



2016/0280(COD)

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AMENDMENTS

673 - 872

Draft report
Therese Comodini Cachia
(PE601.094v01-00)

Copyright in the Digital Single Market

Proposal for a directive
(COM(2016)0593 – C8-0383/2016 – 2016/0280(COD))

Amendment 673
Julia Reda

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Article 5(5) and the first, *third* and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

Amendment

The first and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

Or. en

Amendment 674
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Except in the cases covered by Article 17, this Directive shall leave intact and shall in no way affect the exceptions and limitations provided for in Article 5(2) and (3) of Directive 2001/29/EC, Articles 6 and 9 of Directive 96/9/EC and Articles 5 and 6 of Directive 2009/24/EC, including the optional nature thereof.

Or. fr

Amendment 675
Julia Reda

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Any contractual provision contrary to the exceptions and limitations provided for in this Directive shall be unenforceable.

Amendment 676

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – title

Text proposed by the Commission

Amendment

Use of out-of-commerce works by cultural heritage institutions

Use of out-of-commerce works by cultural heritage institutions, ***educational establishments or other non-commercial documentation centers***

Or. en

Amendment 677

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – title

Text proposed by the Commission

Amendment

Use of out-of-commerce works ***by cultural heritage institutions***

Use of out-of-commerce works

Or. en

Amendment 678

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States ***shall provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution*** for the digitisation, distribution, communication to the public or making available of out-of-commerce

1. Member States ***after consulting with rightholders and their representing organisations, cultural heritage institutions and other users, shall provide a legal mechanism enabling exclusive or non-exclusive licences*** for the digitisation, distribution, communication to the public or making available of out-of-commerce

works or other subject-matter permanently in the collection of the institution, *such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation*, provided that:

works or other subject-matter permanently in the collection of the institution, provided that:

Or. en

Amendment 679

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States *shall* provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:

Amendment

1. Member States *may, without prejudice to their national model for unavailable works*, provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:

Or. fr

Amendment 680

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall provide ***that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:***

1. Member States shall provide ***for an exception to the rights set out in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 4(1) of Directive 2009/24/EC, permitting cultural heritage institutions, educational establishments or other non-commercial documentation centers, to digitise, distribute, communicate to the public or make available out-of-commerce works or other subject-matter permanently in their collection for non-commercial purposes.***

Or. en

Amendment 681

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence;

deleted

Or. en

Amendment 682

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the collective management

(a) the organisation in charge of

organisation *is, on the basis of mandates from rightholders*, broadly representative of rightholders *in the category of works or other subject-matter and of the rights which are the subject of the licence*;

granting licences is broadly representative of rightholders *according to the law of the Member State*;

Or. en

Amendment 683

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence;

deleted

Or. en

Amendment 684

Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 7 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) Right-holders may at any time object to their works or other subject-matter being deemed to be out of commerce and may exclude their works from being made available on the secure electronic network of the cultural heritage institution.

Or. en

Amendment 685

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

deleted

Or. en

Amendment 686

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

(c) all rightholders ***are duly informed and*** may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

Or. en

Amendment 687

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

When implementing the exception laid down in the first subparagraph, Member States may provide for remuneration schemes to compensate any unreasonable prejudice to the legitimate interests of rightholders. Rightholders may at any time, on the basis of reasonable evidence, object to their works or other subject-matter being deemed to be out of commerce and be able to exclude the

application of the exception laid down in the first subparagraph.

Or. en

Amendment 688

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) Member States shall, in consultation with rightsholders, collective management organisations and cultural heritage institutions, evaluate the effectiveness of such licensing solutions.

Or. en

Amendment 689

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

This legal mechanism may, among others, be based on extended collective licensing, a legal mandate or a presumption.

Or. en

Amendment 690

Julia Reda

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

This legal mechanism may, among others, be based on extended collective licensing,

a legal mandate or a presumption.

Or. en

Amendment 691

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States may establish that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of out-of-commerce works or other subject-matter, to the extent that operational non-exclusive licences, concluded between a collective management organisation, on behalf of its member, and a cultural heritage institution, an educational establishment or another non-commercial documentation center, authorising the uses provided for in paragraph 1, exist and are easily available. In this case, such non-exclusive licences may be extended or presumed to apply to rightholders of the same category as those covered by the licences who are not represented by the collective management organisation, provided that:

(a) the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence;

(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence;

(c) all rightholders may at any time, on the basis of reasonable evidence, object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

Amendment 692

Julia Reda

Proposal for a directive

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall provide for an exception or limitation to the rights provided for in Article 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of out-of-commerce works that are located in their collections available online, provided that:

(a) the name of the author or any other identifiable rightholder is indicated, unless this turns out to be impossible;

(b) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the exception to their works or other subject-matter.

Or. en

Amendment 693

Sergio Gaetano Cofferati

Proposal for a directive

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall provide for exceptions to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Article 5(a) and Article 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow cultural

heritage institutions to make copies of out-of-commerce works that are permanently located in their collections publicly available for non-commercial purposes on their websites, provided that the name of the author or another identifiable rightholder is indicated, unless such indication turns out to be impossible.

Or. en

Amendment 694

Julia Reda

Proposal for a directive

Article 7 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Member States may provide that the exception adopted pursuant to paragraph 1a does not apply in sectors or for types of works where extended collective licensing-based solutions provided for in paragraph 1 are available. Member states shall, in consultation with authors, other rightholders, collective management organisations and cultural heritage institutions, determine the availability of extended collective licensing-based solutions for specific sectors or types of works.

Or. en

Amendment 695

Julia Reda

Proposal for a directive

Article 7 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. Member States shall, in consultation with rightholders, collective management organisations and cultural

heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 or used in accordance with paragraph 1a do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce. In any case, works that have first been published at least 10 years ago shall be deemed to be out of commerce, without prejudice to the possibility for rightsholders to object to their works or other subject-matter being deemed to be out of commerce in accordance with paragraph 1 or 1a.

Or. en

Amendment 696
Julia Reda

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. *A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.*

deleted

Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-

commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

Or. en

Amendment 697
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

deleted

Or. en

Amendment 698
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce *and cannot be reasonably expected to become so.*

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary, *easily accessible*, channels of commerce. *Out-of-commerce works shall also include works that have never been, or were never intended, to be in commerce.*

Or. en

Amendment 699

József Szájer, Andrea Bocskor

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its **translations**, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so **in the Member States where the cultural heritage institution is established**.

Or. en

Justification

Translations should not be included in the first subparagraph, because this approach does not take into consideration the linguistic and cultural diversity of the Member States. This approach may have a negative effect on cultural diversity, because certain language versions of a work may disappear as they cannot be considered out-of-commerce while another language version is still available. The out-of-commerce status shall be assessed in each country separately and not on the EU level.

