



# Copyright in the digital environment

*the perspective of music creators*

WG on IP and copyright reform

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[www.composeralliance.org](http://www.composeralliance.org)

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# Introduction

- Concept of authorship and originality flexible to fit for the digital environment
  - Labour, skill and judgment (UK)
  - Authors own intellectual creation (CJEU)
- Creating a work is a process resulting in an original work
- strong legal regime providing control over the result of the creation process is vital

# 3 points to discuss



- Role and responsibilities of intermediaries
- Digital music service providers
- Creative Commons

# Point 1 – Intermediaries

- cultural works are an important reason for the success of intermediaries – i.e. Youtube
- intermediaries do far more than hosting works of authors
- Works are suggested to the user for the benefit of creating a better user experience
- Ultimate aim: more user traffic in order to generate income through targeted ads
- Concept of „associated infringement“ in EU law?
- Review of safe harbour provision (e-commerce directive)?
- Follow the money approach

## Point 2

### Digital music service providers



- Great services
- Access torrent website still provided by search engines
- Proud to have European services: Spotify, Simfy, Last Fm, Deezer
- However too little value for songwriters and composers
- Problem of value share among the rightholder groups
- Non-transparency of business practices and NDA's
- What has this to do with the EU review of copyright?
- Business practices would become even more non-transparent, dominated by anglo-american repertoire

# Point 3

## creative commons



- Some content producers require music submitted under a creative commons license
- Lump sum payment; in return authors grant non exclusive rights for an unlimited period
- The rights of use apply worldwide and for unlimited exploitation
- Problem: cc licenses are irrevocable
- No chance to grow professionally
- This business practice is likely to grow if copyright is weakened

# Conclusion



- Copyright and author's right are vital for music creators
- Weakening the EU copyright acquis is problematic
- Wrong legislation could create chaos in an constantly developing European digital music market (Spotify, Simfy, Deezer, Last FM etc.)



Thank you for your attention!

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