

**Amendment 187**

**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**

**Article 2 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.**

*deleted*

Or. en

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**Proposal for a directive****Article 5 a (new)***Text proposed by the Commission**Amendment**Article 5 a**Public lending of literary works*

*1. Member States shall provide for an exception to the rights provided for in Article 1 of Directive 2006/115/EC, permitting public libraries to lend literary works in any format to the public, including remotely, where such literary works have entered into their collections or to which they have authorised access. This shall be without prejudice to the provisions laid down in Article 6 of Directive 2006/115/EC.*

*2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be null and void.*

*3. Member States shall, in consultation with authors, publishers and public libraries, ensure that public libraries can acquire and lend on reasonable terms, in any format, including remotely, all literary works which have already been lawfully made available to the public and have entered into their collections or to which they have authorised access.*

*4. Member States shall report to the Commission on the steps taken pursuant to paragraph 3. The Commission shall facilitate the exchange of best practices among Member States and make them*

*easily and effectively accessible to the public.*

Or. en

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**Proposal for a directive****Article 5 b (new)***Text proposed by the Commission**Amendment***Article 5 b**

***Use of extracts from pre-existing works  
and other subject-matter in content  
uploaded or made available by users***

***(1) Member States shall provide for an  
exception to the rights provided for in  
Articles 2 and 3 of Directive 2001/29/EC,  
point (a) of Article 5 and Article 7(1) of  
Directive 96/9/EC, point (a) of Article 4(1)  
of Directive 2009/24/EC and Article 11 of  
this Directive in order to allow for the use  
of extracts from pre-existing works and  
other subject-matter in content uploaded  
or made available by users, other than in  
the course of their work, for purposes  
such as criticism, review, illustration,  
caricature, parody or pastiche, provided  
that the extracts:***

***(a) relate to works or other subject-matter  
that have been lawfully made available to  
the public;***

***(b) are accompanied by the indication of  
the source, including the author's name,  
unless this turns out to be impossible; and***

***(c) are used in accordance with fair  
practice and in a manner that does not  
extend beyond the specific purpose for  
which they are being used.***

***(2) Any contractual provision contrary to  
the exception provided for in this Article***

*shall be unenforceable.*

*(3) Online content sharing services providers shall not be able to invoke for their benefit the exception provided for in paragraph 1 of this Article in order to limit their liability or the extent of their obligations under the agreements concluded with rightholders in application of Article 13 of this Directive.*

Or. en

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**Proposal for a directive**  
**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 9 a*

*Public Domain*

- 1. Member States shall ensure that once a work or other subject-matter is in the public domain, faithful reproductions, in any format or medium, in full or in part, of that work or subject matter, which does not constitute a new work or subject matter, shall equally not be subject to copyright or related rights.*
- 2. Member States shall encourage the availability of appropriate public domain equivalent licences, in order to allow authors, performers and producers to dedicate their works, in whole or in part, to the public domain.*
- 3. Member States shall keep a database with the list of works or other subject-matter that are in the public domain. This database shall be regularly updated and made easily and effectively accessible to the public.*

Or. en

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**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 11 – title***Text proposed by the Commission**Amendment**Article 11**deleted**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 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.*

Or. en



6.9.2018

A8-0245/192

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**Proposal for a directive**

**Article 12 – title**

*Text proposed by the Commission*

*Amendment*

*Article 12*

*deleted*

*Claims to fair compensation*

*Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.*

Or. en

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**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 13 – title***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