

Amendment 124**Jiří Maštálka**

on behalf of the GUE/NGL Group

Report**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018**Proposal for a directive****Article 11***Text proposed by the Commission*

Article 11

Protection of press publications
concerning digital uses

1. Member States shall provide ***publishers*** of press ***publications with the*** rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC ***for*** the digital use of ***their*** press ***publications***.

2. The ***rights referred to*** in paragraph 1 shall ***leave intact and shall in no way*** affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. ***Such rights*** may not be invoked against ***those*** authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are

Amendment

Article 11

Licensing and enforcement of rights in
press publications concerning digital uses

1. Member States shall provide ***that, in the absence of proof to the contrary, the publisher of a press publication shall be regarded as the person entitled to conclude licences and to seek application of the measures, procedures and remedies referred to in Directive 2004/48/EC and Article 8 of Directive 2001/29/EC in respect of the*** rights provided for in Article 2 and 3(2) of Directive 2001/29/EC ***concerning the digital use of the works and other subject-matter incorporated in such a press publication, provided that the name of the publisher appears on the publication.***

2. The ***presumption provided for*** in paragraph 1 shall ***not*** affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. ***The presumption*** may not be invoked against ***the*** authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in

incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

4. *The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.*

which they are incorporated.

3. *Member States shall ensure that a fair share of the revenue derived from the use of press publishers' rights is attributed to journalists.*

Or. en

5.9.2018

A8-0245/125

Amendment 125

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Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en