



2016/0280(COD)

10.3.2017

*****I**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
on copyright in the Digital Single Market
(COM(2016)0593 – C8-0383/2016 – 2016/0280(COD))

Committee on Legal Affairs

Rapporteur: Therese Comodini Cachia

Rapporteur for the opinion (*):
Catherine Stihler

(*) Associated committees – Rule 54 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on copyright in the Digital Single Market
(COM(2016)0593 – C8-0383/2016 – 2016/0280(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0593),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0383/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union, – having regard to the opinion of the Committee of the Regions of 8 February 2017¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on the Internal Market and Consumer Protection, the Committee on Industry, Research and Energy and the Committee on Culture and Education (A8-0000/2017),
1. Adopts its position at first reading hereinafter set out;
 2. Approves its statement annexed to this resolution;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Rapid technological developments continue to transform the way works and

Amendment

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¹ Not yet published in the Official Journal.

other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be rules on rights in publications, on the use of works and other subject-matter **by** online service **providers storing and giving** access to user uploaded content and on the transparency of authors' and performers' contracts.

²⁶ COM(2015) 626 final.

other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be rules on ***the exercise of*** rights in publications, on the use of works and other subject-matter ***on*** online service ***providers' platforms that store and provide*** access to user uploaded content and on the transparency of authors' and performers' contracts.

²⁶ COM(2015) 626 final.

Or. en

Amendment 2

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) This Directive is based upon, and

Amendment

(4) This Directive is based upon, and

complements, the rules laid down in the Directives currently in force in this area, in particular Directive 96/9/EC of the European Parliament and of the Council²⁷, Directive 2001/29/EC of the European Parliament and of the Council²⁸, Directive 2006/115/EC of the European Parliament and of the Council²⁹, Directive 2009/24/EC of the European Parliament and of the Council³⁰, Directive 2012/28/EU of the European Parliament and of the Council³¹ and Directive 2014/26/EU of the European Parliament and of the Council³².

²⁷ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20–28).

²⁸ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10–19).

²⁹ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 376, 27.12.2006, p. 28–35).

³⁰ Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (OJ L 111, 5.5.2009, p. 16–22).

³¹ Directive 2012/28/EU of the European Parliament and of the Council of 25

complements, the rules laid down in the Directives currently in force in this area, in particular Directive 96/9/EC of the European Parliament and of the Council²⁷, ***Directive 2000/31/EC of the European Parliament and of the Council***^{27a}, Directive 2001/29/EC of the European Parliament and of the Council²⁸, Directive 2006/115/EC of the European Parliament and of the Council²⁹, Directive 2009/24/EC of the European Parliament and of the Council³⁰, Directive 2012/28/EU of the European Parliament and of the Council³¹ and Directive 2014/26/EU of the European Parliament and of the Council³².

²⁷ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20–28).

^{27a} ***Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).***

²⁸ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10–19).

²⁹ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 376, 27.12.2006, p. 28–35).

³⁰ Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (OJ L 111, 5.5.2009, p. 16–22).

³¹ Directive 2012/28/EU of the European Parliament and of the Council of 25

October 2012 on certain permitted uses of orphan works (OJ L 299, 27.10.2012, p. 5–12).

³² Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (OJ L 84, 20.3.2014, p. 72–98).

October 2012 on certain permitted uses of orphan works (OJ L 299, 27.10.2012, p. 5–12).

³² Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (OJ L 84, 20.3.2014, p. 72–98).

Or. en

Amendment 3

Proposal for a directive Recital 5

Text proposed by the Commission

(5) In the fields of research, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching in the digital environment and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in

Amendment

(5) In the fields of **innovation**, research, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for **innovation**, scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of **innovation and** scientific research, illustration for teaching in the digital environment and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the

Union law should continue to apply. Directives 96/9/EC and 2001/29/EC should be adapted.

limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC and 2001/29/EC should be adapted.

Or. en

Amendment 4

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) The exceptions and the *limitation* set out in this Directive seek to achieve a fair balance between the rights and interests of authors and other rightholders on the one hand, and of users on the other. They can be applied only in certain special cases which do not conflict with the normal exploitation of the works or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholders.

