



25 April 2017/ Bratislava, Budapest, Prague, Warsaw

An open letter of the new technology branches representatives of the Visegrad Group countries regarding the EU reform of copyright law

Our view is that copyright law on the digital single market should provide free and equal access to information, cultural or educational content. It must also allow the development of the creative industry. If we want the EU economy to be the most innovative in the world, the regulations in this range must support creativity and the work of young engineers. The law should therefore serve all participants of the digital market, and not only the selected ones. Meanwhile, the suggestions of amendments to the EU directive on copyright law (COM(2016)0593), proposed by the European Commission, are contrary to the expectations that we have regarding modern EU copyright law.

We appreciate the Commission's initiative in the range of carrying out a reform of the current regulations. Taking under consideration the rapid development of the digital world and the increasing use of modern technologies in acquiring content by the consumers, it is also necessary in our opinion. However, some of the suggestions contained in the project of the Directive require a strong voice of objection. In our opinion, they will negatively affect the development of digital economy in Europe. Most of all, they will reduce the creation of innovation and block free access of the users to information. In addition, the suggested legislation will introduce a lot of confusion and uncertainty in law. That is why **as representatives of the industries based on modern technologies in Poland, the Czech Republic, Slovakia and Hungary - the countries forming the Visegrad Group - we appeal to the representatives of the**

Council of the European Union and MEPs of the European Parliament to prevent this trend of changes and amendment of the draft of the Directive on copyright law.

We postulate the introduction of an exception for commercial use of data analysis in art. 3 in terms of text and data mining (TDM). We suggest that it concerns all entities involved in the research and content analysis to which they have legal access in order to carry out both commercial and non-commercial research. For companies, which work on innovative solutions, it is crucial.

We object to the introduction of an additional related right in art. 11 of the Directive for publishers and licensing content through the so-called "link tax". In our opinion, the publishers are already sufficiently protected by applicable laws regarding copyright. The experience of Spain and Germany, where such a solution was introduced, shows its negative impact on medium and smaller publishers and consumers.

We oppose the suggestions made in the art. 13 of the Directive in the form of introduction of full legal liability of Internet service providers for all content posted by their users and the obligation of filtering the content. The draft regulations will ensure that these services, which consumers use to create and share online content, will become less comfortable and open, and as a consequence - unavailable to users in their present form. This will impede the development of new, innovative projects online.

We postulate to extend the provisions of the Directive on issues concerning the regulation in the range of copying for private use. The effective system based on a copying fee did well in Europe only in the analog market. Today, it is outdated and does not match the reality of digital economy. Skipping this subject in a complex reform of copyright law on the digital single market is a mistake.

We are counting that our position and the above comments on the draft of the Directive on copyright law will be considered during the debate and works in the European Parliament.

Mario Lelovsky, President of IT Association of Slovakia

Michał Kanownik, President of ZIPSEE "Digital Poland"

Michal Mazal, Chairman of Consumer Electronics Association of the Czech Republic

Tamás Laufer, President of IVSZ – ICT Association of Hungary