

6.9.2018

A8-0245/194

Amendment 194

Julia Reda

on behalf of the Verts/ALE 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 21 a (new)

Text proposed by the Commission

Amendment

(21 a) The recognition of the public's interest to participate in the public sphere without undue constraints resulting from exclusive rights by means of an exception regarding the use of depictions of buildings and permanent structures is necessary. Professional photographers, authors, and other rightholders, consumers, institutional users and service providers predominantly use depictions of works on the basis of national 'freedom of panorama' exceptions and should enjoy legal certainty for cross-border usage.

Or. en

Amendment 195**Julia Reda**

on behalf of the Verts/ALE 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 31***Text proposed by the Commission*

(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.***

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. ***The sustainability of the press publishing industry should therefore be ensured.***

Or. en

Amendment 196

Julia Reda

on behalf of the Verts/ALE 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 31 a (new)

Text proposed by the Commission

Amendment

(31 a) In the transition from print to digital, publishers of press publications are increasingly facing problems in licensing the online use of their publications and recouping their investments. Press publications contain mostly literary works but increasingly include other types of works and subject-matter, notably photographs and videos. Due to the large number of authors and other rightholders involved in the creation of a press publication, licensing and enforcement of the rights in press publications are often complex and inefficient in the digital environment. Publishers can face difficulties notably when proving that rights in such works and other subject-matter have been transferred or licensed to them for the purposes of concluding licences or enforcing the rights in respect of their press publications.

Or. en

Amendment 197**Julia Reda**

on behalf of the Verts/ALE 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**Recital 31 b (new)***Text proposed by the Commission**Amendment*

(31 b) Publishers of press publications need to acquire all the relevant economic rights from the authors and other rightholders to incorporate their works or other subject-matter in a press publication. This principle should continue to apply. However, the licensing and enforcement of the rights acquired vis-à-vis third parties should be facilitated, while at the same time not affecting contractual arrangements concluded between the publishers of press publications, on the one hand, and the authors and other rightholders, on the other hand. It is therefore necessary to provide at Union level a rebuttable presumption to allow the publisher to be regarded as the person entitled to conclude licences and enforce the rights of reproduction and of making available to the public concerning the digital use of works and other subject-matter contained in the press publication, provided that the name of the publisher appears on the publication.

Or. en

Amendment 198

Julia Reda

on behalf of the Verts/ALE 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 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

Amendment 199**Julia Reda**

on behalf of the Verts/ALE 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 33***Text proposed by the Commission*

(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.**

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 **in any media, including on paper, and such that it is understood as an economic activity which constitutes a provision of services under Union law. The press publications that should be covered are those whose purpose is to inform the general public and which are** periodically or regularly updated. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications published for scientific or academic purposes, such as scientific journals, should not be covered by the **presumption of rights** granted to **publishers for** press publications **laid down in** this Directive.

Or. en

Amendment 200

Julia Reda

on behalf of the Verts/ALE 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 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 201**Julia Reda**

on behalf of the Verts/ALE 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 35***Text proposed by the Commission*

(35) The ***protection granted to*** publishers of press publications ***under*** this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the ***protection granted to them*** against authors and other rightholders. ***This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.***

Amendment

(35) The ***presumption for*** publishers of press publications ***laid down in*** this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the ***presumption laid down in this Directive*** against authors and other rightholders ***or against other authorised users of the same works*** and other ***subject-matter***.

Or. en

Amendment 202**Julia Reda**

on behalf of the Verts/ALE 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 37***Text proposed by the Commission*

(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.*

Amendment

(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 203**Julia Reda**

on behalf of the Verts/ALE 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**Recital 37 a (new)***Text proposed by the Commission**Amendment*

(37 a) Today more creative content is being consumed than ever before. That is facilitated by online platforms and aggregation services. They 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 revenues from this increase in consumption. One of the reasons for this could be the lack of clarity regarding the status of these online services under e-commerce law. Consideration is to be made of how this process can function with more legal certainty and respect for all affected parties including artists and users and it is important to ensure transparency and a fair level playing field. The Commission should develop guidance on the implementation of the intermediary liability framework in order to allow online platforms to comply with their responsibilities and the rules on liability and in order to enhance legal certainty and increase user confidence.

Or. en