



## EXECUTIVE TRAINING SEMINAR

### SCHOOL OF TRANSNATIONAL GOVERNANCE

# *DIGITAL SINGLE MARKET: NEW CHALLENGES FOR EUROPEAN COPYRIGHT, INNOVATION AND CREATIVITY*

Scientific Coordinators: **Madeleine de Cock Buning** | European University Institute and **Thomas Dreier** | Karlsruhe Institute for Technology (KIT)

Theatre

Badia Fiesolana, Via della Badia dei Roccettini 9 - San Domenico di Fiesole (Fiesole, Florence)

**5-6 MARCH 2020**

## COURSE DESCRIPTION

Together with their approval of the new Directive on Copyright in the Digital Single Market, Member States have issued statements on the interpretation of the Directive expressing different views about the upcoming implementation process. Germany for instance strongly opposes the notion of upload filters, but France appears to be in favor of a protection mechanism that includes upload filters. These different views, as well as the sometime open textured wording of the Directive, have raised concerns that Member States will implement the Directive in different ways, leading to a lack of harmonization across the EU. The Directive, however, expressly requests a harmonized implementation.

### **What will be the focus?**

This Executive Training Course will focus on the Digital Single Market and its new challenges for European copyright, innovation and creativity. Looking both at the new Directive on Copyright in the Digital Single Market as well as challenges ahead fueled by innovation in creation by Artificial Intelligence (AI).

### **How will you learn?**

The informed audience will be actively involved in hands on training sessions, which will span the new instruments in the Directive and their impact and will include a “lab analysis” on these instruments. During these lab sessions participants will take a deep dive into the new instruments in the Directive and their interpretation. How can and should these instruments be implemented and interpreted in practice? What legal questions remain to be answered by the Court of Justice of the European Union (CJEU)? What limitations and challenges can be anticipated? During the lab session on AI, participants will analyze and design copyright models for the protection of machine creativity, that is vastly growing in importance and will continue to do so in the future.



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A keynote speech about the **“Directive on Copyright in the Digital Single Market; for European culture to flourish and circulate”** by Giuseppe Abbamonte, Director Media and Data at DG CONNECT European Commission responsible for the digital copyright reform, will inspire the participants and open up new horizons on the challenging topic.

### **What will you learn?**

- The topics analyzed will provide a unique opportunity to hone knowledge and upgrade specific skills aimed at:
- The identification and analysis of the impact of new technologies on copyright and the uptake by European regulation for the various stakeholders
- The application of the new instruments and their interpretation in the new Directive on Copyright in the Digital Single Market
- The uptake of Artificial Intelligence for creation and its copyright status;

### **Who should attend?**

- Government officials
- Private Sector
- Experts of the sector and related sectors
- Attorneys
- Judges and professionals who are interested in recent and future developments of copyright and work in EU institutions
- National officers
- Member of national and international courts
- NGO managers

## **PROGRAMME**

### **5 MARCH**

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|--------------|--|
| 9.00 - 9.30  | Institutional Greetings and setting the stage for the ETS on <b>New challenges for European copyright, innovation and creativity</b><br><b>Madeleine de Cock Buning</b>   Professor of Copyright at Utrecht University and Part-time professor of Digital Politics, Economy and Society at the School of Transnational Governance, European University Institute |
| 9.30 - 11.00 | Keynote speech <b>“The New Directive on Copyright in the Digital Single Market; European culture to flourish and circulate”</b><br>Questions and Answers   |

**Giuseppe Abbamonte** | Director Media and Data at DG CONNECT European Commission responsible for the digital copyright reform

11.00 - 11.30

*Coffee break*

11.30 - 13.30

Input and Training Session: **Online content-sharing service providers' liability for copyright-infringing content, Article 17 (ex-Art. 13)**

**Thomas Dreier** | Professor of Civil law and Information law, Karlsruhe Institute of Technology (KIT)

This session will investigate the new instrument of Article 17 on online content-sharing service providers' liability for copyright-infringing content. Online content-sharing services are subject to a direct liability for copyright-infringing content uploaded by their users if they fail to prove that they made "best efforts" to obtain the right holder's authorization or fail to show that they made "best efforts" to ensure the unavailability of such content. They are also liable if they fail to act expeditiously to take down uploads of works for which they have received a takedown notice.

The trainer will introduce the new instrument and ask a number of focused questions, *inter alia* on the necessity and (legal and technical) tenability of upload filters. The participants will be separated into smaller groups to formulate answers. Upon return the debate will be opened for exchanging views and trainer input.

13.30 - 14.30

*Lunch (Sala Bandiere)*

14.30 - 16.30

Input and Training Session: **Ancillary copyright for press publishers, Article 15 (ex-Art. 11)**

**Thomas Dreier** | Professor of Civil law and Information Law, Karlsruhe Institute for Technology (KIT)

This session will focus on press publishers ancillary copyright for press publications, covering the reproduction and making available of such content by information society service providers (excluding hyperlinks accompanied by "individual words or very short extracts").

The trainer will introduce the new instrument and will ask a number of focused questions, *inter alia* on the scope of the new exclusive right, its relationship to existing copyright in press articles and existing as well as future business models. The participants will be separated into smaller groups to formulate answers. Upon return the debate will be opened for exchanging views and trainer input.

16.30 - 17.00

*Coffee break*

17.00 - 18.30

Input and Training Session: **Exceptions and limitations, Article 3 and Article 4 for text and data mining for the purposes of scientific research and for education**

**Thomas Dreier** | Professor of Civil law and Information law, Karlsruhe Institute of Technology (KIT)

The trainer will introduce the new exceptions and will ask some focused questions, *inter alia* on their scope, practical effect and relationship to the

optional exceptions under the Information Society Directive. The participants will be separated into smaller groups to formulate answers. Upon return the debate will be opened for exchanging views and trainer input.

## **6 MARCH**

9.30 - 10.30

Input Session: **Artificial Intelligence & Creation Lab**

**Madeleine de Cock Buning** | Professor of Copyright at Utrecht University and Part-time professor of Digital Politics, Economy and Society at School of Transnational Governance at European University Institute

This input session focuses on Artificial Intelligence (AI) that penetrates more and more into what is traditionally considered the domain of human creativity. Although the ability to create is a quality that has traditionally been considered a human capacity, the increased quality and complexity of AI shall ultimately render human intervention in the process of creation redundant. This input session looks into several examples of AI creation in the domains of software creation, art, music and writing. It focusses on challenges that are encountered when a machine is considered as the creative agent of a work, with a focus on the output of autonomous creative agents that would traditionally -when created by humans - fall inside EU copyright law.

10.30 - 11.00

*Coffee break*

11.00 - 13.00

Training Session: **Artificial Intelligence & Creation Lab**

**Madeleine de Cock Buning** | Professor of Copyright at Utrecht University and Part-time professor of Digital Politics, Economy and Society at School of Transnational Governance at European University Institute

The participants will prepare short presentations on the design of copyright for AI creations. Can and should copyright be an instrument of protection of the fruits of AI? Should balanced legislative action be considered? If yes, what kind of protection should be awarded, to which entity? What room is there for the fair balancing of public and private considerations?

After the presentations, the debate will be opened for exchanging views and trainer input.

13.00 - 13.30

Final Remarks and Award of Certificates

13.30 - 14.30

*Lunch*

## **TRAINERS**

**Madeleine de Cock Buning**

Professor of Copyright at Utrecht University, European University Institute

**Giuseppe Abbamonte**

Director Media and Data, DG CONNECT European Commission

**Thomas Dreier**

Professor of Civil law and Information law, Karlsruhe Institute for Technology

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