

**Amendment 126**

**João Ferreira, João Pimenta Lopes, Miguel Viegas, Jiří Maštálka**  
on behalf of the GUE/NGL 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 13***Text proposed by the Commission**Amendment*

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**

Use of protected content by **online content-sharing** service providers

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.

1. **Online content-sharing** 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 **appropriate and proportionate** measures to ensure the functioning of **licensing** 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. **These** appropriate and proportionate measures **should be the result of an agreement following a broad process of constructive and transparent dialogue and of cooperation between the Member States' providers of online content services, users' rights organisations and organisations representing authors, creators and performers and other copyright holders. Those measures shall not under any circumstances undermine the right to cultural creation and enjoyment and to**

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.***

***freedom of expression and they shall not consist of hypervigilance or digital censorship.*** The service providers shall provide rightholders ***authors, creators, performers and users*** with ***all the requisite*** information on the functioning and the deployment of the measures, as well as adequate reporting on the recognition and use of the works and other subject-matter.

2. Member States shall ensure that complaints and redress mechanisms are available to ***interested parties*** in case of disputes over the application of the measures referred to in paragraph 1.

***2a. Licencing agreements concluded with rightholders shall provide for fair remuneration for authors, creators and performers. Member States shall promote the development and deepening of measures which protect the weakest parties – authors, creators, performers and users – and ensure effective accountability by material beneficiaries for the unlawful appropriation of added value on content shared and uploaded on the Internet which is protected by copyright and related rights.***

Or. pt

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**Proposal for a directive**

**Article 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***The right of authors, creators and performers to fair remuneration***

- 1. Authors, creators and performers are entitled to fair remuneration for their work under contracts which were concluded within the framework of this Article. This may be achieved in each sector through a combination of agreements, including collective bargaining agreements;***
- 2. Fair remuneration must not be a burden on or be obtained at the expense of users;***
- 3. Fair remuneration for authors, creators and performers may be the result of measures taken by Member States to ensure accountability by material beneficiaries for the unlawful appropriation of added value on content shared and uploaded on the Internet which is protected by copyright and related rights.***

Or. pt