

Amendment 235

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 38 – paragraph 3***Text proposed by the Commission*

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.***

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers ***playing an essential role, and thereby going beyond a mere provision of physical or virtual infrastructure for enabling or making a communication to the public with the purpose of making protected phonograms, broadcasts, films or musical*** works available to the users, should take appropriate and proportionate measures to ensure protection of works or other subject-matter. ***Such measures should respect the Charter of Fundamental Rights of the European Union and should not lead to general monitoring of the information which they store.***

Or. en

Amendment 236

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 Klosowski, 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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Proposal for a directive**Recital 38 a (new)***Text proposed by the Commission**Amendment*

(38a) For the implementation of such measures, the cooperation between information society service providers and right holders is essential. Rightholders should accurately identify, to information society service providers, the works or other subject-matter in respect of which they claim to have the copyright. Rightholders should retain responsibility for claims made by third parties over the use of works which they have identified as being their own in the implementation of any agreement reached with the information society service provider.

Or. en

Amendment 237

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 Klosowski, 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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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

deleted

should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 238

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 Klosowski, 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**Article 1 – paragraph 2***Text proposed by the Commission**Amendment*

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 239

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 Klosowski, 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**Article 2 – paragraph 1 – point 4 a (new)***Text proposed by the Commission**Amendment*

(4a) ‘online content sharing service provider’ means a provider of an information society service provided to consumers, one of the main purposes of which is to store and give access to the public to broadcasts, phonograms, films or musical works, or other audiovisual or music protected subject-matter uploaded by its users, that intervenes to give access to a protected work to its customers beyond a mere provision of physical or virtual infrastructure for enabling or making a communication to the public. Micro and small-sized enterprises within the meaning of the Commission Recommendation 2003/361/EC as well as services acting 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 rightholders concerned, such as educational or scientific repositories, should not be considered 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 online content sharing service providers within the meaning of this Directive;

Or. en

Amendment 240

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 Klosowski, Kosma Złotowski, Jadwiga Wiśniewska, Stanisław Ożóg, Nessa Childers, Christoffer 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
COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive**Article 3 – paragraph 1***Text proposed by the Commission**Amendment*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions ***made by research organisations in order to carry out text and data mining*** of works or other subject-matter to which ***they have*** lawful access ***for the purposes of scientific research.***

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions of works or other subject matter ***that are made in order to carry out text and data mining and*** to which ***the beneficiary has*** lawful access

Or. en

Amendment 241

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**Article 3 – paragraph 1 a (new)***Text proposed by the Commission**Amendment*

1a. Reproductions and extractions made for text and data mining purposes shall be stored in a secure manner, for example by trusted bodies appointed for this purpose.

Or. en

Amendment 242

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 Klosowski, 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
Article 3 – paragraph 3***Text proposed by the Commission**Amendment*

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

3. Any technical protection measures that frustrate the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 243

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 Klosowski, 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**Article 5 a (new)***Text proposed by the Commission**Amendment***Article 5a*****Freedom of panorama***

Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC and point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, permitting the reproduction and use of works, such as works of architecture or sculpture, made to be located permanently in public places.

Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.

Or. en

Amendment 244

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 Klosowski, 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**Article 5 b (new)***Text proposed by the Commission**Amendment***Article 5b*****User-generated content exception***

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 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