Amendment 700

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall, in consultation with rightholders, collective management organisations **and** cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be **licensed in accordance with paragraph 1** do not extend beyond what is **necessary and reasonable** and do not preclude the possibility to determine the out-of-

Amendment

Member States shall, in consultation with rightholders, collective management organisations, cultural heritage institutions, **educational establishments or other non-commercial documentation centers**, ensure that the requirements used to determine whether works and other subject-matter can be **deemed to be out of commerce**, do not extend beyond what is **reasonable and proportionate** and do not

commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

Or. en

Amendment 701

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Member States shall provide that appropriate publicity measures are taken regarding:

3. Member States shall provide that appropriate **and effective** publicity measures are taken regarding:

Or. en

Amendment 702

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) **the** licence, and in particular its application to unrepresented rightholders;

(b) **any** licence, and in particular its application to unrepresented rightholders;

Or. en

Amendment 703

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 3 – point c – paragraph 1

Text proposed by the Commission

Amendment

the possibility of rightholders to object, referred to in point (c) of paragraph 1;

the possibility of rightholders to object, referred to in **the second subparagraph of**

paragraph 1 and in point (c) of paragraph 1a;

Or. en

Amendment 704

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – paragraph 4 – introductory part

Text proposed by the Commission

4. Member States shall ensure that the licences referred to in paragraph 1 are **sought from a collective management organisation that is representative for** the Member State where:

Amendment

4. Member States shall ensure that the licences referred to in paragraph 1 are **in** the Member State where:

Or. en

Amendment 705

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 4 – point c

Text proposed by the Commission

(c) the cultural heritage institution is established, when a Member State or a third country could not be **determined, after reasonable efforts**, according to points (a) and (b).

Amendment

(c) the cultural heritage institution, **educational establishment or non-commercial documentation center** is established, when a Member State or a third country could not be **easily determined** according to points (a) and (b).

Or. en

Amendment 706

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

5. Paragraphs 1, 2 and 3 shall not apply to the works or other subject-matter of third country nationals except where points (a) and (b) of paragraph 4 apply.

deleted

Or. en

**Amendment 707
Julia Reda**

**Proposal for a directive
Article 7 – paragraph 5**

Text proposed by the Commission

Amendment

5. Paragraphs 1, 2 and 3 shall not apply to the works or other subject-matter of third country nationals except where points (a) and (b) of paragraph 4 apply.

deleted

Or. en

**Amendment 708
Jytte Guteland**

**Proposal for a directive
Article 7 a (new)**

Text proposed by the Commission

Amendment

Article 7 a

Use at national level by cultural heritage institutions of works in their collection
Member States may provide that Article 7 shall not apply in situations where a collective agreement between an organisation and a cultural heritage institution concerning the use in that Member State of works or other subject matter in the collection of the institution, by virtue of national law, is extended to apply also to rights of rightholders not represented by the organisation.

Amendment 709

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 8

Text proposed by the Commission

Amendment

Article 8

deleted

Cross-border uses

1. Works or other subject-matter covered by a licence granted in accordance with Article 7 may be used by the cultural heritage institution in accordance with the terms of the licence in all Member States.

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

3. The portal referred to in paragraph 2 shall be established and managed by the European Union Intellectual Property Office in accordance with Regulation (EU) No 386/2012.

Or. fr

Amendment 710

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. ***Works or other subject-matter covered by a licence granted in accordance with Article 7 may be used by the cultural heritage institution in accordance with the terms of the licence in all Member States.***

deleted

Or. fr

**Amendment 711
Julia Reda**

**Proposal for a directive
Article 8 – paragraph 1**

Text proposed by the Commission

Amendment

1. Works or other subject-matter ***covered by a licence granted*** in accordance with Article 7 may be used by the cultural heritage institution ***in accordance with the terms of the licence*** in all Member States.

1. Works or other subject-matter ***used*** in accordance with Article 7 may be used by the cultural heritage institution in all Member States.

Or. en

**Amendment 712
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

**Proposal for a directive
Article 8 – paragraph 1**

Text proposed by the Commission

Amendment

1. ***Works*** or other subject-matter ***covered by a licence granted*** in accordance with Article 7 ***may be used by the*** cultural heritage ***institution in accordance with the terms of the licence*** in all Member States.

1. ***Out-of-commerce*** works or other subject-matter ***may be used***, in accordance with Article 7, ***by*** cultural heritage ***institutions*** in all Member States.

Or. en

Amendment 713

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

deleted

Or. fr

Amendment 714
Daniel Buda

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

(Does not affect the English version.)

Or. ro

Amendment 715

Julia Reda

Proposal for a directive

Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by ***a licence granted in accordance with*** Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

Amendment

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

Or. en

Amendment 716

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that information that allows the identification of the works or other subject-matter ***covered by a licence granted*** in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made ***publicly*** accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States ***other than the one where the licence is granted, and for the whole duration of the licence.***

Amendment

2. Member States shall ensure that information that allows the identification of the works or other subject-matter ***used*** in accordance with Article 7 and information about the possibility of rightholders to object referred to in ***the second subparagraph of Article 7(1) and Article 7(1a)(c)*** are made ***permanently, easily and effectively*** accessible in a ***public*** single online portal, ***and in any case*** for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States.

Amendment 717

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. The portal referred to in paragraph 2 shall be established and managed by the European Union Intellectual Property Office in accordance with Regulation (EU) No 386/2012.

deleted

Or. fr

Amendment 718

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the **effectiveness of the measures applied to implement the exception referred to in Article 7, including the** relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Or. en

Amendment 719

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

Member States **shall** ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Amendment

Member States **may** ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Or. fr

Amendment 720

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Exploitation of European audiovisual works on video-on-demand platforms

1. Member States shall ensure that producers and the transferees of the rights make their best efforts to make European audiovisual works available to the public on at least one video-on-demand platform.

2. Member States shall take appropriate measures to ensure the application of paragraph 1, including by encouraging the conclusion of professional agreements between representative organisations of authors, including their collective

management organisations and representative organisations of producers and other stakeholders, as well as video-on-demand platforms, in a larger context of continuous exploitation of European audiovisual works.

Or. en

Amendment 721

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Exploitation of audiovisual works on video-on-demand platforms

- 1. Member States shall ensure that producers and the transferees of the rights make their best efforts to make European audiovisual works on at least one video-on-demand platform.***
- 2. Member States shall take appropriate measures to ensure the application of paragraph 1, including by encouraging the conclusion of professional agreements between representative organisations of authors and representative organisations of producers and other stakeholders, as well as video-on-demand platforms in a larger of continuous exploitation of audiovisual works.***

Or. en

Amendment 722

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Public domain

Member States shall ensure that once a work or other subject-matter is in the public domain, faithful reproductions, in any format or medium, in full or in part of that work or subject matter, which does not constitute a new work or subject matter, shall equally not be subject to copyright or related rights.

Or. en

Amendment 723

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

This paragraph shall not apply to the licensing of copyrighted works and subject matter by the organisations referred to in Articles 3(a) et 2(3) of Directive 2014/26/EC.

Or. fr

Amendment 724

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial **public** body with relevant experience. That body shall provide **impartial and affordable** assistance with negotiation and help reach agreements.

Or. en

Amendment 725
Jens Rohde

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of **audiovisual** rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Or. en

Justification

In order to address ambiguity it should be specified that this article concerns only the audiovisual licensing.

Amendment 726
Daniel Buda

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance *with negotiation and help reach agreements*.

Amendment

Member States shall ensure that where **the relevant** parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance *to facilitate the negotiations*.

Or. ro

Amendment 727
Angel Dzhambazki

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where **parties** wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment

Member States shall ensure that where **SMEs** wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Or. en

Justification

The amendment seeks to clarify the intention behind this article, as it is SME's, who are the parties facing difficulties to the licensing of rights.

