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Lithuanian Business Confederation (LVK) position on the Review of the Copyright in the Digital Single Market Directive / Targeted Initiative for a Better Copyright Environment for European Creativity and Innovation

The Lithuanian Business Confederation (LVK) is one of the largest umbrella business organizations in Lithuania, bringing together more than 39 business associations and representing companies that employ over 200,000 people.

LVK considers the open internet to be one of the foundations of innovation, research, competition, and technological development in Europe. It has enabled new businesses to emerge, facilitated the exchange of knowledge, and supported the rapid development of artificial intelligence technologies. Creators must be respected and remunerated for the use of their works. At the same time, copyright enforcement should not evolve into a mechanism that concentrates control over access to information in the hands of a small number of dominant platforms, infrastructure providers, or established AI market participants.

In LVK's view, two shortcomings in the current framework risk producing such an outcome.

The first concerns the lack of an interoperable technical standard for rights reservation. Article 4 of the CDSM Directive allows rightsholders to reserve their rights through machine-readable means. However, no single, legally recognized and widely adopted standard has emerged. Instead, the market is developing a range of competing protocols and technical approaches. This fragmentation creates legal uncertainty and increases compliance burdens, particularly for smaller companies and new market entrants. The absence of a neutral and machine-actionable standard should therefore be regarded as a regulatory deficiency. Future reforms should support the development and adoption of an open, interoperable standard capable of expressing licensing conditions, attaching them to content, and functioning without disrupting the architecture of the internet.

The second issue relates to the role of intermediaries. Copyright law exists to protect creators and support the lawful exploitation of their works. It was not designed to grant platforms, infrastructure providers, or other intermediaries the authority to determine who may access content or under what conditions. Decisions regarding access and licensing should remain with rightsholders or their authorized representatives. Intermediaries may facilitate the communication and implementation of those preferences, but they should not be able to impose independent access restrictions, establish their own pricing models, or exercise effective veto rights over the use of lawfully available content.

Against this background, LVK believes that any future reform should be guided by several core principles.

1. Rights-signaling standards should be developed through open, neutral, and multi-stakeholder standard-setting processes. Such standards should remain royalty-free and free from the control of any single vendor or market participant.

2. Rights reservations should be use-based and actor-neutral. Regulatory obligations should focus on the intended use of content rather than on the identity, size, or business model of the party seeking access.

3. Opt-out mechanisms should apply only to copyright-protected subject matter. They should not restrict access to facts, data, ideas, or other information that does not benefit from copyright protection.
4. Effective safeguards are needed to prevent the assertion of rights reservations by parties that do not hold the relevant rights, as well as over material that is not protected by copyright.
5. Access to non-protected information should be preserved in accordance with the fundamental right to receive and impart information. This principle remains essential for innovation, research, competition, and democratic discourse.
6. No intermediary should be permitted to act as a gatekeeper or extract economic rents by controlling access to content beyond the preferences expressly communicated by the rightsholder.

Fair remuneration for creators and the preservation of an open internet should not be viewed as competing objectives. On the contrary, they are mutually reinforcing. Both are best served by a transparent, neutral, and interoperable framework that enables creators to exercise meaningful control over their works while preventing dominant intermediaries from controlling access to information.

LVK welcomes further discussion on these issues and stands ready to contribute to future policy development. We would be pleased to engage with the European Commission and other stakeholders as work on the future copyright framework progresses.

Sincerely,

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