

**Amendment 137****Axel Voss**

on behalf of the PPE 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****Recital 31***Text proposed by the Commission*

(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.

*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. ***The increasing imbalance between powerful platforms and press publishers, which can also be news agencies, has already led to a remarkable regression of the media landscape on a regional level.*** In the transition from print to digital, publishers ***and news agencies*** 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 ***right holders***, licensing and enforcement in the digital environment is often complex and inefficient.

Or. en

**Amendment 138****Axel Voss**

on behalf of the PPE 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****Recital 32***Text proposed by the Commission*

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level **a harmonised** legal protection for press publications in **respect of** digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.

*Amendment*

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry **and thereby to guarantee the availability of reliable information**. It is therefore necessary **for Member States** to provide at Union level legal protection for press publications in **the Union for** digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses **in order to obtain fair and proportionate remuneration for such uses. Private uses should be excluded from this reference. In addition, the listing in a search engine should not be considered as fair and proportionate remuneration.**

Or. en

**Amendment 139****Axel Voss**

on behalf of the PPE 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****Recital 33***Text proposed by the Commission*

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which *do not constitute communication to the public*.

*Amendment*

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking. *The protection shall also not extend to factual information which is reported in journalistic articles from a press publication and will therefore not prevent anyone from reporting such factual information.*

Or. en

**Amendment 140****Axel Voss**

on behalf of the PPE 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****Recital 34***Text proposed by the Commission*

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. **They** should **also** be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

*Amendment*

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. **Member States** should be **able to** subject **those rights** to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

**Amendment 141****Axel Voss**

on behalf of the PPE 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****Recital 35***Text proposed by the Commission*

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. ***This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.***

*Amendment*

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. ***Authors whose work is incorporated in a press publication shall be entitled to an appropriate share of the new additional revenues press publishers receive for the secondary use of their press publications by information society service providers in respect of the rights provided for in Article 11(1).***

Or. en

**Amendment 142****Axel Voss**

on behalf of the PPE 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****Recital 37***Text proposed by the Commission*

(37) Over the last years, the functioning of the online content **marketplace** has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration *for it*.

*Amendment*

(37) Over the last years, the functioning of the online content **market** has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to **copyright protected** content online. ***Online services are a means of providing wider access to cultural and creative works and offer great opportunities for cultural and creative industries to develop new business models. However, although they allow for diversity and ease of access to content, they also generate challenges when copyright protected content is uploaded without prior authorisation from rightholders.*** This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration.

Or. en

**Amendment 143****Axel Voss**

on behalf of the PPE 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****Recital 37 a (new)***Text proposed by the Commission**Amendment*

***(37 a) Certain information society services, as part of their normal use, are designed to give access to the public to copyright protected content or other subject-matter uploaded by their users. The definition of an online content sharing service provider under this Directive shall cover information society service providers one of the main purposes of which is to store and give access to the public or to stream significant amounts of copyright protected content uploaded / made available by its users, and that optimise content, and promote for profit making purposes, including amongst others displaying, tagging, curating, sequencing, the uploaded works or other subject-matter, irrespective of the means used therefor, and therefore act in an active way. As a consequence, they cannot benefit from the liability exemption provided for in Article 14 of Directive 2000/31/EC. The definition of online content sharing service providers under this Directive does not cover microenterprises and small sized enterprises within the meaning of Title I of the Annex to Commission Recommendation 2003/361/EC and service providers that act in a non-commercial purpose capacity such as online encyclopaedia, and providers of***

*online services where the content is uploaded with the authorisation of all right holders concerned, such as educational or scientific repositories. Providers of cloud services for individual use which do not provide direct access to the public, open source software developing platforms, and online market places whose main activity is online retail of physical goods, should not be considered online content sharing service providers within the meaning of this Directive.*

Or. en



**Amendment 144****Axel Voss**

on behalf of the PPE 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****Recital 38 – paragraph 1***Text proposed by the Commission*

*Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council<sup>34</sup>.*

*Amendment*

*Online content sharing service providers perform an act of communication to the public and therefore are responsible for their content and should therefore conclude fair and appropriate licensing agreements with rightholders. Where licensing agreements are concluded, they should also cover, to the same extent and scope, the liability of users when they are acting in a non-commercial capacity. In accordance with Article 11(2a) the responsibility of online content sharing providers pursuant to Article 13 does not extend to acts of hyperlinking in respect of press publications. The dialogue between stakeholders is essential in the digital world. They should define best practices to ensure the functioning of licensing agreements and cooperation between online content sharing service providers and rightholders. Those best practices should take into account the extent of the copyright infringing content on the service.*

---

<sup>34</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).



6.9.2018

A8-0245/145

**Amendment 145**

**Axel Voss**

on behalf of the PPE 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**

**Recital 38 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.*

*deleted*

Or. en