Amendment 728
Julia Reda

Proposal for a directive
Article 10 a (new)

Article 10 a

Union Legal Deposit

- 1. Member States shall ensure that publications covered by national legal deposit requirements and published within the Union or related to Union matters shall also be subject to a Union Legal Deposit.***
- 2. The European Parliament Library shall be entitled to delivery, free of charge, of one copy of every publication referred to in paragraph 1.***
- 3. The obligation set out in paragraph 1 shall be rendered under equivalent terms as the national deposit requirements and shall apply to publishers, printers and importers of publications for the works they publish, print or import in the Union. Member States shall allow for the bulk collection and bulk delivery of publications referred to in paragraph 1 by national libraries or other designated agents.***
- 4. From the day of the delivery to the European Parliament Library, the publications referred to in paragraph 1 shall become part of the European Parliament Library permanent collection. They shall be made available to users of the European Parliament Library's services.***
- 5. The Commission shall be empowered to adopt decisions and delegated acts to specify the modalities relating to the delivery to the European Parliament Library of publications referred to in paragraph 1 and also of publications created or published by the Union and its institutions.***

Or. en

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

**Proposal for a directive
Article 10 a (new)**

Text proposed by the Commission

Amendment

Article 10a

Member States shall require producers and the transferees of the rights to make every effort to ensure continuous exploitation of European audiovisual works, for example by making such works available to the public on video-on-demand platforms.

Member States shall take appropriate measures to ensure compliance with the provisions of paragraph 1, for example by encouraging the conclusion of professional agreements between organisations representing authors, on the one hand, and producers and other stakeholders, on the other, as well as video-on-demand platforms, so as to ensure the continuous exploitation of audiovisual works.

Or. fr

Amendment 730

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

**Proposal for a directive
Article 10 b (new)**

Text proposed by the Commission

Amendment

Article 10b

These provisions shall be without prejudice to the application of the rules relating to media chronology, the freedom of a producer or distributor to accord exclusive rights to the exploitation of the audiovisual works in question and the freedom of a broadcaster or on-demand video platform to acquire and distribute or make available on demand the works of its choice, in line with its editorial

Amendment 731

Julia Reda, Isabella Adinolfi, Jan Philipp Albrecht, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Victor Negrescu, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

***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.

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.

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.

Or. en

Amendment 732

Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

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.

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.

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.

Or. en

Amendment 733

József Szájer, Andrea Bocskor

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

***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.

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.

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.

Justification

The introduction of a new neighbouring right for publishers regarding the online uses of certain specified publications as defined in Article 2 and in the related recitals is not reasonable. The planned new right would make a distinction between different types of journalistic publications and it would not be based on whether such publications are protected by copyright but on certain other criteria. Therefore, it seems create be a parallel protection beside the copyright on certain publications.

Amendment 734

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Marju Lauristin

Proposal for a directive**Article 11**

Text proposed by the Commission

Amendment

Article 11

deleted

***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.

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.

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.

Or. en

Justification

The introduction of press publishers right is unnecessary as publishers are already protected by copyright law, based on transfers or licences of the author's rights from the respective authors. The challenges currently faced by news sector cannot be solved by granting additional rights. Approach based on partnership negotiation, self-regulation, existing technical tools, new business models and most of all innovation, to preserve open access to information, is more suitable for the digital era.

Amendment 735

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

***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.

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.

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.

Or. en

**Amendment 736
Pavel Svoboda**

**Proposal for a directive
Article 11**

Text proposed by the Commission

Amendment

Article 11

deleted

***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.

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.

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.*

Or. cs

Amendment 737

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications
concerning digital uses

Protection of press publications

Or. fr

Amendment 738

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications
concerning digital uses

Protection of press publications

Or. de

Amendment 739

**Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc
Tarabella, Pervenche Berès**

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications
concerning digital uses

Protection of press publications

Or. en

Amendment 740

Tadeusz Zwiefka, Bogdan Brunon Wenta, Andrzej Grzyb

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications
concerning digital uses

Protection of press publications

Or. en

Amendment 741

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Stefano Maullu, Pascal Arimont

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications
concerning digital uses

Protection of press publications

Or. en

Amendment 742

Angel Dzhambazki

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications
concerning digital uses

Protection of press publications

Or. en

Justification

The rights of publishers of press publications should encompass digital as well as analogue uses

Amendment 743

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

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. *deleted*

Or. en

Amendment 744

Jens Rohde

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. *deleted*

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 745

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

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.

deleted

Or. en

Amendment 746
Axel Voss

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

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.

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 use of their press publications, **including an unwaivable right to equitable remuneration for this use. That unwaivable right to equitable remuneration can be enforced only by a collective management organisation.**

Or. de

Amendment 747

Mady Delvaux, Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin, Sorin Moisă

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

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.

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 **and shall ensure that a fair share of the revenue derived from the uses of the press publishers right is attributed to journalists and other employees.**

Amendment 748
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

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.

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 **and Article 3 and 9 of Directive 2006/115/EC** for the use of their press publications **and an unwaivable right to obtain an equitable remuneration for such use.**

Or. en

Justification

Publishers of press publications should be treated equally to other holders of ancillary rights such as film production companies, phonogram producers, broadcasting stations, etc. Therefore, their rights should encompass all the basic rights irrespective of digital and/or analogue use.

The introduction of an unwaivable right to obtain an equitable remuneration would prevent market-dominating search engine operators from thwarting such a right, as was the case in Germany.

Amendment 749
Antanas Guoga, Eva Maydell

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Member States shall provide publishers of press publications with **a presumption of representation of authors of literary works contained in publications and the legal possibility to sue in their own name when defending the rights of such author** for the digital use of their

press publications.

Or. en

Amendment 750
Kosma Zlotowski

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

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.

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 **and Article 3 and 9 of Directive 2006/115/EC** for the digital use of their press publications.

Or. en

Amendment 751
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Member States **may, if they so decide**, 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.

Or. fr

Amendment 752
Rosa Estaràs Ferragut

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 publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC **and Articles 3 and 9 of Directive 2006/115/EC** for the use of their press publications.

Or. es

Justification

The proposal only grants rights for digital uses, but the publisher's role and investment in publishing firms covers both print and digital uses, regardless of the method of dissemination. Other holders of related rights enjoy full rights. Granting rights for digital uses only suggests that the print edition does not merit the same level of protection, and does not take account of unauthorised reproduction, distribution and rental or loan. The failure to include similar rights would be akin to failing to cover CDs and DVDs for film makers.

Amendment 753

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto

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 publishers of press publications **and press agencies** 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.

Or. fr

Amendment 754

Sajjad Karim

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**

1. Member States **may** provide publishers of press publications **the legal**

rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

capacity to sue in their own name when defending the rights of authors for the digital use of their press publications.

Or. en

Amendment 755

Tadeusz Zwiefka, Bogdan Brunon Wenta, Andrzej Grzyb

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

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.

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 use of their press publications.

Or. en

Amendment 756

Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

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.

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 use of their press publications.

Or. en

Amendment 757

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Stefano Maullu, Pascal Arimont

Proposal for a directive

Article 11 – paragraph 1

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Text proposed by the Commission

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.

