

Kluwer Copyright Blog

How to Implement Article 17 DSMD? Have Your Say!

Martin Husovec (London School of Economics) and Martin Kretschmer (CREATe, University of Glasgow) · Monday, May 20th, 2019

EU copyright reform is upon us. Once again, the Member States will need to develop their own implementations of a new piece of European copyright law. This time, the task is far from easy. Due to political turbulence in the legislative process, the resulting text of the Directive is extremely complex. Because of this, there is now a serious risk that the Member States will spend another decade debating what exactly they actually agreed upon in April. Regardless of where you stand, you will probably agree that this legal uncertainty will not benefit the Digital Single Market. What can be done? In particular, what can we academics do about it?

We think that the response is – more structured debate. We need to bring together representatives of the Member States and encourage dialogue with diverse interpretations on how to implement provisions of the DSM Directive. Rather than keeping the exchange on the national level, we need to make it European by default. We need to exchange scholarship, make it visible and ensure that independent views are not crowded out by competing corporate interests. And we should do all of this fast.

For these reasons, we decided to organize a pilot debate on the 13th of June in Brussels. We start with Article 17 (ex-13) of the Copyright in the Digital Single Market Directive (DSMD), as it is arguably the most complex provision of all. We fund this debate from our own faculty funds, strictly avoiding any industry support. We want the event to be a truly independent open forum where ideas can be exchanged in a respectful way.

But we need your help. To make this an informed debate, we would like to ask you all to send us: (1) questions about Article 17, which you cannot find answers to or just think are far from obvious, (2) your own remarks or solutions on any of the issues in Article 17, which you think should receive attention during the debates, and (3) your own scholarship on Article 17, regardless of the language in which it is written. We want to incorporate your input into the debates within our panels and catalogue it for future reference. We might also invite some of you to join us to be part of the panels.

Interested? If so, please use [this form](#) to share the information with us.

If you are able to attend in person, please join and participate (you can register [here](#), the seats are limited). For those who cannot come in person, we will endeavor to document or web-stream the event.

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