Amendment

(6) The exceptions and the *limitations* set out in this Directive seek to achieve a fair balance between the rights and interests of authors and other rightholders on the one hand, and of users on the other. They can be applied only in certain special cases which do not conflict with the normal exploitation of the works or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholders.

Or. en

Amendment 5

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. *Those technologies allow researchers to process* large amounts of information to gain new knowledge and discover new trends. *Whilst* text and data mining *technologies are prevalent across the digital economy, there is widespread*

Amendment

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. *Text and data mining allows for the reading and analysis of* large amounts of *digitally stored* information to gain new knowledge and discover new trends. *For* text and data mining *to occur, it is necessary first to*

acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

access information and then to reproduce it. It is generally only after that information is normalised that it can be processed through text and data mining. Once there is lawful access to information, it is when that information is being normalised that a copyright-protected use takes place, since this leads to a reproduction by changing the format of the information or by extracting it from a database into a format that can be subjected to text and data mining. The copyright-relevant processes in the use of text and data mining technology is consequently not the text and data mining process itself which consists of a reading and analysis of digitally stored, normalised information, but the process of access and the process by which information is normalised to enable its automated computational analysis. The process of access to copyright-protected information with regard to works or other subject-matter is already regulated in Union law.

Or. en

Amendment 6

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where **researchers have** lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As

Amendment

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where **there is** lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly

research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining. ***It is important to recognise the potential of text and data mining technologies in enabling new knowledge, innovation and discovery in all fields and the role that those technologies have in the continuous development of the digital economy, providing for an exception for reproduction and the extraction of information for the purpose of text and data mining where there is lawful access. Access to information that is already normalised allows the copyright holder to seek compensation but should not preclude persons with lawful access to information themselves to normalise it and to subject it to text and data mining analysis.***

Or. en

Amendment 7

Proposal for a directive Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Furthermore, there is widespread acknowledgment that access to normalised information in a format which enables it to be subjected to text and data mining can, in particular, benefit the research community in its entirety including smaller research organisations, especially where there is no lawful access to content such as through subscriptions to publications or open access licences. In the Union, research organisations such as universities and research institutes are confronted with challenges to gain lawful access to the volume of digitally stored information required for new knowledge

to be sought by means of text and data mining.

Or. en

Amendment 8

Proposal for a directive Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception *to the right of reproduction and also to the right to prevent extraction from a database. The new exception* should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. *Research organisations should also benefit from the exception when they engage into public-private partnerships.*

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception *for research organisations to have access to normalised information in a format that enables it to be text and data mined provided that that process is carried out by the research organisation. Rightholders should be able to seek compensation related to the cost of the normalisation process. Research organisations should also benefit from the exception when they engage in public-private partnerships. These new exceptions* should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception.

Or. en

Amendment 9

Proposal for a directive Recital 13

Text proposed by the Commission

(13) There is *no* need to provide for compensation for rightholders as regards

Amendment

(13) There is *a* need to provide for compensation for rightholders as regards

uses under the text and data mining exception introduced by this Directive given that in view of the nature and scope of the exception the harm should be minimal.

the exception which allows research organisations who do not have lawful access to information, to have access to normalised data suitable for text and data mining, but only in so far as this compensation is proportionate to the cost of the normalisation of the data process.

Or. en

Amendment 10

Proposal for a directive Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Protection of rightholders against the use of datasets obtained only for the purpose of text and data mining is needed to avoid abuse of the exception and the obligation provided for in this Directive. Nevertheless, in the field of scientific research, availability of those datasets may be required beyond the finalisation of the text and data mining process for verifiability of research results. The retention of relevant datasets where it cannot be assured that the re-normalisation and repeated text and data mining process would produce identical results is to be regulated. For this purpose, Member States should have facilities for storing the relevant datasets in order to allow verifiability of research results that may become necessary at a later stage.