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 use of their press publications.

Or. en

Amendment 758

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

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.

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 use of their press publications.

Or. de

Amendment 759

Mady Delvaux

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall ensure that the private and non-commercial use of content through links and other means, such as citations, are excluded from the provisions and rights laid down in paragraph 1.

Or. en

Amendment 760

Angel Dzhambazki

**Proposal for a directive
Article 11 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1 a. Member States may provide that rights set forth in paragraph 1 and related to the use of excerpts of press publications by search engines and other aggregators can be exercised by collective management organisations.

Or. en

Justification

Taking into consideration that there are different approaches regarding the enforcement of the right to equitable remuneration, the Directive should at least stipulate that Member States may enable collective management organisations to exercise the rights. A better enforcement is needed in order to provide publishers of press publications with sufficient bargaining power and to prevent strong market players from undermining their rights.

Amendment 761

Mary Honeyball, Virginie Rozière, Marc Tarabella, Pervenche Berès, Sorin Moisă, Theresa Griffin

**Proposal for a directive
Article 11 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1 a. Member States shall provide publishers of press publications with an unwaivable right to obtain equitable remuneration for the use of their press publications.

Or. en

**Amendment 762
Angel Dzhambazki**

**Proposal for a directive
Article 11 – paragraph 1 b (new)**

1 b. Member States shall provide for the following exception or limitation in respect of the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC with regard to the use by search engines and providers of services which process the content correspondingly:

(a) The reproduction of printed and electronic press publications for the purpose of indexing or other comparable systematic data capture, and making excerpts available to the public or embedding them in other ways in their own offers, by providers of search engines and providers of services which process the content correspondingly;

(b) Excerpts from press publications that are:

- textual content: text excerpt up to a length of [250] characters including spaces and heading;

- visual content: thumbnail up to a maximum resolution of [250 x 250] pixels;

- audio content: audio excerpt up to a maximum length of [30] seconds;

- video content: video excerpt up to a maximum length of [30] seconds;

Where a press publication is used within the meaning of point (a), the source is to be clearly cited at all times; the descriptors required for this purpose shall not be taken into account when determining the admissible excerpts set out in point (b).

Member States shall ensure that the providers of search engines and services which process the content correspondingly, as a compensation for the exception or limitation set out in points (a) and (b) and in the conditions set out in the second subparagraph, shall be under obligation to set aside at least once a year a percentage of the revenues they

have received from operating the search engine and/or from providing services which process the content correspondingly in the territory of the Member States during the year immediately preceding the year for which such compensation is to be paid. Such payments shall accrue in full to the holders of copyrights or ancillary rights, including the producers of the press publications. The expression "revenues" shall refer to the proceeds obtained by the providers of search engines and/or by providers of services which process the content correspondingly and payment in kind before the deduction of costs.

The Member States shall ensure that the publishers of press publications receive a minimum share of the remuneration to be paid pursuant to third subparagraph.

Or. en

Amendment 763
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. Member States shall ensure that the claim to payment of fair compensation as set out in third and fourth subparagraphs of paragraph 1b can only be exercised by collective management organisations in compliance with the following provisions:

(a) the claim is unwaivable and may only be assigned to a collective management organisation in advance; this shall not apply to any assignment of the claim by an author or a holder of ancillary rights to publishers of a press publication which contains the rightholder's work or subject-matter for the purpose of transferring it to a collective management

organisation;

(b) to avoid imposing an unreasonable burden, the Member States may provide that the obligation to pay equitable compensation shall not apply to microenterprises if the payments are patently not in a reasonable ratio to the costs involved in collecting and administering the revenues;

(c) where a party entitled to a claim has not transferred the management of its claim to a collective management organisation, the organisation which manages claims of the same category shall be deemed to be mandated to manage that party's claim; in the event that more than one collective management organisation is eligible, those collective management organisations shall be deemed jointly mandated; should the party entitled to a claim choose a specific collective management organisation, then this organisation shall be deemed to be mandated.

(d) a party entitled to a claim shall have the same rights and obligations resulting from the agreement between the user and the collective management organisation which is deemed to be mandated to manage that party's right as the parties to a claim which have mandated that collective management organisation; the party entitled to a claim may exercise its claim within a term, to be fixed by the Member State concerned which, calculated from the date upon which the relevant press publication excerpt has been made available to the public or otherwise embedded as set out in paragraph 1b, which may not be shorter than three years.

Or. en

Proposal for a directive
Article 11 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1 d. At regular intervals, the Commission shall review the length of the press publications excerpts as set out in point (b) of paragraph 1b, as well as the amount of the fair compensation as set out in third and fourth subparagraphs of that paragraph and adopt any necessary amendments by means of delegated acts.

Or. en

Amendment 765
Jens Rohde

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.

deleted

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 766

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

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. **deleted**

Or. en

Amendment 767

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

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. **deleted**

Or. en

Amendment 768

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for ***under national legal systems and*** 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.

Or. fr

Amendment 769

Angel Dzhambazki

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

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.

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, ***performers*** 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.

Or. en

Justification

Performers are in fact included and for coherency-purposes, this should be stated here as well.

Amendment 770

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The rights referred to in paragraph 1 shall not extend to acts of hyperlinking which do not constitute acts of communication to the public.

Or. de

Amendment 771

Antanas Guoga, Eva Maydell

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 772

Jens Rohde

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

deleted

the rights referred to in paragraph 1.

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 773

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

**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 774

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

**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 775

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

**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.*

3. *News aggregators shall use press agencies' and publishers' content and shall be responsible for the content that they make publicly available.*

Or. fr

Amendment 776

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *Publishers and news agencies must also be safeguarded, by licensing arrangements for example, when it comes to the mass exploitation of their content, particularly with regard to content aggregators or rightholders.*

Or. fr

Amendment 777

Jens Rohde

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

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 778
Antanas Guoga, Eva Maydell

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 779
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

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 780
Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

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 *deleted*

*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

Amendment 781

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Stefano Maullu, Daniel Buda, Pascal Arimont

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

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

4. The rights referred to in paragraph 1 shall expire **15** 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

Amendment 782

Angel Dzhambazki

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

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

4. The rights referred to in paragraph 1 shall expire **30** 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

Amendment 783

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

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

4. The rights referred to in paragraph 1 shall expire **15** 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. de

Amendment 784

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that journalists, authors and other rightholders have a fair share of the remuneration derived from the use of the rights referred to in paragraph 1 arising from a press publication.

Or. de

Amendment 785

Julia Reda

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

Amendment 786

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Claims to fair compensation

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment 787

Julia Reda

Proposal for a directive

Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Claims to fair compensation

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment 788

Jiří Maštálka, Kostadinka Kuneva

**Proposal for a directive
Article 12 – paragraph 1**

Text proposed by the Commission

Amendment

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right. **deleted**

Or. en

Amendment 789

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

**Proposal for a directive
Article 12 – paragraph 1**

Text proposed by the Commission

Amendment

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right. **deleted**

Or. en

Amendment 790

Jens Rohde

**Proposal for a directive
Article 12 – paragraph 1**

Text proposed by the Commission

Amendment

Member States may provide that where an author has transferred or licensed a right **deleted**

to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 791

Enrico Gasbarra, Luigi Morgano, Silvia Costa, Mary Honeyball

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Amendment

Member States may provide that where an author has transferred or licensed a right to a publisher, ***that publisher is a rightholder by virtue and to the extent of*** such a transfer or a licence. ***Therefore, this transfer or licence*** constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception, ***statutory collective licensing*** or limitation to the transferred or licensed right.

