

Amendment 225

Marietje Schaake, Gerben-Jan Gerbrandy, Yana Toom, Nils Torvalds, Fredrick Federley, Pavel Telička, Matthijs van Miltenburg, Johannes Cornelis van Baalen, Sophia in 't Veld, Caroline Nagtegaal, Daniel Dalton, Lars Adaktusson, Lidia Joanna Geringer de Oedenberg, Petras Auštrevičius, Nadja Hirsch, Jasenko Selimovic, Gesine Meissner, Angelika Mlinar, Anna Elżbieta Fotyga, Beata Gosiewska, Urszula Krupa, Bolesław G. Piecha, Czesław Hoc, Ryszard Czarnecki, Zbigniew Kuźmiuk, Ryszard Antoni Legutko, Sławomir Kłosowski, Kosma Złotowski, Jadwiga Wiśniewska, Stanisław Ożóg, Nessa Childers, Christofer Fjellner, Ilhan Kyuchyuk, Adam Gierek, Jan Huitema, Jozo Radoš, Renate Weber, Gunnar Hökmark, Catherine Stihler, Liisa Jaakonsaari, Dietmar Köster, Brando Benifei, Daniele Viotti, Evžen Tošenovský, Anna Maria Corazza Bildt, Tomasz Piotr Poręba, Evelyn Regner, Eugen Freund, Karoline Graswander-Hainz, Dita Charanzová

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 8***Text proposed by the Commission**Amendment*

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow **researchers to process** large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, **research organisations such as universities and research institutes** are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or **any other type of** data, generally known as text and data mining. Those technologies allow **the processing of** large amounts of **digitally stored** information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, **individuals, public and private entities who have legal access to content** are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may

by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. ***Text and data mining may also be*** carried out in relation to mere facts or data which are not protected by copyright ***and in such instances no authorisation would be required.***

involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. ***No authorisation would be required in cases where text or data mining is*** carried out in relation to mere facts or data which are not protected by copyright. ***The right to read is in effect the same as the right to mine.***

Or. en

Amendment 226

Marietje Schaake, Gerben-Jan Gerbrandy, Yana Toom, Nils Torvalds, Fredrick Federley, Pavel Telička, Matthijs van Miltenburg, Johannes Cornelis van Baalen, Sophia in 't Veld, Caroline Nagtegaal, Daniel Dalton, Lars Adaktusson, Lidia Joanna Geringer de Oedenberg, Petras Auštrevičius, Nadja Hirsch, Jasenko Selimovic, Gesine Meissner, Angelika Mlinar, Anna Elżbieta Fotyga, Beata Gosiewska, Urszula Krupa, Bolesław G. Piecha, Czesław Hoc, Ryszard Czarnecki, Zbigniew Kuźmiuk, Ryszard Antoni Legutko, Sławomir Kłosowski, Kosma Złotowski, Jadwiga Wiśniewska, Stanisław Ożóg, Nessa Childers, Christofer Fjellner, Ilhan Kyuchyuk, Adam Gierek, Jan Huitema, Jozo Radoš, Renate Weber, Gunnar Hökmark, Catherine Stihler, Liisa Jaakonsaari, Dietmar Köster, Brando Benifei, Daniele Viotti, Evžen Tošenovský, Anna Maria Corazza Bildt, Tomasz Piotr Poręba, Evelyn Regner, Eugen Freund, Karoline Graswander-Hainz, Dita Charanzová

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

Proposal for a directive**Recital 9***Text proposed by the Commission**Amendment*

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies *in* scientific research. Moreover, where *researchers have lawful* access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty *for* text and data mining.

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of *text and data mining* technologies *which are relevant far beyond the area of* scientific research. Moreover, where access to content *has been lawfully obtained*, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area *and its action lines envisaged in the European Open Science Agenda* will suffer unless steps are taken to address the legal

uncertainty *regarding text and data mining for all potential users. It is necessary that Union law acknowledge that text and data mining is increasingly used beyond formal research organisations and for purposes other than scientific research which nevertheless contribute to innovation, technology transfer and the public interest.*

