

Amendment 262

Tiemo Wölken, Bernd Lange, Kerstin Westphal, Michael Detjen, Iris Hoffmann, Dietmar Köster, Ulrike Rodust, Susanne Melior, Martina Werner, Maria Noichl, Arndt Kohn, Petra Kammerevert, Joachim Schuster, Constanze Krehl, Jens Geier, Sylvia-Yvonne Kaufmann, Ismail Ertug, Arne Lietz, Paul Tang, Knut Fleckenstein, Norbert Neuser, Eugen Freund, Karin Kadenbach, Momchil Nekov, Evelyne Gebhardt, Birgit Sippel, Kati Piri, Tanja Fajon, Pavel Poc, Karoline Graswander-Hainz, Péter Niedermüller, Nessa Childers, Sergei Stanishev, Anna Hedh, Lidia Joanna Geringer de Oedenberg, Adam Gierek, Janusz Zemke, Bogusław Liberadzki, Josef Weidenholzer, Evelyn Regner, Monika Beňová

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 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 263

Tiemo Wölken, Bernd Lange, Kerstin Westphal, Michael Detjen, Iris Hoffmann, Dietmar Köster, Ulrike Rodust, Susanne Melior, Martina Werner, Maria Noichl, Arndt Kohn, Petra Kammerevert, Joachim Schuster, Constanze Krehl, Jens Geier, Sylvia-Yvonne Kaufmann, Ismail Ertug, Arne Lietz, Paul Tang, Knut Fleckenstein, Norbert Neuser, Eugen Freund, Karin Kadenbach, Momchil Nekov, Evelyne Gebhardt, Birgit Sippel, Kati Piri, Tanja Fajon, Pavel Poc, Karoline Graswander-Hainz, Péter Niedermüller, Nessa Childers, Sergei Stanishev, Anna Hedh, Lidia Joanna Geringer de Oedenberg, Adam Gierek, Janusz Zemke, Bogusław Liberadzki, Josef Weidenholzer, Evelyn Regner, Monika Beňová

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Copyright in the Digital Single Market
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Proposal for a directive**Recital 38***Text proposed by the Commission**Amendment*

(38) *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 Council³⁴.* **deleted**

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.

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.

³⁴ 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

Amendment 264

Tiemo Wölken, Bernd Lange, Kerstin Westphal, Michael Detjen, Iris Hoffmann, Dietmar Köster, Ulrike Rodust, Susanne Melior, Martina Werner, Maria Noichl, Arndt Kohn, Petra Kammerevert, Joachim Schuster, Constanze Krehl, Jens Geier, Sylvia-Yvonne Kaufmann, Ismail Ertug, Arne Lietz, Paul Tang, Knut Fleckenstein, Norbert Neuser, Eugen Freund, Karin Kadenbach, Momchil Nekov, Evelyne Gebhardt, Birgit Sippel, Kati Piri, Tanja Fajon, Pavel Poc, Karoline Graswander-Hainz, Péter Niedermüller, Nessa Childers, Sergei Stanishev, Anna Hedh, Lidia Joanna Geringer de Oedenberg, Adam Gierek, Janusz Zemke, Bogusław Liberadzki, Josef Weidenholzer, Evelyn Regner, Monika Beňová

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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*

Amendment 265

Tiemo Wölken, Bernd Lange, Kerstin Westphal, Michael Detjen, Iris Hoffmann, Dietmar Köster, Ulrike Rodust, Susanne Melior, Martina Werner, Maria Noichl, Arndt Kohn, Petra Kammerevert, Joachim Schuster, Constanze Krehl, Jens Geier, Sylvia-Yvonne Kaufmann, Ismail Ertug, Arne Lietz, Paul Tang, Knut Fleckenstein, Norbert Neuser, Eugen Freund, Karin Kadenbach, Momchil Nekov, Evelyne Gebhardt, Birgit Sippel, Kati Piri, Tanja Fajon, Pavel Poc, Karoline Graswander-Hainz, Péter Niedermüller, Nessa Childers, Sergei Stanishev, Anna Hedh, Lidia Joanna Geringer de Oedenberg, Adam Gierek, Janusz Zemke, Bogusław Liberadzki, Josef Weidenholzer, Evelyn Regner, Monika Beňová

Report

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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 – 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

21.3.2019

A8-0245/266

Amendment 266

Tim Aker, Jörg Meuthen

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

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Proposal for rejection

***The European Parliament rejects [the
Commission proposal].***

Or. en

Amendment 267

Tim Aker, Jörg Meuthen, Laura Agea, Tiziana Beghin, Fabio Massimo Castaldo, Ignazio Corrao, Rosa D'Amato, Eleonora Evi, Laura Ferrara, Piernicola Pedicini, Dario Tamburrano, Marco Zullo, 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 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

Amendment 268

Tim Aker, Jörg Meuthen, Laura Agea, Tiziana Beghin, Fabio Massimo Castaldo, Ignazio Corrao, Rosa D'Amato, Eleonora Evi, Laura Ferrara, Piernicola Pedicini, Dario Tamburrano, Marco Zullo, Isabella Adinolfi
on behalf of the EFDD Group

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Copyright in the Digital Single Market
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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