Or. en

Amendment 792

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Member States ***may*** provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the

Amendment

Member States ***shall*** provide that where an author has transferred, ***assigned*** or licensed a right, ***including a right to claim a share of income,*** to a publisher, such a transfer,

publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

assignment or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred, *assigned* or licensed right.

Or. en

Amendment 793
Angel Dzhambazki

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Amendment

Member States may provide that where an author *or performer* has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment 794
Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive
Article 12 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Member States may provide for an exception or limitation to the rights referred to in Articles 2 and 3 of Directive 2001/29/EC so that works can be made available to the public by means of automated image referencing, provided that rightholders are compensated fairly.

Or. fr

Amendment 795

Tadeusz Zwiefka, Bogdan Brunon Wenta, Santiago Fisas Aixelà, Ivo Belet, Virginie Rozière, Marc Tarabella, Hannu Takkula, Jean-Marie Cavada, Constance Le Grip

Proposal for a directive

Chapter 3 a (new)

Text proposed by the Commission

Amendment

Chapter 3 a

Protection of sport event organizers

Member States shall provide sport event organizers with the rights provided for in Article 2 and Article 3 (2) of Directive 2001/29/EC and Article 7 of Directive 2006/115/EC.

Or. en

Justification

Article 165(1) TFEU states that the Union is to contribute to the promotion of European sporting issues. The protection of intellectual property of sport event organisers has already been envisaged in recital 52 to Directive 2010/13/EU and was supported by the European Parliament in several reports on sport. The Court held in Joined cases C-403/08 and C-429/08, FAPL, EU:C:2011:631, that sporting events have a unique and original character worthy of protection comparable to the protection of works. To date five Member States have granted a neighbouring right to sport event organisers.

Amendment 796

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Chapter 4 – title

Text proposed by the Commission

Amendment

Certain uses of protected content by online services

Certain uses of protected content by **the users of** online services.

Or. en

Amendment 797

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Michel Reimon, Max Andersson, Brando Benifei

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Proposal for a directive
Chapter 4 – title

Text proposed by the Commission

Amendment

Certain uses of protected content by online services

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

Or. en

Amendment 798
Julia Reda

Proposal for a directive
Article 13

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

Amendment 799

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive Article 13

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

Amendment 800

Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 13

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

Amendment 801

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Amendment

Use of protected content *by* information society *service providers storing and*

Use of protected content *in certain*

giving access to large amounts of works and other subject-matter uploaded by their users

information society *services*.

Or. en

Amendment 802

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive

Article 13 – title

Text proposed by the Commission

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*

Use of *copyright* protected content *uploaded by users of* information society service providers

Or. en

Amendment 803

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 13 – title

Text proposed by the Commission

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

Use of protected content by information society service providers storing and giving access to *significant* amounts of *copyright protected* works and other subject-matter uploaded by their users

Or. en

Amendment 804

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 13 – title

Text proposed by the Commission

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

Use of protected content by information society service providers storing **information provided** by their users

Or. en

Amendment 805

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Article 13 – title

Text proposed by the Commission

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

Use of protected content by information society service providers storing and giving access to works **or** subject-matter uploaded by their users

Or. fr

Amendment 806

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive

Article 13 – title

Text proposed by the Commission

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

Use of protected content by information society service providers storing and giving access to works and other subject-matter uploaded by their users

Or. en

Amendment 807

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

**Proposal for a directive
Article 13 – paragraph 1**

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

deleted

Or. en

Amendment 808

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès

**Proposal for a directive
Article 13 – paragraph 1**

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

1. Where information society service providers offer or make accessible to the public copyrighted works or subject-matter made available by their users, they shall conclude with rightholders so requesting licensing agreements for rights of reproduction and communication with public, unless they are eligible for the liability exemption provided for in Article 14 of Directive 2000/31/EC . Under the terms of the licensing agreements, these

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.

service providers shall, in cooperation with rightholders, take measures to ensure the proper functioning of agreements licensing the use of their works or other subject-matter.

An information society service provider who fails to put in place technical measures quickly and efficiently to respond to requests from rightholders under this Article shall not benefit from the protection provided for in Article 14 (1) of Directive 2000/31/EC.

Unless they are acting in a professional capacity, the liability of service users for copyright acts is covered by the licensing contracts concluded with the service providers.

Information society service providers playing an active part but not required by rightholders to conclude a licensing agreement for works or other subject-matter stored by them and to which they provide public access shall, in cooperation with rightholders, take measures to prevent the availability on their services of works or other subject-matter identified by rightholders in cooperation with the service providers.

Information society service providers eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC that nevertheless store and make available to the public a significant quantity of copyrighted works or other subject-matter shall, in cooperation with rightholders, take measures to ensure the proper 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.
Rightholders, for their part, shall provide information society service providers with the necessary details to ensure the proper functioning of measures taken by the service providers.

Or. fr

Amendment 809

Lidia Joanna Geringer de Oedenberg, Catherine Stihler

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

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

1. Information society service providers that store and provide to the public access to large amounts of ***copyright protected content*** uploaded by their users shall ***conclude agreements*** with rightholders, ***unless they fall under the scope of Articles 12, 13, 14 and 15 of Directive 2000/31/EC. User uploads, storing and granting public access to that upload, amount to a single use that shall be covered by one agreement. Rightholders and information society services shall conduct negotiations in good faith. Agreements shall be fair and balanced and take into account the interests of users of information society services. In particular, rightholders shall offer the conclusion of pan-European agreements. The implementation of such agreements shall respect users' rights under the Charter of Fundamental Rights of the European Union. No obligation shall be imposed on service providers to monitor the information which they transmit or store, nor an obligation shall be imposed upon them to actively seek facts or circumstances indicating illegal activity. This Article is without prejudice to the ability of rightholders to request the***

removal of infringing content in accordance with Directive 2000/31/EC. Member States shall ensure that agreements provide adequate level of transparency, legal certainty and predictability to users, without prejudice to trade and commercial secrets. Where appropriate, reporting shall be conducted under the conditions set out by Directive 2014/26/EU.

Or. en

Justification

Internet today is the most crucial source of information available to many users. Making online service providers responsible for the uploaded content, including texts, videos or images to be filtered and monitored is against users' interests and the rights of creators. Monitoring and filtering large volume of materials before it is uploaded on the web will not only be only financially challenging for small companies, but it will change the Internet as we know. The eCommerce directive provides for a well balanced practice with removal of the illegal content following the notification.

Amendment 810

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

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***

Amendment

1. ***Member States shall ensure that any licencing agreement between*** information society service providers, that store and provide to the public access to ***protected*** works or other subject-matter uploaded by their users, ***and*** rightholders, shall ***include*** :

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.

Or. en

Amendment 811
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

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

1. Information society service providers that store and provide to the public access to ***works and other subject-matter uploaded by their users are performing an act of communication to the public or making available to the public. Where those service providers store and provide access to*** large amounts of works or other subject-matter uploaded by their users, ***service providers*** shall, in cooperation with rightholders, take ***effective*** 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.