Or. en

Amendment 227

Marietje Schaake, Gerben-Jan Gerbrandy, Yana Toom, Nils Torvalds, Fredrick Federley, Pavel Telička, Matthijs van Miltenburg, Johannes Cornelis van Baalen, Sophia in 't Veld, Caroline Nagtegaal, Daniel Dalton, Lars Adaktusson, Lidia Joanna Geringer de Oedenberg, Petras Auštrevičius, Nadja Hirsch, Jasenko Selimovic, Gesine Meissner, Angelika Mlinar, Anna Elżbieta Fotyga, Beata Gosiewska, Urszula Krupa, Bolesław G. Piecha, Czesław Hoc, Ryszard Czarnecki, Zbigniew Kuźmiuk, Ryszard Antoni Legutko, Sławomir Kłosowski, Kosma Złotowski, Jadwiga Wiśniewska, Stanisław Ożóg, Nessa Childers, Christofer Fjellner, Ilhan Kyuchyuk, Adam Gierak, Jan Huitema, Jozo Radoš, Renate Weber, Gunnar Hökmark, Catherine Stihler, Liisa Jaakonsaari, Dietmar Köster, Brando Benifei, Daniele Viotti, Evžen Tošenovský, Anna Maria Corazza Bildt, Tomasz Piotr Poręba, Evelyn Regner, Eugen Freund, Karoline Graswander-Hainz

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Proposal for a directive**Recital 31***Text proposed by the Commission**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. 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.

(31) ***An open internet and*** a free and pluralist press ***are*** essential to ensure quality journalism and citizens' access to information. ***They provide*** 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 ***establishing their standing for the purpose of asserting the rights they hold by law or by means of assignment, licence or any other contractual arrangement. The sustainability of the press publishing industry should therefore be ensured.*** In the absence of recognition of publishers of press publications as ***benefitting from a presumption that they can assert the rights in the different contributions to their press publications,*** licensing and enforcement in the digital

environment is often complex and inefficient.

Or. en

Amendment 228

Marietje Schaake, Gerben-Jan Gerbrandy, Yana Toom, Nils Torvalds, Fredrick Federley, Pavel Telička, Matthijs van Miltenburg, Johannes Cornelis van Baalen, Sophia in 't Veld, Caroline Nagtegaal, Daniel Dalton, Lars Adaktusson, Lidia Joanna Geringer de Oedenberg, Petras Auštrevičius, Nadja Hirsch, Jasenko Selimovic, Gesine Meissner, Angelika Mlinar, Anna Elżbieta Fotyga, Beata Gosiewska, Urszula Krupa, Bolesław G. Piecha, Czesław Hoc, Ryszard Czarnecki, Zbigniew Kuźmiuk, Ryszard Antoni Legutko, Sławomir Kłosowski, Kosma Złotowski, Jadwiga Wiśniewska, Stanisław Ożóg, Nessa Childers, Christofer Fjellner, Ilhan Kyuchyuk, Adam Gierak, Jan Huitema, Jozo Radoš, Renate Weber, Gunnar Hökmark, Catherine Stihler, Liisa Jaakonsaari, Dietmar Köster, Brando Benifei, Daniele Viotti, Evžen Tošenovský, Anna Maria Corazza Bildt, Tomasz Piotr Poręba, Evelyn Regner, Eugen Freund, Karoline Graswander-Hainz

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

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. 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 ***a presumption that publishers of press publications are entitled to defend in their own name the rights of authors and seek remedies in respect of works published in their press publication and*** in respect of digital uses.

Or. en

Amendment 229

Marietje Schaake, Gerben-Jan Gerbrandy, Yana Toom, Nils Torvalds, Fredrick Federley, Pavel Telička, Matthijs van Miltenburg, Johannes Cornelis van Baalen, Sophia in 't Veld, Caroline Nagtegaal, Daniel Dalton, Lars Adaktusson, Lidia Joanna Geringer de Oedenberg, Petras Auštrevičius, Nadja Hirsch, Jasenko Selimovic, Gesine Meissner, Angelika Mlinar, Anna Elżbieta Fotyga, Beata Gosiewska, Urszula Krupa, Bolesław G. Piecha, Czesław Hoc, Ryszard Czarnecki, Zbigniew Kuźmiuk, Ryszard Antoni Legutko, Sławomir Kłosowski, Kosma Złotowski, Jadwiga Wiśniewska, Stanisław Ożóg, Nessa Childers, Christofer Fjellner, Ilhan Kyuchyuk, Adam Gierak, Jan Huitema, Jozo Radoš, Renate Weber, Gunnar Hökmark, Catherine Stihler, Liisa Jaakonsaari, Dietmar Köster, Brando Benifei, Daniele Viotti, Evžen Tošenovský, Anna Maria Corazza Bildt, Tomasz Piotr Poręba, Evelyn Regner, Eugen Freund, Karoline Graswander-Hainz

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

Proposal for a directive**Recital 33***Text proposed by the Commission**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 ***which do not constitute communication to the public.***

(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. ***Such*** protection does not extend to acts of ***a computation referencing or indexing system such as*** hyperlinking.

