

Amendment 170**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****Recital 3***Text proposed by the Commission*

(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be rules on ***rights in publications, on the use of works and other subject-matter by online service providers storing and giving access to***

Amendment

(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be rules on the transparency of authors' and performers' contracts.

user uploaded content and on the
transparency of authors' and performers'
contracts.

²⁶ COM(2015) 626 final.

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Or. en

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

Proposal for a directive**Recital 21 a (new)***Text proposed by the Commission**Amendment*

(21 a) In order to allow citizens and consumers to fully benefit from the opportunities offered by new technologies, public lending of literary works, including e-lending, should be permitted within the internal market. The concept of lending, within the meaning of Articles 1(1), 2(1)(b) and 6(1) of Directive 2006/115/EC, covers the lending not only of physical books, but also of a digital copy thereof. When Member States apply the derogation set out in Article 6 of Directive 2006/115/EC, libraries should be able to buy any physical book on the market. Once purchased, they can lend it without restrictions linked to contract terms or other measures of protection which prevent the exercise of exceptions and limitations to copyright. Those provisions should also apply to e-books. In order to achieve legal certainty and harmonisation within the internal market, Member States should ensure that the exception to the exclusive public lending right set out in Article 6 of Directive 2006/115/EC should be mandatory.

Or. en

6.9.2018

A8-0245/172

Amendment 172

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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

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28 a) In order to substantiate the general public goal of increasing access to, and favouring the dissemination of, creative content, information and knowledge and to ensure legal certainty within the internal market a definition of public domain should be introduced. It should also be highlighted that the ultimate goal of most authors, performers and creators is primarily human and societal development and prosperity rather than the potential economic gain.

Or. en

Amendment 173

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

Proposal for a directive

Recital 28 b (new)

Text proposed by the Commission

Amendment

(28 b) It is of the utmost importance to clarify that once a work or other subject matter is in the public domain, any faithful reproduction, whether analogical or digital, of that work or subject matter, which does not constitute a new or transformative work or subject matter, should remain in the public domain. Public domain should encompass works or other subject matter whose copyright has expired, or has never existed or has been voluntarily relinquished by rightholders.

Or. en

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Copyright in the Digital Single Market

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

Proposal for a directive**Recital 28 c (new)***Text proposed by the Commission**Amendment*

(28 c) When the copyright expires on a work or other subject matter, it may be extremely difficult to establish that such work or subject matter has passed into the public domain. Public domain works or other subject matter may never be identified, thus hindering access to content, information and knowledge. Member States should allow authors, performers and producers, who do not intend to copyright their work or other subject matter, to dedicate it, in whole or in part, to the public domain. Indeed, it should be acknowledged that the ultimate goal of most authors, performers and creators is primarily human and societal development and prosperity rather than the potential economic gain. In light of this, Member States should encourage the use of appropriate public domain equivalent licences (e.g. creative commons). This would help authors, performers and producers to make it clear to potential re-users that the work is in the public domain, thus spreading the dissemination of content, information and knowledge.

Or. en

Amendment 175

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

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. *deleted*

Or. en

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

Proposal for a directive

Recital 32

Text proposed by the Commission

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 rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.* *deleted*

Or. en

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(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.*

deleted

Or. en

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

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.

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Or. en