Or. es

Sergio Gaetano Cofferati, Silvia Costa

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

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

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 ***either conclude agreements with rightholders for the use of their works or other subject-matter and take measures, in cooperation*** with rightholders, ***to ensure the functioning of such agreements or take measures*** to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. ***The measures referred to in the first sentence shall be appropriate and proportionate and shall respect users' rights and process personal data according to Directive 95/46/EC and the General Data Protection Regulation.*** The service providers shall provide rightholders with adequate information on the functioning ***of those*** measures, as well as, when relevant, adequate reporting on the ***use of the works and other subject-matter. This paragraph shall cover all the service providers which play an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, and that are therefore not covered by Article 14 of Directive 2000/31/EC.***

Or. en

Amendment 813
Tiemo Wölken, Dietmar Köster

Proposal for a directive
Article 13 – paragraph 1

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

1. Information society service providers that store and provide to the public access to **significant** amounts of **copyright protected** works or other subject-matter uploaded by their users **and perform an act of communication to the public** 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, **in case such agreements have not been concluded**, to prevent the availability on their services of works or other subject-matter identified by rightholders. Those measures, such as the use of effective content recognition technologies, shall be appropriate, **proportionate and compliant with the relevant industry standards**. 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 **rightholders' own** works and other subject-matter **in a commonly agreed reporting format**. **The rightholders shall provide the service providers with the necessary data to allow the services to identify their content, such as reference files and metadata**.

Or. en

Amendment 814

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

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

PE604.544v01-00

Amendment

1. Information society service providers that store **or** provide the public **with** access to large amounts of **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**

76/110

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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.*

communication to the public, are obliged to conclude licensing agreements with rightholders. Those service providers shall not benefit from the liability exemption provided for in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council, since that applies only to totally neutral and passive online service providers. Those service providers 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. Service providers that are eligible for the liability exemption provided for in Article 14 of Directive 2000/31/EC shall, in cooperation with rightholders, take measures to ensure that the availability on their services of works or other subject-matter identified by rightholders is prevented.

Or. de

Amendment 815

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

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**

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Amendment

1. Information society service providers that store and provide to the public access to **significant** amounts of **copyright-protected** works or other subject-matter uploaded by their users shall **enter into fair licensing agreements with any requesting rightholder of such works or other subject matter. Under the terms of such agreements concluded with the rightholders, such information society service providers shall** take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter. **Where information society service providers are eligible to the liability exemption provided for in Article 14 of**

77/110

PE604.544v01-00

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.

Directive 2000/31/EC but store and provide access to the public to significant amounts of copyright-protected works or other subject matter, such information society service providers shall take measures 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.

Or. en

Amendment 816

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

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

1. Information society service providers that store *information provided by a recipient of the service and enable users to upload works in such a way as to make them available to the public shall, upon obtaining knowledge or awareness that an uploaded work subject to copyright and other related rights is used in an unauthorised manner, act expeditiously to remove or to disable access to the content, except where service providers conclude a licensing agreement with rightholders enabling the content to remain available.*

Or. en

Amendment 817
Luis de Grandes Pascual

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

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

1. Information society service providers that store and provide to the public access to ***works or other subject-matter uploaded by their users perform an act of communication or making available to the public. In cases where those service providers store and provide access to*** large amounts of works or other subject-matter uploaded by their users, ***the service providers*** shall, in cooperation with rightholders, take ***effective*** 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.

Or. en

Justification

In order to provide legal certainty about the status of UUC services that build their businesses on the use of copyright content, it is necessary to clarify that UUC services that store and provide access to protected content fall under copyright.

Amendment 818
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 13 – paragraph 1

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**.

1. Information society service providers that **are actively involved in making available digital content uploaded by their users, including by promoting and curating** to the public **copyright protected work and with knowledge of the copyright protected content in question,** shall, in cooperation with **rightholders in the creative sectors, take effective** measures to ensure the functioning of agreements concluded with rightholders for the use of their **digital content,** works or other **subject matter** or to prevent the availability on their services of **digital content,** works or other **subject matter** identified by rightholders through the cooperation with **active** service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The **active** 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 **digital content,** works **or other subject matter**.

Or. en

Amendment 819

Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin

Proposal for a directive Article 13 – paragraph 1

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

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.

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, **and shall ensure the protection of individual user data as far as possible, in compliance with Directive 95/46/EC and Directive 2002/58/EC, and the General Data Protection Regulation.** 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.

Or. en

Amendment 820

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

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**

Amendment

1. **Where** information society service providers that store **information provided by recipients of the service, conclude agreements with rightholders, the implementation of such agreements shall respect the users' fundamental rights and shall in particular not convey an obligation upon the information society service provider to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity.** The service providers shall **cooperate and work together with rightholders to ensure that the functioning and implementation of such agreements are full and transparent towards the**

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.

users.

Or. en

Amendment 821
Stefano Maullu

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

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

1. Information society service providers that, ***irrespective of the nature of the means used, are involved in making available to the public third-party works*** uploaded by their users, ***and where such activity is not of a mere technical, automatic and passive nature, shall take appropriate and proportionate*** measures to ensure the functioning of agreements ***which must be*** concluded with rightholders for the use of their works, 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.

Or. it

Amendment 822
Antanas Guoga, Eva Maydell

Proposal for a directive
PE604.544v01-00

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Article 13 – paragraph 1

Text proposed by the Commission

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

1. Information society service providers that store and provide ***access*** to the public ***to copyright-protected*** works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take ***reasonable and appropriate*** measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter. ***Those measures may take into account various available technological developments that would be appropriate for the nature of services of the information society provider.*** The service providers shall ***cooperate with rightholders and provide them with*** adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 823

Jens Rohde

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Information society service providers that store and provide to the public access to ***significantly*** large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of ***license*** 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

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.

rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate **and shall ensure the fair redistribution of value towards the rightholders**. 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.

Or. en

Justification

It is important to introduce a de minimis threshold in order to limit these obligations to information society service providers which are hosting indeed above the average large amounts of copyright protected material in order to avoid bureaucratic or financial burden for SMEs. The aim of the Article should be the sharing of generated value with the rightholders.

Amendment 824 **Rosa Estaràs Ferragut**

Proposal for a directive **Article 13 – paragraph 1**

Text proposed by the Commission

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

Amendment

1. Information society service providers that store and provide to the public access to **a significant amount** 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 **and conform to the relevant industry standards**. The

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.

service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting *in good time* on the recognition and use of the works and other subject-matter.

Or. es

Amendment 825 **Daniel Buda**

Proposal for a directive **Article 13 – paragraph 1**

Text proposed by the Commission

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

1. Information society service providers that store, **index, classify** and provide to the public access to works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take **effective** measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the **unauthorised** 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.

Or. ro

Amendment 826 **Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen**

Proposal for a directive

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Article 13 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) an obligation for the information service provider to take measures, such as the use of content recognition technologies, to ensure the effective functioning of the agreement concluded for the use of the protected works or other subject-matters;

Or. en

Amendment 827

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive

Article 13 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) the coverage of the content uploaded by the users, as well as their liability, including where they perform an act of reproduction and/or of communication to the public, insofar they act on a non-professional basis.

