



## **EBF Comments** to the Commission Reflection Document “Creative Content in a European Digital Single Market: Challenges for the Future”

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From: The European Booksellers Federation

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### **The European Booksellers Federation**

The European Booksellers Federation (EBF) is a non-commercial umbrella organization representing national Booksellers Associations in the European Union in the EU and EEA. Through its Members EBF speaks on behalf of more than 25,000 individual booksellers. Depending on the country, booksellers represented include independent booksellers, chains, internet retailers and other cultural or general outlets selling books. It is estimated that the whole book industry accounts for more than half a million jobs in the European Union.

The objectives of EBF are to:

- Enhance the image of the bookseller
- Strengthen links between booksellers associations
- Assist booksellers associations in promoting excellence in the profession
- To represent the interest of the bookselling trade before the European Institutions.

In view of this last point, the EBF very much welcomes the opportunity to be able to comment on the Commission's Reflection Document “Creative Content in a European Digital Single Market: Challenges for the Future.

Although EBF does not represent right holders, its members feel very much concerned by the ongoing reflection on the future of copyright in the online environment. Indeed the fast moving evolution in the way content is accessed by readers through new reading supports like e-readers has generated a deep reflection on the role of online and terrestrial booksellers in the online environment, and on the necessity to implement viable bookselling business models, for books in all formats, paper, audio and digital.

Since the Commission's last consultation on creative content in February 2008, the debate on the future of copyright climbed up the European political agenda and the recent creation of a "Digital Agenda" Commissioner portfolio is a further recognition of the importance of the digital file and the complexity of a future legal framework for digital content.

EBF welcomes the Commission introductory statement underlining the responsibility of European policymakers in protecting copyright in an evolving economic and technological environment.

### **Respect and enforcement of copyright**

Booksellers believe indeed that copyright is the backbone of the book industry. Booksellers are convinced that the full respect of copyright is absolutely essential to ensure Europe's diversity, creativity and innovation. A viable business model for all the stakeholders involved in the value chain delivering books to consumers, either in physical or in digital format, is of paramount importance for the preservation and dissemination of European culture and for the implementation of the European knowledge society.

EBF insists that changes, if any, made necessary in the legislation on copyright to adapt to an increasingly digital cultural offer should in no way undermine the commercial value of books and the existence of the supply value chain.

### **Preventing and fighting piracy online**

Online content unfortunately implies online piracy. EBF is of the opinion that a successful digital single market will be achieved only if EU legislation also tackles the online piracy issue. Educating consumers is of course an essential policy and EBF strongly supports awareness campaigns about the value of copyright and the respect of stakeholders in the book chain. This is, very unfortunately, not enough and coercive measures towards infringers should be made compulsory and enforced in all Member States.

### **Ensuring fair competition and an exhaustive offer to consumers**

In order to remain viable and allow the widest possible choice for consumers at a fair price, the single market for digital content should respect fair competition rules. The danger of drifting towards an online environment where one or a few major players would achieve a monopolistic position and control the e-content market is indeed real.

In the entertainment industry, such monopolization can already be observed; in the book industry, a similar trend could be expected, in particular in the light of the recent positioning of Google as digital bookseller, with its "Google Editions" project, to be launched in the first quarter of 2010.

EBF believes that European legislators have a duty of care for the entire book industry and should take legislative actions to ensure that a level playing field for all e-content retailers is guaranteed. Whilst in favour of new business models and innovative solutions that foster competition and increase choice and diversity, EBF has great concerns regarding the role of advertising used by search engines and insists that European legislation should prevent any single commercial organisation from achieving a monopolistic position.

Terrestrial booksellers all over Europe are more and more engaging in selling electronic content, usually via content aggregators or through commercial platforms. Booksellers would find it extremely difficult, or even impossible to compete with those content providers who derive most of their income from advertising on line and for whom selling books would only be a side business that they could conduct even at a loss. In an increasingly digital environment, terrestrial booksellers are aware that they must engage in online sales of

physical as well as digital books to keep their competitive advantage and their market share. Unfair competition from major players deriving their revenue from advertising would ruin their efforts to set up new business models for selling both digital and physical books in the online environment and would by the same token jeopardize the very existence of their terrestrial bookshops.

Booksellers are indeed convinced that online reality is part of the present and the future but it is **not** the only future and it is essential that European consumers still have the choice, by 2020, to buy or borrow books in the format which best suits them, digital, audio or printed format and through the channel they want to access (bookseller, library, publisher, online, etc..)

In addition, EBF is concerned by the impact of content provision heavily sponsored by advertising on the development of a valid knowledge society and in particular on the education of young people. Reminding the Commission of the importance of a well structured book chain whose role as advisors, promoters of reading and guarantors for choice and cultural diversity is largely recognized by educators and the society at large, EBF invites the European decision makers to carefully consider the damaging consequences for society if content was exclusively consumed online with back or foreground advertising messages, without any formal quality control or poor hierarchical organization of the information provided.

Finally, EBF reminds the Commission of its interest in participating in any future stakeholders working group or meetings and remains at the Commission's disposal for any further information.

Yours sincerely,

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Director