

**Amendment 179**

**Isabella Adinolfi**

on behalf of the EFDD 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*

*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. 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.**

*deleted*

Or. en

**Amendment 180****Isabella Adinolfi**

on behalf of the EFDD 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 36***Text proposed by the Commission**Amendment*

**(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.**

*deleted*



**Amendment 181**

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

**A8-0245/2018**

**Proposal for a directive**

**Recital 37**

*Text proposed by the Commission*

*Amendment*

*(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.*

*deleted*

Or. en

**Amendment 182****Isabella Adinolfi**

on behalf of the EFDD 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**Amendment*

*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>.*

*deleted*

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<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).*

Or. en

6.9.2018

A8-0245/183

**Amendment 183**

**Isabella Adinolfi**

on behalf of the EFDD 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

**Amendment 184**

**Isabella Adinolfi**

on behalf of the EFDD 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 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.*

*deleted*

Or. en

**Amendment 185****Isabella Adinolfi**

on behalf of the EFDD 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 39***Text proposed by the Commission**Amendment*

**(39) Collaboration between 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 and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.**

*deleted*

Or. en



6.9.2018

A8-0245/186

**Amendment 186**

**Isabella Adinolfi**

on behalf of the EFDD 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**

**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3 a) 'public domain' means the condition whereby copyright and related rights of a work or other subject matter:***

***(a) have expired, or***

***(b) have never existed, or***

***(c) have been voluntarily relinquished by rightholders.***

Or. en