Or. en

Amendment 828

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Where information society service providers take the measures referred to in paragraph 1, such measures shall not violate any privacy rights of the users, and shall be in compliance with Directives 95/46/EC and 2002/58/EC, as well as the General Data Protection Regulation. Measures to prevent the availability of

copyright protected works or other subject-matter shall be limited to preventing the availability of specifically identified and duly notified works and shall not consist in an active monitoring of all the data of each user of the service.

Or. en

Amendment 829

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall ensure that in the absence of a licencing agreement as referred to in paragraph 1, either because it was not required by rightholders or because the information society service provider is eligible to the liability exemption regime set out in Article 14 of Directive 2000/31/EC, information service providers shall take measures to prevent the availability on their services of protected works or other subject-matter identified by rightholders through the cooperation with the service providers.

Or. en

Amendment 830

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Rightholders shall provide the information society service providers with the necessary data to ensure the proper functioning of the measures deployed by the providers in application of paragraph 1. 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

Or. en

Amendment 831

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The measures referred to in paragraph 1 shall include, for example, effective content recognition technologies. These measures shall be appropriate and proportionate. All 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.

Or. de

Amendment 832

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. In order to be valid, the notification of an unauthorised protected content shall include, in particular, the identification by the right holder of the work subject to copyright and related rights claimed to have been infringed and the identification of the uploaded work, including its exact location, that is

considered to be using work subject to copyright and related rights.

Or. en

Amendment 833

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. In order to ensure the transparency of the agreements mentioned in paragraph 1, rightholders shall provide, in a publicly accessible database, all the necessary data related to the holder of the right, the protected subject matter and relevant territories, in order to allow the service providers to identify accurately their content.

Or. en

Amendment 834

Antanas Guoga

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. For this purpose, rightholders shall provide service providers with accurately identified works or subject matter over which they enjoy rights.

Or. en

Amendment 835

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive
Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. In order to ensure a proportionate implementation of the voluntary agreements mentioned in paragraph 1, Member States shall take appropriate measures to ensure that rightholders and information society service providers make available to the beneficiary of an exception or limitation provided for in national law in accordance with Article 5 of Directive 2001/29 and with [Articles XXX of this Directive] the means of benefiting from that exception or limitation, to the extent necessary to benefit from that exception or limitation.

Or. en

Amendment 836

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive
Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. The measures, referred to in paragraphs 1 and 1a shall be appropriate and proportionate.

Or. en

Amendment 837

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive
Article 13 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. For the purpose of ensuring a proper application of the measures referred to in paragraphs 1 and 1a :

a) rightholders shall provide information society service providers with all relevant and necessary information in order to identify protected works and other-subject matter available on their services, and

b) the service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures referred to in paragraphs 1 and 1a, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 838

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

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.

deleted

Or. en

Amendment 839

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

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

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. *These*

measures referred to in paragraph 1.

mechanisms shall in particular ensure that where the removal of the content referred to in paragraph 1 is not justified, the content in question shall be reinstated online within a reasonable time. As a last resort, Member States shall ensure the possibility of judicial redress.

Or. en

Amendment 840

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. 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, *for example regarding content uploaded by users and withdrawn by service providers for no valid reason. The rightholders concerned must deal with the complaint within a reasonable period and provide adequate justification for the rights claimed by them.*

Or. fr

Amendment 841

Daniel Buda

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

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.

case of disputes over the application of the measures referred to in paragraph 1, ***in particular regarding the possible application of an exception or an authorisation of use relating to the content concerned. Such mechanisms shall not unreasonably prejudice the effectiveness of measures provided for in paragraph 1.***

Or. ro

Amendment 842
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

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.

Amendment

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, ***in particular regarding the possible application of an exception or an authorisation of use relating to the content concerned. Such mechanisms must not, without reason, undermine the effectiveness of the measures referred to in paragraph 1.***

Or. es

Justification

In some cases, content that users of UUC services upload could be affected by the measures that are applied, for example when it is covered by an exception. It therefore needs to be made clear that the complaint and compensation must take this into account, and that it should not affect the application of the measures.

Amendment 843
Lidia Joanna Geringer de Oedenberg, Catherine Stihler

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. Member States shall ensure that ***end users have the means to communicate effectively with the rightholders who have requested the measures*** referred to in paragraph 1 ***in order to challenge the application of those measures such as when they are applied to a use which falls under a copyright limitation or exception or to public domain material. Services*** referred to in paragraph 1 ***shall not be required to disclose the identity of users to rightholders.***

Or. en

Amendment 844

Antanas Guoga

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. Member States shall ensure ***and provide measures*** 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.

Or. en

Amendment 845

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that ***the***

Amendment

2. Member States shall ensure that

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.

national law provides users with access to a court or other relevant authority for the purpose of asserting their right of use under an exception or limitation.

Or. en

Amendment 846

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive Article 13 – paragraph 2

Text proposed by the Commission

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*.

Amendment

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 *paragraphs 1 and 1a*.

Or. en

Amendment 847

Stefano Maullu

Proposal for a directive Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The measures referred to in paragraph 1 shall be without prejudice to the use of works made within an exception or limitation to copyright and the use of original user-created content. To that end, Member States shall ensure that users are allowed to communicate rapidly and in an effective manner with the rightholders who have requested the measures referred to in paragraph 1 in order to challenge the application of those measures.

Amendment 848

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The agreements referred to in paragraph 1 shall be implemented without prejudice to the use of works made within an exception or limitation to copyright. To this end, Member States shall ensure that users are allowed to communicate rapidly and in an effective manner with the rightholders who have requested any measures within the scope of agreements referred to in paragraph 1 in order to challenge the application of those measures.

Or. en

Amendment 849

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Regarding disputes over the application of the measures referred to in paragraph 1, for example as regards the application of a possible exception or authorisation for use for the content concerned, such mechanisms may not unduly detract from the effectiveness of the measures referred to in paragraph 1.

Or. fr

Amendment 850

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In order to ensure uniform protection of users and right holders across the Union, the European Commission shall develop guidelines on the conditions that need to be met for the validity of the notification referred to in paragraph 1a and for the complaint and redress mechanisms referred to in paragraph 2.

Or. en

Amendment 851

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Any complaint filed under the mechanism referred to in paragraph 2 shall be dealt with by the relevant rightholder within a reasonable period of time and in an effective manner. The rightholder shall provide due justification for the rights it claims.

Or. en

Amendment 852

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where a user makes use of the

complaints and redress mechanisms referred to in paragraph 2, service providers and rightholders whose content is involved in any such conflict or dispute shall be obliged to resolve such conflict or dispute in a timely manner.

Or. en

Amendment 853

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Marju Lauristin, Josef Weidenholzer

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall ensure that users have access to a court or other relevant judicial authority.

Or. en

Amendment 854

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 13 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Member States shall provide that disputes between rightholders and information society service providers concerning the application of paragraph 1 of this Article may be submitted to an alternative dispute resolution mechanism.

Member States shall create or designate an impartial body with relevant expertise to assist the parties in the resolution of their dispute under the mechanism provided for in the first subparagraph of this paragraph.