Or. en

Amendment 11

Proposal for a directive Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all **educational establishments in primary, secondary, vocational and higher education** to the extent **they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.**

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used **in education** at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all **teaching activities provided by establishments, irrespective of their organisational structure and means of funding**, to the extent **that such establishments are either themselves recognised or accredited as educational establishments or offer an educational programme that is recognised or accredited by the relevant national authority.**

Or. en

Amendment 12

Proposal for a directive Recital 16

Text proposed by the Commission

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, **including during examinations, and be limited to what is necessary for the purpose of such activities.** The exception or limitation should cover both uses through digital

Amendment

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of **establishments recognised or accredited by the relevant national authority as educational establishments or within an educational programme that is recognised or accredited by the relevant national**

means *in the classroom* and online uses through the *educational* establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

authority. The exception or limitation should cover both uses through digital means *where the teaching activity is physically provided, including where it takes place outside the premises of the establishment*, and online uses through the establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Or. en

Amendment 13

Proposal for a directive Recital 21

Text proposed by the Commission

(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution when copies are owned or permanently held by the cultural heritage institution, for example as a result of a transfer of ownership *or* licence agreements.

Amendment

(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution when copies are owned or permanently held by the cultural heritage institution, for example as a result of a transfer of ownership, licence agreements *or a compulsory deposit*.

Or. en

Amendment 14

Proposal for a directive Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Given the existence of divergences between collective management practices

across Member States and creative and cultural sectors, a solution needs to be provided for where licencing mechanisms are not effective solutions because of, for example a lack of collective licensing or the fact that no collective management organisation has been able to achieve recognition in a Member State or for a sector. In such instances, where licensing mechanisms are lacking, it is necessary to provide for an exception that allows cultural heritage institutions to make out of commerce works held in their collection available online on their own secure technology networks. Yet in doing so, it is also necessary to provide authors with the possibility to provide licenses or to form a collective management organisation as well as to involve them in the determination of whether such licences are available or not. In addition, rightholders should be able to object to the inclusion of their work on such secure technology networks.

Or. en

Amendment 15

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) As mass digitisation projects can entail significant investments by cultural heritage institutions, any licences granted under the mechanisms provided for in this Directive should not prevent them from generating reasonable revenues in order to **cover** the costs of the licence and the costs of digitising and disseminating the works and other subject-matter covered by the licence.

Amendment

(27) As mass digitisation projects can entail significant investments by cultural heritage institutions, any licences granted under the mechanisms provided for in this Directive should not prevent them from generating reasonable revenues in order to **contribute towards covering** the costs of the licence and the costs of digitising and disseminating the works and other subject-matter covered by the licence.

Or. en

Amendment 16

Proposal for a directive Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) The preservation of the Union’s heritage is of the utmost importance and should be strengthened for the benefit of future generations. This should be achieved notably through the protection of published heritage. To this end, a Union legal deposit should be created in order to ensure that publications concerning the Union, such as Union law, Union history and integration, Union policy and Union democracy, institutional, parliamentary affairs and politics, and, thereby, the Union’s intellectual record and future published heritage, is collected systematically. Not only should such heritage be preserved through the creation of a Union archive for publications dealing with Union-related matters, but it should also be made available to Union citizens and future generations. The European Parliament Library, as the Library of the only Union institution directly representing Union citizens, should be designated as the Union depository library. In order not to create an excessive burden on publishers, printers and importers, only electronic publications, such as e-books, e-journals and e-magazines should be deposited in the European Parliament Library, which should make available for readers publications covered by the Union legal deposit at the European Parliament Library for the purpose of research or study and under the control of the European Parliament Library. Such publications should not be made available online externally.

Or. en

Amendment 17

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) A free and pluralist press *is* essential to ensure quality journalism and citizens' access to information. ***It provides*** a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in ***licensing the online use of their publications and recouping their investments***. In the absence of recognition of publishers of press publications as ***rightholders***, licensing and enforcement in the digital environment is often complex and inefficient.

Amendment

(31) ***An open internet and*** a free and pluralist press ***are*** essential to ensure quality journalism and citizens' access to information. ***They provide*** a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in ***establishing their standing for the purpose of asserting the rights they hold by law or by means of assignment, licence or any other contractual arrangement***. In the absence of recognition of publishers of press publications as ***benefiting from a presumption that they can assert the rights in the different contributions to their press publications***, licensing and enforcement in the digital environment is often complex and inefficient.

Or. en

Amendment 18

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses.

Such protection should be effectively guaranteed through the introduction, in Union law, of ***rights related to copyright for the reproduction and making available to the public of press publications*** in respect of digital uses.

Such protection should be effectively guaranteed through the introduction, in Union law, of ***a presumption that publishers of press publications are entitled to defend in their own name the rights of authors and seek remedies in respect of works published in their press publication and*** in respect of digital uses.

