

Amendment 106

João Ferreira, João Pimenta Lopes, Miguel Viegas, Jiří Maštálka
on behalf of the GUE/NGL Group

Report

A8-0245/2018

Axel Voss

Copyright in the Digital Single Market
COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive**Recital 1**

Text proposed by the Commission

Amendment

(1) *The Treaty provides for the establishment of an internal market and the institution of a system ensuring that competition in the internal market is not distorted. Harmonisation of the laws of the Member States on copyright and related rights should contribute further to the achievement of those objectives.*

(1) *Digital technologies can improve citizens' access to information and culture and provide them with a wider and more diverse choice of public and/or commercial products and services. However, the Digital Single Market will also encourage more concentration, monopolies and inequalities between the Member States, undermining national production and making life particularly difficult for micro, small and medium-sized enterprises, which will find themselves unable to compete on massively unequal terms with dominant multinationals. The Digital Single Market will also have serious implications for the right to culture, cultural diversity and multilingualism.*

Cooperation between the Member States regarding copyright and related rights in an all-embracing digital world should contribute to achievement of the following objectives: ensuring the democratisation of access to culture, in particular freedom of cultural fulfilment, enjoyment and creation; defence of culture as a public service as opposed to a circumscribed and strictly marketable commodity; defence of multilingualism and cultural diversity against impoverishment by monolithic market forces; ensuring access to

education and knowledge on a more democratic basis; ensuring fair remuneration for authors and creators, which should not necessarily be incompatible with the widest possible circulation and enjoyment of their works; upholding the freedom of users and protecting them from penalisation by avoiding the introduction of dictatorial surveillance methods and digital censorship; making material beneficiaries accountable for the misappropriation of added value from the sharing and uploading of content protected by copyright and related rights.

Or. pt

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A8-0245/107

Amendment 107

João Ferreira, João Pimenta Lopes, Miguel Viegas, Jiří Maštálka
on behalf of the GUE/NGL Group

Report

A8-0245/2018

Axel Voss

Copyright in the Digital Single Market
COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database.

The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. Research organisations should also benefit from the exception when they engage into public-private partnerships.

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database.

The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. Research organisations should also benefit from the exception when they engage into public-private partnerships. ***Educational establishments and cultural heritage institutions conducting scientific research or responsible for protecting the cultural heritage should also be covered by the text and data mining exception. Text and data mining should help promote research and innovation as such and should also be authorised for purposes other than the purely scientific, while the range of organisations covered by the exception should be extended where considered appropriate, provided that their activities are in the public interest. Reproductions and extractions for the purpose of text***

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and data mining must be securely stored, ensuring that copies are used for scientific research and knowledge transfer and sharing between research organisations, educational establishments, cultural heritage institutions and other bodies to be defined by the Member States.

Or. pt

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A8-0245/108

Amendment 108

João Ferreira, João Pimenta Lopes, Miguel Viegas, Jiří Maštálka
on behalf of the GUE/NGL Group

Report

A8-0245/2018

Axel Voss

Copyright in the Digital Single Market
COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive

Recital 16

Text proposed by the Commission

Amendment

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities.

The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities.

The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities.

The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities.

The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching. ***The exception or limitation should be understood as covering: the use for educational purposes of works and other protected content by museums, libraries, training companies or those providing training for***

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their staff; situations where a secure electronic network exists that can be accessed only by pupils, students, parents, guardians and teaching staff; conferences, workshops and other educational events organised outside the educational institution; open educational resources, open learning communities and open and distance learning courses;

Or. pt

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A8-0245/109

Amendment 109

João Ferreira, João Pimenta Lopes, Miguel Viegas, Jiří Maštálka
on behalf of the GUE/NGL Group

Report

A8-0245/2018

Axel Voss

Copyright in the Digital Single Market
COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive

Recital 23

Text proposed by the Commission

Amendment

(23) Member States should, within the framework provided for in this Directive, ***have flexibility in choosing the specific type of mechanism allowing for licences for out-of-commerce works to extend to the rights of rightholders that are not represented by the collective management organisation, in accordance to their legal traditions, practices or circumstances. Such mechanisms can include extended collective licensing and presumptions of representation.***

(23) Member States should, within the framework provided for by this Directive, ***help simplify arrangements regarding the use of out-of-commerce works by cultural heritage institutions, establishing freedom of access for non-commercial purposes to out-of-commerce works forming part of collections and made available online by cultural heritage institutions.***

Or. pt

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A8-0245/110

Amendment 110

João Ferreira, João Pimenta Lopes, Miguel Viegas, Jiří Maštálka
on behalf of the GUE/NGL Group

Report

A8-0245/2018

Axel Voss

Copyright in the Digital Single Market
COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive

Recital 31

Text proposed by the Commission

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and *the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.*

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and *democracy. Media ownership has become increasingly concentrated and dominated by financial capital shareholdings in the principal conglomerates. This has been accompanied more precarious conditions of employment for journalists with a growing wave of redundancies, detracting from the quality, accuracy and plurality of reporting.* The transition from print to digital *media has brought new problems into the sector. In a number of Member States that followed the Commission's recommendations, findings are contradictory and are, in certain cases, giving cause for concern, appearing to be contrary to the objectives pursued. This calls for deeper reflection if appropriate solutions are to be found, which should, it is felt, accordingly take place outside the scope of this directive.*

Or. pt

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A8-0245/111

Amendment 111

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on behalf of the GUE/NGL Group

Report

A8-0245/2018

Axel Voss

Copyright in the Digital Single Market
COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure the functioning of any licensing agreement, *information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should* take appropriate and proportionate measures to ensure protection of works or other subject-matter, *such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.*

In order to ensure the *proper* functioning of any licensing agreement, *online content providers actively and directly involved in allowing users to upload, making works available and promoting works to the public* should take appropriate and proportionate measures to ensure protection of works or other subject-matter. *Such measures should respect the Universal Declaration of Human Rights and the fundamental laws of the Member States and should not impose a general obligation on online content providers to monitor the information that they transmit or store. These appropriate and proportionate measures should be agreed through broad, constructive and transparent dialogue and cooperation between online content providers, user associations, and organisations representing authors, creators and performers and other copyright holders in the Member States.*

Or. pt