Amendment 230

Marietje Schaake, Gerben-Jan Gerbrandy, Yana Toom, Nils Torvalds, Fredrick Federley, Pavel Telička, Matthijs van Miltenburg, Johannes Cornelis van Baalen, Sophia in 't Veld, Caroline Nagtegaal, Daniel Dalton, Lars Adaktusson, Lidia Joanna Geringer de Oedenberg, Petras Auštrevičius, Nadja Hirsch, Jasenko Selimovic, Gesine Meissner, Angelika Mlinar, Anna Elżbieta Fotyga, Beata Gosiewska, Urszula Krupa, Bolesław G. Piecha, Czesław Hoc, Ryszard Czarnecki, Zbigniew Kuźmiuk, Ryszard Antoni Legutko, Sławomir Kłosowski, Kosma Złotowski, Jadwiga Wiśniewska, Stanisław Ożóg, Nessa Childers, Christofer Fjellner, Ilhan Kyuchyuk, Adam Gierak, Jan Huitema, Jozo Radoš, Renate Weber, Gunnar Hökmark, Catherine Stihler, Liisa Jaakonsaari, Dietmar Köster, Brando Benifei, Daniele Viotti, Evžen Tošenovský, Anna Maria Corazza Bildt, Tomasz Piotr Poręba, Evelyn Regner, Eugen Freund, Karoline Graswander-Hainz

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Proposal for a directive**Recital 34***Text proposed by the Commission**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. 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.

deleted

Or. en

Amendment 231

Marietje Schaake, Gerben-Jan Gerbrandy, Yana Toom, Nils Torvalds, Fredrick Federley, Pavel Telička, Matthijs van Miltenburg, Johannes Cornelis van Baalen, Sophia in 't Veld, Caroline Nagtegaal, Daniel Dalton, Lars Adaktusson, Lidia Joanna Geringer de Oedenberg, Petras Auštrevičius, Nadja Hirsch, Jasenko Selimovic, Gesine Meissner, Angelika Mlinar, Anna Elżbieta Fotyga, Beata Gosiewska, Urszula Krupa, Bolesław G. Piecha, Czesław Hoc, Ryszard Czarnecki, Zbigniew Kuźmiuk, Ryszard Antoni Legutko, Sławomir Kłosowski, Kosma Złotowski, Jadwiga Wiśniewska, Stanisław Ożóg, Nessa Childers, Christofer Fjellner, Ilhan Kyuchyuk, Adam Gierak, Jan Huitema, Jozo Radoš, Renate Weber, Gunnar Hökmark, Catherine Stihler, Liisa Jaakonsaari, Dietmar Köster, Brando Benifei, Daniele Viotti, Evžen Tošenovský, Anna Maria Corazza Bildt, Tomasz Piotr Poręba, Evelyn Regner, Eugen Freund, Karoline Graswander-Hainz, Dita Charanzová

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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.***

(37) ***Evolution of digital technologies has led to the emergence of new business models and reinforced the role of the Internet as the main marketplace for the distribution of copyright protected content. Over the years, online services enabling their users to upload works and make them accessible to the public have flourished and have become important sources of access to content online, allowing for diversity and ease of access to content but also generating challenges when copyright protected content is uploaded without prior authorisation from rightholders.***

Or. en

Amendment 232

Marietje Schaake, Gerben-Jan Gerbrandy, Yana Toom, Nils Torvalds, Fredrick Federley, Pavel Telička, Matthijs van Miltenburg, Johannes Cornelis van Baalen, Sophia in 't Veld, Caroline Nagtegaal, Daniel Dalton, Lars Adaktusson, Lidia Joanna Geringer de Oedenberg, Petras Auštrevičius, Nadja Hirsch, Jasenko Selimovic, Gesine Meissner, Angelika Mlinar, Anna Elżbieta Fotyga, Beata Gosiewska, Urszula Krupa, Bolesław G. Piecha, Czesław Hoc, Ryszard Czarnecki, Zbigniew Kuźmiuk, Ryszard Antoni Legutko, Sławomir Kłosowski, Kosma Złotowski, Jadwiga Wiśniewska, Stanisław Ożóg, Nessa Childers, Christofer Fjellner, Ilhan Kyuchyuk, Adam Gierak, Jan Huitema, Jozo Radoš, Renate Weber, Gunnar Hökmark, Catherine Stihler, Liisa Jaakonsaari, Dietmar Köster, Brando Benifei, Daniele Viotti, Evžen Tošenovský, Anna Maria Corazza Bildt, Tomasz Piotr Poręba, Evelyn Regner, Eugen Freund, Karoline Graswander-Hainz, Dita Charanzová

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Copyright in the Digital Single Market
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Proposal for a directive**Recital 37 a (new)***Text proposed by the Commission**Amendment*

(37a) Today more creative content is being consumed than ever before. Such consumption is facilitated by online platforms and aggregation services. Those platforms and 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. At the same time, artists and authors have struggled to see comparable increases in revenue from this increase in consumption.

