

Amendment 131

Tiemo Wölken, Catherine Stihler, Josef Weidenholzer, Kati Piri, Yana Toom, Monika Beňová, Tamás Meszerics, Sylvia-Yvonne Kaufmann, Kerstin Westphal, Arne Lietz, Dietmar Köster, Adam Gierek, Krystyna Łybacka, Martina Werner, Bernd Lange, Peter Simon, Brando Benifei, Constanze Krehl, Jo Leinen, Jens Geier, Karoline Graswander-Hainz, Ulrike Rodust, Petra Kammerevert, Momchil Nekov, Daniele Viotti, Arndt Kohn, Michael Detjen, Gabriele Preuß, Maria Noichl, Iris Hoffmann, Ismail Ertug, Joachim Schuster, Paul Tang, Lidia Joanna Geringer de Oedenberg, Nessa Childers, Birgit Sippel, Evelyn Regner, Eugen Freund, Michel Reimon, Thomas Waitz, Monika Vana, Martin Sonneborn, Igor Šoltes, Jakob Dalunde, Cornelia Ernst, Molly Scott Cato, Alyn Smith, Max Andersson, Bodil Valero, Linnéa Engström, Martina Michels

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 1 a (new)

Text proposed by the Commission

Amendment

In accordance with Article 11(2), the responsibility of information society service providers pursuant to Article 13 should not extend to acts of hyperlinking in respect of press publications.

Or. en

Amendment 132

Tiemo Wölken, Catherine Stihler, Josef Weidenholzer, Kati Piri, Yana Toom, Monika Beňová, Tamás Meszerics, Sylvia-Yvonne Kaufmann, Kerstin Westphal, Arne Lietz, Dietmar Köster, Adam Gierak, Krystyna Lybacka, Martina Werner, Bernd Lange, Peter Simon, Brando Benifei, Constanze Krehl, Jo Leinen, Jens Geier, Karoline Graswander-Hainz, Ulrike Rodust, Petra Kammerevert, Momchil Nekov, Daniele Viotti, Arndt Kohn, Michael Detjen, Gabriele Preuß, Maria Noichl, Iris Hoffmann, Ismail Ertug, Joachim Schuster, Paul Tang, Lidia Joanna Geringer de Oedenberg, Nessa Childers, Birgit Sippel, Evelyn Regner, Eugen Freund, Michel Reimon, Thomas Waitz, Monika Vana, Martin Sonneborn, Igor Šoltes, Jakob Dalunde, Cornelia Ernst, Molly Scott Cato, Alyn Smith, Max Andersson, Bodil Valero, Linnéa Engström, Martina Michels

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

Proposal for a directive**Article 13 – paragraph 1***Text proposed by the Commission**Amendment*

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*

1. Information society service providers that store and provide to the public access to large amounts of *protected* works *and* other subject-matter uploaded by their users *which the service providers organise and promote for profit-making purposes* shall:

use of the works and other subject-matter.

*(a) be obliged to enter into licensing agreements with **requesting** rightholders for **uses** of their **protected** works that **conflict with the normal exploitation thereof**;*

*(b) provide **requesting** rightholders all **information about user uploaded content made publicly accessible on the service** through **dedicated automated communication channels**, so that the **rightholders can inspect the uploaded content and, using the same channels, directly claim recognised copyrighted works and request removal or de-listing in accordance with paragraph 3.***

The costs arising from the inspection shall be borne by the service providers.

Or. en

Amendment 133

Tiemo Wölken, Catherine Stihler, Josef Weidenholzer, Kati Piri, Yana Toom, Monika Beňová, Tamás Meszerics, Sylvia-Yvonne Kaufmann, Kerstin Westphal, Arne Lietz, Dietmar Köster, Adam Gierak, Krystyna Lybacka, Martina Werner, Bernd Lange, Peter Simon, Brando Benifei, Constanze Krehl, Jo Leinen, Jens Geier, Karoline Graswander-Hainz, Ulrike Rodust, Petra Kammerevert, Momchil Nekov, Daniele Viotti, Arndt Kohn, Michael Detjen, Gabriele Preuß, Maria Noichl, Iris Hoffmann, Ismail Ertug, Joachim Schuster, Paul Tang, Lidia Joanna Geringer de Oedenberg, Nessa Childers, Birgit Sippel, Evelyn Regner, Eugen Freund, Michel Reimon, Thomas Waitz, Monika Vana, Martin Sonneborn, Igor Šoltes, Jakob Dalunde, Cornelia Ernst, Molly Scott Cato, Alyn Smith, Max Andersson, Bodil Valero, Linnéa Engström, Martina Michels

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Copyright in the Digital Single Market
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Proposal for a directive**Article 13 – paragraph 2***Text proposed by the Commission*

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.

