fine et la plus légère au monde.

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MICROSITE



Agustin Reyna @areapdx · 14 de dic.

To contribute electronic waste disposal 25c, to subsidise collecting societies 8,4 EUR. Something is really wrong!

### 3) Pricing

**¿Cuánto pagarías por ver una película online que todavía está en el cine?**

Nada (6%, 28 Votes)



Hasta lo que vale en el cine (3%, 13 Votes)



De 5 a 7 euros (4%, 17 Votes)



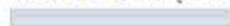
De 3 a 5 euros (20%, 95 Votes)



De 1 a 3 euros (48%, 226 Votes)



Hasta 1 euro (19%, 89 Votes)



Total participantes: **468**

**¿Cuánto pagarías por una película estrenada el último año?**

Nada (9%, 37 Votes)



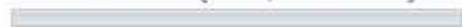
De 3 a 4 euros (4%, 19 Votes)



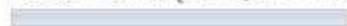
De 2 a 3 euros (18%, 79 Votes)



De 1 a 2 euros (39%, 169 Votes)



Hasta 1 euro (29%, 127 Votes)



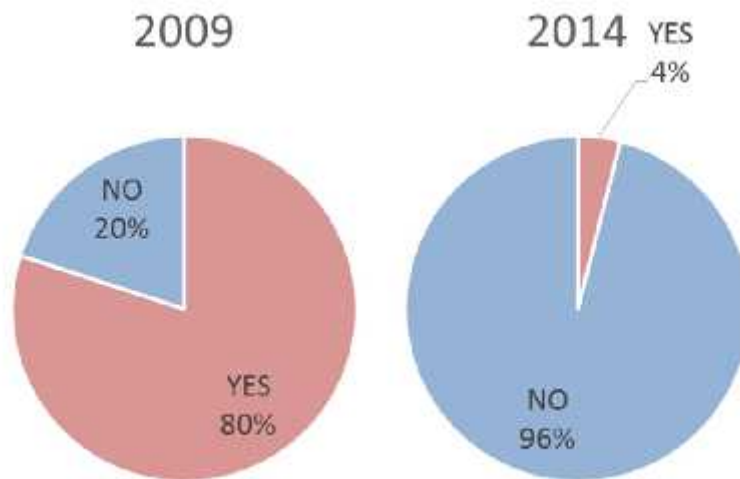
Total participantes: **431**

Source: non-scientific survey carried out by BEUC  
member OCU in Spain  
<http://www.ocuconsumity.com/tecnologia/la-pirateria-se-combate-con-calidad/>

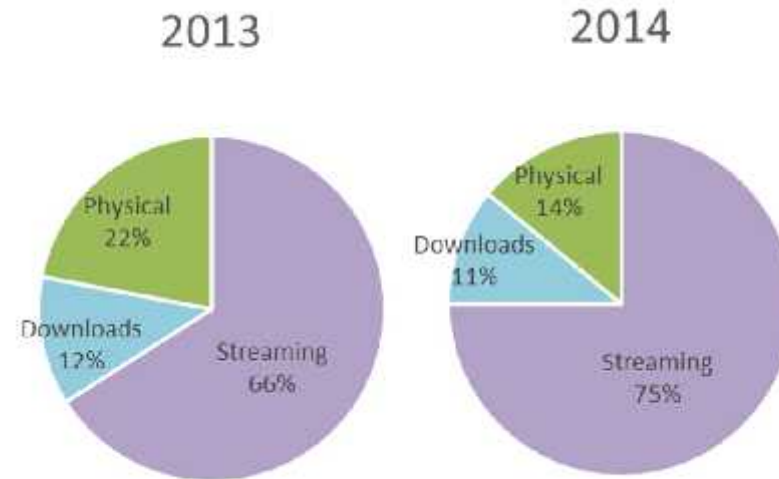


## Streaming: a business solution against piracy?

Norwegians under 30: Do you illegally download?



Norway: Annual market sales value % by format



Source: <http://www.musicbusinessworldwide.com/piracy-virtually-eliminated-norway/>



## 4) Legal uncertainty

- No certainty of what is legal or illegal in the digital environment.
- Copyright exceptions and limitations vary from country to country.
- No mandatory rules.
- Everything depends on the terms of the licence - small print.

## What needs to be done at EU level?

- Address **geo-blocking** within the terms of article 20.2 Services Directive.
- **Harmonisation of copyright exceptions and limitations.**
- Copyright **exceptions should be made mandatory** and immune to DRMs
- Apply the **principle of exhaustion** to digital works
- Reform the current system of **copyright levies** in two steps:
  - 1) transparency + clarity for the calculation of the 'harm'
  - 2) phasing out
- **Enforcement** of copyright rules - **proportionate** and respect users' **fundamental rights**

**Thank you for your  
attention.**



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**The Consumer Voice in Europe**

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