Or. en

Amendment 233

Marietje Schaake, Gerben-Jan Gerbrandy, Yana Toom, Nils Torvalds, Fredrick Federley, Pavel Telička, Matthijs van Miltenburg, Johannes Cornelis van Baalen, Sophia in 't Veld, Caroline Nagtegaal, Daniel Dalton, Lars Adaktusson, Lidia Joanna Geringer de Oedenberg, Petras Auštrevičius, Nadja Hirsch, Jasenko Selimovic, Gesine Meissner, Angelika Mlinar, Anna Elżbieta Fotyga, Beata Gosiewska, Urszula Krupa, Bolesław G. Piecha, Czesław Hoc, Ryszard Czarnecki, Zbigniew Kuźmiuk, Ryszard Antoni Legutko, Sławomir Kłosowski, Kosma Złotowski, Jadwiga Wiśniewska, Stanisław Ożóg, Nessa Childers, Christofer Fjellner, Ilhan Kyuchyuk, Adam Gierek, Jan Huitema, Jozo Radoš, Renate Weber, Gunnar Hökmark, Catherine Stihler, Liisa Jaakonsaari, Dietmar Köster, Brando Benifei, Daniele Viotti, Evžen Tošenovský, Anna Maria Corazza Bildt, Tomasz Piotr Poręba, Evelyn Regner, Eugen Freund, Karoline Graswander-Hainz, Dita Charanzová

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

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*.

Amendment

Where information society service providers *offer users content storage services* and provide the public *with access to phonograms, broadcasts, films or musical works and where such activity constitutes an act of communication to the public as interpreted by the Court of Justice of the European Union, thereby playing an active role beyond the mere hosting of uploaded works by its users*, they *should be* obliged to conclude licensing agreements with rightholders *as regards copyright protected works or other subject-matter. However, micro and small-sized enterprises within the meaning of the Commission Recommendation 2003/361/EC as well as services acting in a non-commercial capacity such as online encyclopaedia, and providers of online services where the*

content is uploaded with the authorisation of all rightholders concerned, such as educational or scientific repositories and similar services, should not be considered to be online content sharing service providers within the meaning of this Directive. Providers of cloud services for individual use which do not provide direct access to the public, open source software development platforms, software archives and software repositories, and online marketplaces, as defined in point (17) of Article 4 of Directive (EU) 2016/1148, should not be considered to be online content sharing service providers within the meaning of this Directive.

Or. en

Amendment 234

Marietje Schaake, Gerben-Jan Gerbrandy, Yana Toom, Nils Torvalds, Fredrick Federley, Pavel Telička, Matthijs van Miltenburg, Johannes Cornelis van Baalen, Sophia in 't Veld, Caroline Nagtegaal, Daniel Dalton, Lars Adaktusson, Lidia Joanna Geringer de Oedenberg, Petras Auštrevičius, Nadja Hirsch, Jasenko Selimovic, Gesine Meissner, Angelika Mlinar, Anna Elżbieta Fotyga, Beata Gosiewska, Urszula Krupa, Bolesław G. Piecha, Czesław Hoc, Ryszard Czarnecki, Zbigniew Kuźmiuk, Ryszard Antoni Legutko, Sławomir Kłosowski, Kosma Złotowski, Jadwiga Wiśniewska, Stanisław Ożóg, Nessa Childers, Christofer Fjellner, Ilhan Kyuchyuk, Adam Gierek, Jan Huitema, Jozo Radoš, Renate Weber, Gunnar Hökmark, Catherine Stihler, Liisa Jaakonsaari, Dietmar Köster, Brando Benifei, Daniele Viotti, Evžen Tošenovský, Anna Maria Corazza Bildt, Tomasz Piotr Poręba, Evelyn Regner, Eugen Freund, Karoline Graswander-Hainz, Dita Charanzová

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

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.

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Or. en