



IFRRO RESPONSE TO THE EUROPEAN COMMISSION'S CONSULTATION ON A SET OF EUROPEAN DIGITAL PRINCIPLES¹

• About IFRRO

IFRRO², the International Federation of Reproduction Rights Organisations, is the international network for national reproduction rights organisations (RROs) - the collective management organisations in the publishing sector - and national and international associations of creators and publishers across the world, with 158 members in 85 countries.

RROs act on behalf of authors and publishers whenever the individual exercise of their rights is impracticable by giving access to copyright-protected works and enabling the reproduction and certain digital uses of these works.

IFRRO's mission is to develop and support an efficient and effective network of collective management organisations around the world, including RROs, to ensure the copyrights of authors, visual artists and publishers are respected when their works are reproduced and used.

• General comments

IFRRO welcomes the proposal to have a set of digital principles in the form of a joint interinstitutional solemn declaration of the European Commission, Parliament and the Council, that will – as explained in the Commission's consultation paper - guide the 'European way' for the digital society, informing users and guiding policy makers and digital operators, and which will also be "proactively promoted in the EU's external relations".

IFRRO welcomes that this 'European way' for the digital society is based on ensuring full respect of EU fundamental rights, with the "protection of the intellectual creation of individuals in the online space" and "freedom of expression, including access to diverse, trustworthy and transparent information" cited as being among those "particularly relevant in the digital environment" (as also set out in the Commission's [Communication](#) "2030 Digital Compass: the European way for the Digital Decade").

We have the following (non-exhaustive) comments in response to the Commission's consultation on a set of European Digital Principles, which are focused on:

- section 1.2 on "*Universal digital education and skills for people to take an active part in society and in democratic processes*" and
- section 1.5 on "*An open, secure and trusted online environment*".

¹ See [here](#)

² International Federation of Reproduction Rights Organisations (www.ifrrro.org); Identification number in the EU Transparency Register: 860729437196-92



- **Universal digital education and skills for people to take an active part in society and in democratic processes (1.2)**

IFRRO welcomes the Commission's emphasis on the importance of having quality digital education, including the need for access to high-quality and secure digital content. Authors and publishers, together with RROs, are key stakeholders when it comes to delivering quality educational content, with collective management organisations supporting and complementing the primary markets of authors and publishers.

Licences have been developed in most EU Member States over the years, allowing pupils / students at different stages of education to have access to quality content, tailored to their needs, while ensuring that authors of works used, and the publishers that invest in those works, are remunerated for their work and can continue providing quality, innovative content, to the benefit of students.

Authors, publishers and RROs in the text and image field in many EU Member States have shown during the Covid-19 crisis that they are able to adapt in order to provide solutions for educational establishments and their pupils / students. However, the situation is not the same in every Member State.

As recognised by the European Commission, the creative sector has been badly hit by the crisis and measures taken to combat the virus resulted in cutting off many sources of revenue for authors, visual artists and publishers. There are grave concerns about the long-term impact of the crisis on the sector.

At the same time, there have also been short sighted calls from some activists that the use of content for education should not be paid for at all, which would in itself have a devastating impact on the creative sector, and reduce the diversity of content available for students.

The pandemic has also highlighted the shortcomings of education institutions' "secure networks", with communications reportedly being increasingly carried out through messaging services. Entire books have reportedly been shared in closed groups on at least one messaging service. It has also been reported that teachers have perhaps unwittingly, breached copyright by circulating content on social media sites. Such examples have raised concerns about compliance with licensing terms for the digital use of copyright content. IFRRO members have taken action, including awareness raising campaigns, to try and counter the increase in illegal sharing of content.

The delivery of high-quality digital content for education in the longer term depends on several factors, including: respect for copyright rules; Member States' support for licensing solutions for educational uses, particularly in the context of the Copyright in the Digital Single Market Directive, Article 5 (see www.contentforeducation.org for further details), and support for measures to properly tackle the increased threat of online piracy and unauthorised use of content.

If authors and publishers are not remunerated for the use of their works, EU Member States cannot expect there to be high-quality digital content available for their pupils / students or, more generally, their citizens. Furthermore, a lack of remuneration will also negatively impact the pluralistic and independent expression that is fundamental to our democratic society. With no return for their work and investment, there will be fewer authors and publishers in a position to produce high-quality content and to hold governments to account.

IFRRO therefore welcomes the approach in paragraph 11 “*On copyright and other intellectual property rights*” in the Portuguese Presidency’s [Lisbon Declaration](#) “*Guiding Digital Principles to be considered in the context of the process stemming from the Commission’s Communication “2030 Digital Compass: the European way for the Digital Decade”*”:

11.1 Authors and other right holders are entitled to the protection and the fair share in the use of their intellectual property and to access to legal remedies to defend their rights in the digital environment.

11.2 Everyone should have access to education about copyright and intellectual property rights.

Education about copyright and other intellectual property rights is crucial, not only so citizens (including potential authors and publishers) gain knowledge about the rights and the uses that can and cannot be made of works, but also so they understand why it is important to respect IP rights and the consequences of not doing so.

We welcome that the consultation highlights the importance of having a high level of media literacy in order to, amongst other things, counter the effects of disinformation campaigns and “fake news”.

- **An open, secure and trusted online environment (1.5)**

As recognised by the European Commission in the consultation paper, digital services such as online platforms have “facilitated new ways to disseminate illegal content, to sell illegal and/or unsafe goods or services and for cyber-threats to proliferate, manipulating online environments and causing societal harms”, and measures to counter such challenges are needed.

The Covid-19 crisis resulted in an increase in online piracy and unauthorised uses of content in the publishing sector, with millions of copies of books, along with newspapers and magazines, being traded or made available across the world illegally, including in the EU (see [here](#) for further details). A particular concern, also referred to above, is the increase in the levels of unauthorised sharing of text and image works via messaging services.

While we generally agree with the principle put forward by the Commission that “everyone should be able to enjoy a safe and trusted online environment, where illegal content and goods are effectively tackled...” the reality is that unless authors and publishers have the right tools to tackle illegal content and have access to legal remedies to defend their rights in the digital environment (as referred to in paragraph 11.1 of the Portuguese Presidency’s *Guiding Digital Principles*), illegal content will not and cannot be effectively addressed.

As long as there are loopholes – such as emails and private messaging services falling outside the scope of the proposed Digital Services Act (see our position paper [here](#)) - that facilitate the unauthorised dissemination of content, it will not be possible to effectively tackle this issue.



- **Conclusion**

It is important that the Commission's proposed set of European Digital Principles properly reflects – in line with the Portuguese Presidency's suggestions – the principles that

- *Authors and other right holders are entitled to the protection and the fair share in the use of their intellectual property and to access to legal remedies to defend their rights in the digital environment.*
- *Everyone should have access to education about copyright and intellectual property rights*

Without such principles, many people will remain ignorant about copyright and why it is so important to respect it – both for the authors and publishers that create and invest in quality content but also for our democratic society. These principles are necessary for a trusted online environment. Without them, fewer authors and publishers will be in a position to produce well-researched, high-quality content and hold governments to account.

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