



GOVERNMENT OF MALTA

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Government response to the Consultation on the Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001//29/EC

10 November 2020

Ministry for the Economy Investment and Small Businesses  
Commerce Department  
Lascaris  
Valletta

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# Executive Summary

## Introduction and overview

### 1. A brief introduction about the subject.

This consultation document was launched in view of Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market (DSM).

The objectives of copyright in the DSM Directive are inter alia to:

- Increase cross-border access to content online
- Provide wider opportunities to use copyrighted materials in education, research and cultural heritage
- Have a better functioning copyright marketplace.

Malta, along with all the other Member States, is required to transpose this Directive into national legislation by 7 June 2021.

### 2. The public consultation date.

Include the objective and purpose of the public consultation.

The consultation on this Directive was open from 20 August 2020 to 30 September 2020.

The purpose of this consultation document was to review those elements in the Directive which, in line with the principles of proportionality and subsidiarity, allow for the Member State to implement these as appropriate within the specificities of that Member State.

### 3. This consultation sought views on:

A number of articles in the Directive allow for a degree of flexibility in the transposition process. This enables Member States to take into account the various specificities of that Member States and the realities governing the sector of intellectual property and more specifically copyright and related rights in Malta.

To this end, the Commerce Department embarked on a exercise to identify those areas in the Directive which allow for a certain degree of flexibility.

The following is the list of the specific articles:

Article 3 – Text and data mining for the purposes of scientific research

Article 4 - Exception or limitation for text and data mining

Article 5 - Use of works and other subject matter in digital and cross-border teaching activities

Article 8 - Use of out-of-commerce works and other subject matter by cultural heritage institutions

Article 12 - Collective licensing with an extended effect

Article 16 – Claims to fair compensation

Article 19 – Transparency obligation

Article 22 – Right of Revocation  
General – Input on any other elements of the Directive

Each article was accompanied by a brief description of the article, the article itself as included in the Directive as well as a set of questions intended to elicit feedback from stakeholders and interested parties.

## Responses to the consultation and process used to seek stakeholder views

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

4. The closing date of the public consultation. Which methods were used to receive the feedback. The total amount of responses. From whom you received the feedback.

The consultation closed on 30 September 2020. The consultation document was made available online on [konsultazzjoni.gov.mt](http://konsultazzjoni.gov.mt). The consultation document was also circulated with the respective Ministries who in turn sent for feedback to entities falling within the remit of their Ministry.

The Ministry received six responses.

5. Include (if any) meetings with stakeholders and list who the stakeholders were.  
[Meeting with the Ministry for Education and Employment \(MEDE\)](#)

## Summary of responses and decisions

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings around the consultation exercise.

6. Statistics.

- Total feedback received: 6
- Total feedback received by individuals: 0
- Total feedback received by organisations: 6
- Total feedback received through email: 6
- Total feedback received through online form: 0
- Total feedback received by post: 0
- Total feedback received face to face or over the phone: 0

7. Summary of feedback received.

[Stakeholders submitted considerable and detailed feedback. An analysis of the feedback submitted indicates that this varies according to the specific stakeholder in question. For example, certain](#)

stakeholders were more in favour of initiatives which would further safeguard the interests of the rightholders, while feedback from other stakeholders was more inclined towards the liberalisation and openness of social media platforms and the advantages they provide for local artists. Such platforms act as a gateway for local artists to penetrate the creative world.

With regards to specific points such as defining further the language being used in the Directive, the majority of the respondents were against introducing further definitions. The general feeling is to rely on the broad terms adopted in the Directive.

8. Your assessment and the Government's decision (list the Government's decisions).

The department shall now embark on a legislative exercise to transpose the Directive as a whole. It will bear in mind the importance of maintaining a balance between the interests of all the stakeholders.

## Implementation

9. When you intend to implement the decisions

The decisions and the feedback received will be taken into account when transposing the Copyright Directive. The transposition deadline is 21 June 2021. The Ministry will aim at achieving a balanced approach when transposing the Directive keeping in mind the interests of the rightholders, the users as well as service providers where necessary.

## Contact Details

If you have any questions regarding this response, please contact: [ipoffice@gov.mt](mailto:ipoffice@gov.mt)