

Amendment 209

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

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In cases other than the ones mentioned in paragraph 1, a license under which the licensee is allowed to carry out extractions and reproductions from a work or other protected-subject matter shall be deemed to allow for text-and-data-mining, including, where applicable, by their subcontractors, without requiring any specific permission of the rightholders, unless the parties agree otherwise and the rightholder reserves such uses in a machine readable format. Reproductions and extractions made for the process of text and data mining of such works and other subject-matter shall be deleted as soon as they are no longer required for that purpose. Any reproductions of works or other subject matter retained for longer than required shall be excluded from the scope of this paragraph.

Or. en

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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**Article 5 a (new)***Text proposed by the Commission**Amendment**Article 5 a*

*Use of extracts from pre-existing works
and other subject-matter in content
uploaded or made available by users*

*(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 service providers shall not be able to 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

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Copyright in the Digital Single Market

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

A8-0245/2018

Proposal for a directive

Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5 b

Freedom of Panorama

- 1. 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.***
- 2. Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.***

Or. en

Amendment 212**Julia Reda**

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Copyright in the Digital Single Market

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

A8-0245/2018**Proposal for a directive****Article 11 – title***Text proposed by the Commission**Amendment***Protection of press publications**
concerning digital uses**Licensing and enforcement of rights in**
press publications concerning digital uses

1. Member States shall provide ***publishers of press publications with*** the rights provided for in Article 2 and ***Article 3(2)*** of Directive 2001/29/EC ***for*** the digital use of ***their press publications***.

1. Member States shall provide ***that, in the absence of proof to the contrary, the publisher of a press publication shall be regarded as the person entitled to conclude licences and to seek application of the measures, procedures and remedies referred to in Directive 2004/48/EC and Article 8 of Directive 2001/29/EC in respect of*** the rights provided for in Article 2 and 3(2) of Directive 2001/29/EC ***concerning the digital use of the works and other subject-matter incorporated in such a press publication, provided that the name of the publisher appears on the publication***.

2. The ***rights referred to*** in paragraph 1 shall ***leave intact and shall in no way*** affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. ***Such rights*** may not be invoked against ***those*** authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

2. The ***presumption provided for*** in paragraph 1 shall ***not*** affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. ***The presumption*** may not be invoked against ***the*** authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. Articles 5 to 8 of Directive 001/9/EC and Directive 01/8/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 0 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

6.9.2018

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

A8-0245/2018

Proposal for a directive

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11 a

Provision of hyperlinks to works

The provision on a website of hyperlinks to works available on another website, where such links only contain information necessary to find or request the source's contents, shall not constitute a communication to the public.

Or. en

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Copyright in the Digital Single Market

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

A8-0245/2018**Proposal for a directive****Article 13 – title***Text proposed by the Commission*

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

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.*

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

1. *Where* information society service providers *offer users content storage services* and provide the public *with* access to *content and where such activity is not eligible for the liability exemptions provided for in Directive 2000/31/EC*, they shall take *appropriate and proportionate* measures to ensure the functioning of *licensing* agreements concluded with rightholders. *The implementation of such agreements shall respect the fundamental rights of users and shall not impose a general obligation on information society service providers to monitor the information which they transmit or store, in accordance with Article 15 of Directive 2000/31/EC.*

1 a. For the purpose of ensuring the functioning of licensing agreements, as referred to in paragraph 1, information society service providers and rightholders shall cooperate with each other.

Rightholders shall accurately identify to information society service providers the works or other subject-matter in respect of which they have the copyright. The information society service providers shall inform rightholders of the measures employed and the accuracy of their functioning as well as, when relevant, periodically report on the use of the works and other subject-matter.

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.

2. Member States shall ensure that the service providers referred to in paragraph 1 ***in cooperation with rightholders*** put in place complaints mechanisms that are available to users in case of disputes over the ***implementation*** of the ***licensing agreements*** referred to in paragraph 1.

2 a. Member States shall ensure that users have access to a court or another competent authority for the purpose of asserting their right of use under an exception or limitation and to appeal any restrictive measures agreed upon pursuant to paragraph 3.

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.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers ***referred to in paragraph 1, user representatives*** and rightholders through stakeholder dialogues to define best practices ***for the implementation of paragraph 1. The measures undertaken shall be*** appropriate and proportionate ***and shall take*** into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en