



London 2019

Panel Session XIII:

**A platform for discussion: Liability, safe harbours and licensing
Under the new EU copyright directive**

This panel will discuss recent developments at the intersection of digital copyright and intermediary liability, with a focus on Article 17 of the just-adopted EU copyright directive. Formerly known as Article 13, this provision declares that 'online content sharing service providers' must obtain licenses for their users' uploads and cannot invoke the safe harbor for hosting providers. Where they do not or cannot obtain a license, they will be liable unless they can demonstrate that they made 'bet efforts' to obtain a license and 'ensure the unavailability' of protected works. An proactive filtering obligation in all but name, this provision has the potential fundamentally to change the online content landscape: for the better, according to rightholders who argue that US platforms have for too long enriched themselves at the expense of European makers; for the worse, according to free-speech activists, academics and the platforms themselves. Our panel will bring together expert voices from academia, rightholders, and tech platforms, to debate the genesis, scope, implementation and potential ramifications of perhaps the most controversial piece of European IP legislation of all time.