

**Amendment 245**

**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**

**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 11 – paragraph 1***Text proposed by the Commission**Amendment*

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 party entitled to conclude licences and to seek application of the measures, procedures and remedies referred to in Directive 2004/48/EC and in 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. Member States shall ensure that technical rules that are implemented by a rightsholder through universally used and acknowledged robot exclusion protocols, which define parameters for crawling, indexing and displaying of works and other subject-matter by***

*information service providers, are legally binding for such service providers.*

Or. en

**Amendment 246**

**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**

**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 11 – paragraph 2***Text proposed by the Commission**Amendment*

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. ***Press publishers shall not invoke the presumption*** against ***the*** authors and other rightholders and, in particular, ***shall*** not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which ***such works and other subject-matter*** are incorporated.

Or. en

**Amendment 247**

**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**

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**Proposal for a directive****Article 11 – paragraph 3***Text proposed by the Commission**Amendment*

**3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.** *deleted*

Or. en

**Amendment 248**

**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**

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**Proposal for a directive****Article 11 – paragraph 4***Text proposed by the Commission**Amendment*

**4. The rights referred to in paragraph 1 shall expire 20 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.**

*deleted*

Or. en

**Amendment 249**

**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**

**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****Title IV – Chapter 2 – title***Text proposed by the Commission**Amendment*

***Certain uses*** of protected content by online  
***services***

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

Or. en

**Amendment 250**

**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**

**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 – paragraph -1 (new)***Text proposed by the Commission**Amendment*

***-1 Without prejudice to Article 3 (1) and (2) of the Directive 2001/29/EC, online content sharing service providers perform an act of communication to the public when they store phonograms, broadcasts, films or musical works uploaded by their users and play an active role, including by optimising the presentation of such uploaded works or promoting them, allowing those providers to have knowledge of the content or control of the user uploads. Licensing agreements concluded by the online content sharing service providers with rightholders shall cover the liability for works uploaded by the users of their services, provided that those users do not act for commercial purposes or are not the rightholder or his or her representative.***





**Amendment 251**

**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**

**Report****A8-0245/2018****Axel Voss**

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**Proposal for a directive****Article 13***Text proposed by the Commission**Amendment*

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,***

**1. Online content sharing** service providers shall, in cooperation with rightholders, take ***appropriate and proportionate*** measures to ensure the functioning of ***licensing*** agreements ***where*** concluded with rightholders for the use of their works or other subject-matter on ***those*** services.

*adequate reporting on the recognition and use of the works and other subject-matter.*

***1a. Member States shall ensure that online content sharing service providers 1 shall apply the measures referred to in paragraph 1 based on the relevant information provided by rightholders.***

***Online content sharing service providers shall be transparent towards rightholders and their users and shall inform both rightholders and their users of the measures employed, their implementation, and, where relevant, shall periodically report on the use of the works and other subject-matter.***

***1b. Member States shall ensure that the implementation of such measures ensure a fair balance is struck between the various fundamental rights protected by the Community legal order and shall not lead to general monitoring by online content sharing service providers of the information which they transmit or store.***

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. To prevent misuses or limitations in the exercise of exceptions and limitations to copyright, Member States shall ensure that the service providers referred to in paragraph 1 put in place effective and expeditious complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1. Any complaint filed under such mechanisms shall be processed without undue delay and shall be subject to human review by a trusted third party designated by the Member States. Liability shall be incurred for any unjustified use of the measures referred to in paragraph 1, and dismissal of complaints shall be motivated.***

***Moreover, in accordance with Regulation (EU) 2016/679 and Directive 2002/58/EC, the measures referred to in paragraph 1 shall not require the identification of individual users and the processing of***

*their personal data.*

*Member States shall also ensure that, in the context of the application of the measures referred to in paragraph 1, users have access to a court or another relevant judicial authority to assert the use of an exception or limitation to copyright.*

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 **online content sharing** service providers, **users** and rightholders through stakeholder dialogues to define best practices **for the implementation of the measures referred to in paragraph 1 in a manner that is proportionate and efficient**, taking into account, among others, the nature of the services, the availability of technologies and their effectiveness in light of technological developments.

Or. en

**Amendment 252**

**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**

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**Proposal for a directive****Article 13 a (new)***Text proposed by the Commission**Amendment****Article 13a***

***Member States shall provide that disputes between successors in title and information society services regarding the application of Article 13(1) may be subject to an alternative dispute resolution system.***

***Member States shall establish or designate an impartial body with the necessary expertise, with the aim of helping the parties to settle their disputes under this system.***

***The Member States shall inform the Commission of the establishment of this body no later than (date mentioned in Article 21(1)).***

