Amendment 262

Report
Axel Voss
Copyright in the Digital Single Market

Proposal for a directive
Recital 37

Text proposed by the Commission

Amendment

(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.

Or. en
Amendment 263
Tiemo Wölken, Bernd Lange, Kerstin Westphal, Michael Detjen, Iris Hoffmann,
Dietmar Körster, Ulrike Rodust, Susanne Melior, Martina Werner, Maria Noichl, Arndt
Kohn, Petra Kammerervert, Joachim Schuster, Constanze Krehl, Jens Geier, Sylvia-
Yvonne Kaufmann, Ismail Ertug, Arne Lietz, Paul Tang, Knut Fleckenstein, Norbert
Neuser, Eugen Freund, Karin Kadenbach, Momchil Nekov, Evelyne Gebhardt, Birgit
Sippel, Kati Piri, Tanja Fajon, Pavel Poc, Karoline Graswander-Hainz, Péter
Niedermüller, Nessa Childers, Sergei Stanishev, Anna Hedh, Lidia Joanna Geringer de
Oedenberg, Adam Gierek, Janusz Zemke, Boguslaw Liberadzki, Josef Weidenholzer,
Evelyn Regner, Monika Beňová

Report
A8-0245/2018
Axel Voss
Copyright in the Digital Single Market

Proposal for a directive
Recital 38

Text proposed by the Commission

(38) Where information society service
providers store and provide access to the
public to copyright protected works or
other subject-matter uploaded by their
users, thereby going beyond the mere
provision of physical facilities and
performing an act of communication to
the public, they are obliged to conclude
licensing agreements with rightholders,
unless they are eligible for the liability
exemption provided in Article 14 of
Directive 2000/31/EC of the European

In respect of Article 14, it is necessary to
verify whether the service provider plays
an active role, including by optimising the
presentation of the uploaded works or
subject-matter or promoting them,
irrespective of the nature of the means
used thereafter.

In order to ensure the functioning of any
licensing agreement, information society
service providers storing and providing
access to the public to large amounts of
copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment 264

Report
Axel Voss
Copyright in the Digital Single Market

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.
Amendment 265

Report
Axel Voss
Copyright in the Digital Single Market

Proposal for a directive
Article 13 – title

Text proposed by the Commission

Amendment

Article 13

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.

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.
Amendment 266
Tim Aker, Jörg Meuthen
on behalf of the EFDD Group

Report
Axel Voss
Copyright in the Digital Single Market

Proposal for a directive

Proposal for rejection

The European Parliament rejects [the Commission proposal].

Or. en
Amendment 267
Tim Aker, Jörg Meuthen, Laura Agea, Tiziana Beghin, Fabio Massimo Castaldo, Ignazio Corrao, Rosa D'Amato, Eleonora Evi, Laura Ferrara, Piernicola Pedicini, Dario Tamburrano, Marco Zullo, Isabella Adinolfi
on behalf of the EFDD Group

Report
Axel Voss
Copyright in the Digital Single Market

Proposal for a directive
Article 11 – title

Text proposed by the Commission

Amendment

Article 11

Protection of 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.

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.


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.
Amendment 268
Tim Aker, Jörg Meuthen, Laura Agea, Tiziana Beghin, Fabio Massimo Castaldo, Ignazio Corrao, Rosa D'Amato, Eleonora Evi, Laura Ferrara, Piernicola Pedicini, Dario Tamburrano, Marco Zullo, Isabella Adinolfi
on behalf of the EFDD Group

Report
Axel Voss
Copyright in the Digital Single Market

Proposal for a directive
Article 13 – title

Text proposed by the Commission

Amendment

Article 13 – deleted

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.
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.

Or. en