

Academic model of copyright reform in the digital single market according to EU Directives **Leader Prof. dr. hab Ryszard Markiewicz - Project summary OPUS 18**

Directive 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the digital single market and amending Directives 96/9/EC and 2001/29/EC [hereinafter referred to as "the Directive"; I refer to its recitals and provisions without further detail]. - contrary to its misleading name, it is not a general copyright regulation in the digital single market, but only a fragmented approach to many issues of varying importance. It addresses, among other things, issues related to the exploitation of exclusive on-line rights and liability for such rights, and so there is understandable and unprecedented lobbying related to its adoption: on the one hand, content providers, and on the other hand, users of content. The latter have also succeeded in mobilising individual end users on their side. The directive came into force on 7 June 2019 and from that date there is a two-year deadline for its implementation by member states.

Two regulations caused major disputes and were most "redrafted" in the course of work on the Directive - a related right for press publishers and new liability rules for digital platforms making works available. In this text I confine myself to analysing the related right for press publishers. It is intended to protect the existing press market, inter alia, in order to ensure access to reliable information (the "creation" of which is costly).

The purpose of this research project is to analyse Directive 2019/790.

The subject matter of the research project is the main research tasks:

- a) A scientific and critical analysis of the provisions of Directive 2019/790,
- b) proposals and guidelines for the national legislator to implement the provisions of Directive 2019/790,
- c) evaluation of legal solutions adopted in national law as implementation of Directive 2019/790,
- (d) comparative legal analysis of the solutions applied in the selected EU Member States
- e) to assess the effectiveness or efficiency of solutions resulting from Directive 2019/770,
- f) preparing comments on the possible modification (revision) of Directive 2019/770.

Copyright reform in the digital single market is unprecedented. The amendments resulting from Directive 2019/790 require an in-depth analysis not only of the content of Directive 2019/790 itself, but also of other regulations or legal constructs. Therefore, it is planned to conduct research works in two problem groups:

- I - Licensing and Access to Content Team
- II - Copyright Protection Instruments Team

The idea behind this division is to concentrate and specialise in research. The analysis will be comprehensive in terms of both scope and functionality. Problems analysed within the framework of the work of each team and conclusions resulting from this analysis will be discussed during joint meetings of the whole research team.

The project manager together with the task coordinators will analyze the status of research work on an ongoing basis, in particular as to the completeness and purpose of the analysis of specific issues.

The current state of research will be presented on the website of the Department of Intellectual Property Rights of the Jagiellonian University. Moreover, once a semester an open scientific meeting will be organised in the Department of Intellectual Property Rights, devoted to the issues of the analysed Directive, during which conclusions resulting from a given stage of the project implementation will be presented and discussed.

The research problem is important for a wide range of entities, both creators and users of copyright-protected content. In addition, the most significant importance is attached to the issue of new liability rules for Internet intermediaries. The issues analysed in this project have an impact not only on the availability of cultural goods and national heritage of the EU Member States, including Poland, but also on the scope and manner of using modern technologies by users.

The effect of the research will be scientific articles and monographs, including not only the explanation of legal requirements for implementation, but also proposals to resolve those specific issues that have not been specified by the European legislator.