Amendment

2. Member States shall *provide for an exception or limitation to Articles 2 and 3 of Directive 2001/29/EC for works uploaded by the users if these users do not act for commercial purposes and are not the rightholder or his or her representative. In the case of the absence of an agreement with a rightholder, revenue generated from the availability of the work on the service after it has been made available shall be awarded to the confirmed rightholder through a licensing agreement with the respective collecting society representing that type of author. The first sentence of Article 13(2) shall not apply, if the uploaded work is the original unmodified and unabridged version of the work.*

Or. en

Amendment 134

Tiemo Wölken, Catherine Stihler, Josef Weidenholzer, Kati Piri, Yana Toom, Monika Beňová, Tamás Meszerics, Sylvia-Yvonne Kaufmann, Kerstin Westphal, Arne Lietz, Dietmar Köster, Adam Gierak, Krystyna Lybacka, Martina Werner, Bernd Lange, Peter Simon, Brando Benifei, Constanze Krehl, Jo Leinen, Jens Geier, Karoline Graswander-Hainz, Ulrike Rodust, Petra Kammerevert, Momchil Nekov, Daniele Viotti, Arndt Kohn, Michael Detjen, Gabriele Preuß, Maria Noichl, Iris Hoffmann, Ismail Ertug, Joachim Schuster, Paul Tang, Lidia Joanna Geringer de Oedenberg, Nessa Childers, Birgit Sippel, Evelyn Regner, Eugen Freund, Michel Reimon, Thomas Waitz, Monika Vana, Martin Sonneborn, Igor Šoltes, Jakop Dalunde, Cornelia Ernst, Molly Scott Cato, Alyn Smith, Max Andersson, Bodil Valero, Linnéa Engström, Martina Michels

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**Proposal for a directive
Article 13 – paragraph 3**

Text proposed by the Commission

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.*

Amendment

3. *To ensure that the measures provided for in paragraph 1 are effective and proportionate and without prejudice to exceptions and limitations to copyright and to freedom of expression, complaints and redress mechanisms shall be put in place. Those mechanisms shall ensure that:*

- (a) rightholders are able to automatically report exact and complete matches of uses of protected works for monetisation or removal to the service providers using web-based automated communication (application programming interfaces);*
- (b) rightholders furthermore have the right to request an expeditious de-listing*

from search results of uploads that are exact and complete matches of protected works available in wholesale, even during the removal dispute period;

(c) where the rightholder requests the removal of copyrighted content, the uploader should have a fixed period of time, but no less than 48 hours, to respond to the request. During that period the content shall remain available online, notwithstanding potential delisting pursuant to point (b) above. The uploader shall receive an explanation of the request and a list of possible defences that puts them into a position where they can easily challenge the request if appropriate;

(d) Member States shall provide a mechanism to resolve disputes, for example by appointing an independent third party, that allows uploaders and rightholders to challenge the decision by the service provider;

(e) The service providers or the independent third party appointed by the Member State shall exclude from the reporting mechanisms described in this paragraph, for a limited period of time, individual rightholders or their representatives who submit requests obviously abusively or in a high number of unsuccessful cases.

Or. en

Amendment 135

Tiemo Wölken, Catherine Stihler, Josef Weidenholzer, Kati Piri, Yana Toom, Monika Beňová, Tamás Meszerics, Sylvia-Yvonne Kaufmann, Kerstin Westphal, Arne Lietz, Dietmar Köster, Adam Gierak, Krystyna Lybacka, Martina Werner, Bernd Lange, Peter Simon, Brando Benifei, Constanze Krehl, Jo Leinen, Jens Geier, Karoline Graswander-Hainz, Ulrike Rodust, Petra Kammerevert, Momchil Nekov, Daniele Viotti, Arndt Kohn, Michael Detjen, Gabriele Preuß, Maria Noichl, Iris Hoffmann, Ismail Ertug, Joachim Schuster, Paul Tang, Lidia Joanna Geringer de Oedenberg, Nessa Childers, Birgit Sippel, Evelyn Regner, Eugen Freund, Michel Reimon, Thomas Waitz, Monika Vana, Martin Sonneborn, Igor Šoltes, Jakop Dalunde, Cornelia Ernst, Molly Scott Cato, Alyn Smith, Max Andersson, Bodil Valero, Linnéa Engström, Martina Michels

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Proposal for a directive**Article 13 – paragraph 3 a (new)***Text proposed by the Commission**Amendment*

3a. Member States shall facilitate, where appropriate, the cooperation between the information society service providers, rightholders and users' representatives through stakeholder dialogues to define best practices.

Or. en

Amendment 136

Tiemo Wölken, Catherine Stihler, Josef Weidenholzer, Kati Piri, Yana Toom, Monika Beňová, Tamás Meszerics, Sylvia-Yvonne Kaufmann, Kerstin Westphal, Arne Lietz, Dietmar Köster, Adam Gierak, Krystyna Lybacka, Martina Werner, Bernd Lange, Peter Simon, Brando Benifei, Constanze Krehl, Jo Leinen, Jens Geier, Karoline Graswander-Hainz, Ulrike Rodust, Petra Kammerevert, Momchil Nekov, Daniele Viotti, Arndt Kohn, Michael Detjen, Gabriele Preuß, Maria Noichl, Iris Hoffmann, Ismail Ertug, Joachim Schuster, Paul Tang, Lidia Joanna Geringer de Oedenberg, Nessa Childers, Birgit Sippel, Evelyn Regner, Eugen Freund, Michel Reimon, Thomas Waitz, Monika Vana, Martin Sonneborn, Igor Šoltés, Jakop Dalunde, Cornelia Ernst, Molly Scott Cato, Alyn Smith, Max Andersson, Bodil Valero, Linnéa Engström, Martina Michels

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Proposal for a directive

Article 13 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The service providers and rightholders shall publish aggregated statistical data about their interaction, such as the number of removal requests and the number of complaints and redress procedures referred to in paragraphs 2 and 3.

Or. en