No later than [date mentioned in Article 21(1)] Member States shall notify to the

*Commission the body referred to in
second subparagraph of this paragraph.*

Or. en

Amendment 855

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

**Proposal for a directive
Article 13 – paragraph 3**

Text proposed by the Commission

Amendment

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. *deleted*

Or. en

Amendment 856

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

**Proposal for a directive
Article 13 – paragraph 3**

Text proposed by the Commission

Amendment

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 *deleted*

effectiveness in light of technological developments.

Or. en

Amendment 857

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

**Proposal for a directive
Article 13 – paragraph 3**

Text proposed by the Commission

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

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues.

Or. en

Justification

Copyright legislation should regulate activities and not technologies. Since the rationale of this article is to encourage collaboration, it is necessary to have a wording that is not restrictive and leaves enough flexibility for all parties to discuss what serves their mutual interests

Amendment 858

Tadeusz Zwiefka, Bogdan Brunon Wenta

**Proposal for a directive
Article 13 – paragraph 3**

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through

Amendment

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.

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. ***In cooperation with the Member States, the Commission shall encourage the exchange of best practices regarding the results of any cooperation established pursuant to paragraph 1 of this Article.***

Or. en

Amendment 859

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive Article 13 – paragraph 3

Text proposed by the Commission

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

3. ***The Commission, in cooperation with*** Member States shall facilitate, where appropriate, the cooperation between the information society service providers ***referred to in paragraph 1, users and right holders through stakeholder dialogues to define best practices for the implementation of paragraph 1.***

Or. en

Amendment 860

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive Article 13 – paragraph 3

Text proposed by the Commission

Amendment

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 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. ***The Commission shall encourage the exchange of best practices across the European Union.***

Or. fr

Amendment 861
Antanas Guoga

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

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

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, ***of measures that are proportionate and effective to ensure the protection of rightholders' works or other subject matter***, 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

Amendment 862
Luis de Grandes Pascual

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

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 **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, in particular regarding the possible application of an exception or an authorisation of use relating to the content concerned. Such mechanisms shall not unreasonably prejudice the effectiveness of measures referred to in paragraph 1.**

Or. en

Justification

In some cases the content uploaded by users on UUC services can be affected by the implemented measures, for instance when it is covered by an exception. Therefore, it is necessary to clarify that the complaints and redress mechanism needs to take this into account, while at the same time not affecting the implementation of the measures.

Amendment 863

Sergio Gaetano Cofferati

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

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 and rightholders through stakeholder dialogues to define best practices, 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

Amendment 864

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States shall ensure that where service providers take voluntary measures, these measures do not infringe the fundamental rights of users, namely their right to protection of their personal data and their freedom to receive or impart information, in accordance with Articles 8 and 11 of the Charter of Fundamental Rights of the European Union, in particular their rights to the use of works made within an exception or limitation to copyright.

Or. en

Amendment 865

Rosa Estaràs Ferragut

Proposal for a directive

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States must implement proportionate and dissuasive solutions in the event of a failure to comply with the obligations set out in paragraph 1 above.

Or. es

Justification

This is common practice: when a legislative proposal introduces a specific obligation, it must also contain a corresponding provision on the sanctions that apply in the event of a failure to comply with the obligation concerned.

Amendment 866

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States shall implement proportionate and dissuasive remedies for non-compliance with the obligations set out in paragraph 1.

Or. en

Amendment 867

Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin

Proposal for a directive
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Licensing agreements for information society service providers that store and/or provide access to the public to significant amounts of copyright protected works or other subject-matter uploaded by their users

1. Information society service providers that store and/or 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 and of reproduction, shall 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 Parliament and of the Council.

2. Service providers that play an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, are not eligible for the safe harbour liability exemption.

3. Licenses acquired by information society service providers shall cover all the acts of their individual users, which are not for direct or indirect economic or commercial advantage.

Or. en

Amendment 868

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Protection of audiovisual authors for the making available of their works

1. Member States shall ensure that when an audiovisual author has transferred or assigned his making available right to a producer, that author shall retain the right to obtain a fair and proportionate remuneration.

2. This right to obtain a fair and proportionate remuneration for the making available of the author's work is inalienable and cannot be waived.

3. The administration of this right to obtain a fair and proportionate remuneration for the making available of the author's work shall be entrusted to collective management organisations representing audiovisual authors, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to audiovisual authors for their making available right.

4. Authors' collective management organisations shall collect the fair and proportionate remuneration from audiovisual media services making audiovisual works available to the public.

Amendment 869
Evelyn Regner, Josef Weidenholzer

Proposal for a directive
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

User Generated Content

Member States shall provide for an exception to the rights provided for in Articles 2, 3, and 4 of Directive 2001/29/EC, Article 5 and Article 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, Articles 7(1) and 8(1) of Directive 2006/115/EC and Article 11 (1) of this Directive in order to allow natural persons to use an existing work or other subject-matter in the creation of a new work or other subject-matter and use the new work or other subject-matter, provided that:

- (a) the work or other subject-matter has already been lawfully made available to the public;***
- (b) the source, including, if available, the name of the author, performer, producer, or broadcaster - is indicated;***
- (c) there is a certain level of creativity in the new work which substantially differentiates it from the original work.***

Or. en

Amendment 870
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Inalienable right of remuneration

- 1. Member States shall ensure that authors of audiovisual works have the right to be fairly remunerated where they have transferred or assigned their right of making available to an audiovisual producer.*
- 2. The right to be fairly remunerated for making an author's work available is inalienable and unassignable.*
- 3. This right to fair remuneration for making works available to the public shall be administered by collective management organisations representing the authors of audiovisual works.*
- 4. The authors' collective management organisations shall collect the sums corresponding to fair remuneration for the audiovisual services that make audiovisual works available to the public.*

Or. es

Justification

This right has to be based on the revenue received as a result of the commercial exploitation of the audiovisual work, with payment being the responsibility of the platform or final distributor that makes the audiovisual works available to the public, thereby guaranteeing the author a proportional financial remuneration for the actual exploitation of the work. The task of administering this right must be conferred upon collective management organisations, who will centralise payments and act as a kind of one-stop-shop, facilitating settlement by users and boosting the level of legal certainty in the market.

Amendment 871

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Modification to Directive 2001/29/EC

Directive 2001/29/EC shall be amended as

follows:

The following Article shall be added:

Article 5(3) bis

User Generated Content

Member States shall provide for an exception or limitation to the rights set out in Articles 2, 3 and 4 for the use by natural persons of an existing work or other subject-matter in the creation of a new work or other subject-matter, provided that:

(a) the work or other subject-matter has already been lawfully made available to the public;

(b) the source, including, if available, the name of the author, is indicated;

(c) there is a certain level of originality in the new work.

This exception is without prejudice to the exceptions and limitations provided for in Article 5.

Or. en

Amendment 872
Julia Reda

Proposal for a directive
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Right of use under an exception or limitation

1. Member States shall ensure that national law provides users with the necessary mechanisms, including the possibility of access to court, to exercise the right of use a work or other subject matter in application of an exception or limitation under this Directive, Directive 2001/29/EC, Directive 96/09/EC, Directive 2009/24/EC and Directive 2012/28/EU.

2. The right of use of a work or other subject-matter in accordance to paragraph 1 shall not be limited by technological measures in application of Article 6 of Directive 2001/29/EC.

Or. en