Or. en

Amendment 19

Proposal for a directive Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of ***hyperlinking which do not constitute communication to the public.***

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of ***a computation referencing or indexing system such as hyperlinking.***

Or. en

Amendment 20

Proposal for a directive Recital 34

Text proposed by the Commission

Amendment

(34) *The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.*

deleted

Or. en

Amendment 21

Proposal for a directive Recital 38 – paragraph 1

Text proposed by the Commission

Amendment

Where information society service providers ***store and provide access to the public to copyright protected works or other subject-matter*** uploaded ***by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public,*** they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability ***exemption*** provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴ .

Where information society service providers ***are actively and directly involved in the making available of user uploaded content to the public and where this activity is not of a mere technical, automatic and passive nature,*** they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability ***regime*** provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴ .

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal

Amendment 22

Proposal for a directive Recital 38 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

Amendment 23

Proposal for a directive Recital 38 – paragraph 3

Text proposed by the Commission

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

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers **that are actively and directly involved in the making available of user uploaded content to the public** should take appropriate and proportionate measures to ensure protection of works or other subject-matter.

Amendment 24

Proposal for a directive Recital 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

For the implementation of such measures, rightholders should provide service providers with accurately identified works or subject-matter over which they consider to have rights in copyright. Rightholders should retain responsibility for claims made by third parties over the use of works which they identify as being their own in the implementation of any agreement reached with the service provider.

Or. en

Amendment 25

Proposal for a directive Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies

used, the way they are operated and their *success* rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

used, the way they are operated and their *accuracy* rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 26

Proposal for a directive Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector, *as well as the significance of the contribution by authors and performers to the overall work or performance* should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements *and facilitate the design of standard reporting statements and procedures for each sector*. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency *and, where collective bargaining agreements containing transparency obligations are in place, the obligations of transparency should be deemed to have been satisfied*. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment 27**Proposal for a directive****Recital 42***Text proposed by the Commission*

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the *unanticipated* relevant *net* revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 28**Proposal for a directive****Article 1 – paragraph 2**

Text proposed by the Commission

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Justification

The subject of Article 13 of the proposed Directive is precisely information society service providers and concerns the responsibilities they are expected to shoulder when implementing agreements contracted with rightholders in relation to the use of works protected by copyright. In this sense, Article 13 compliments the rules laid down in the Directive on electronic commerce. Legal clarity and certainty therefore requires this proposed Directive to indicate its complimentary role to the Directive on electronic commerce, hence the inclusion of a reference to it in this Article 1.2.

Amendment 29

Proposal for a directive
Article 2 – point 3

Text proposed by the Commission

Amendment

(3) ‘cultural heritage institution’ means *a publicly accessible **library or museum, an archive or a** film or audio heritage institution;*

(3) ‘cultural heritage institution’ means publicly accessible ***libraries, educational establishments and museums, as well as archives,*** film or audio heritage ***institutions and public-service broadcasting organisations established in the Member States;***

Or. en

Justification

Union law already provides for a definition of ‘cultural heritage institutions’ in the Orphan Works Directive in recitals 1 and 23, and Articles 1(1) and 2(a)(b), as well as in the InfoSoc Directive in article 5(2)(c). Consistency in the definition of these institutions is needed for legal certainty.

Amendment 30

Proposal for a directive Article 2 – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) 'teaching activity' means an educational process taking place either on the premises of an establishment recognised or accredited by the relevant national authority as an educational establishment, or within the framework of an education programme recognised or accredited by the relevant national authority;

Or. en

Justification

Defining 'teaching activity' provides the exception contained in Article 4 with clarity.

Amendment 31

Proposal for a directive Article 2 – point 4 b (new)

Text proposed by the Commission

Amendment

(4b) 'out-of-commerce work' means work that, as a whole,, in all its versions and manifestations, is no longer commercially available in customary channels of commerce and cannot be reasonably expected to become so in all its versions and manifestations, including both works that have previously been available commercially and works that have never been commercially available.

Or. en

Justification

The definition of out of commerce works has been moved to the article on definitions and reflects the same definition already used by the Commission and rightholders.

Amendment 32

**Proposal for a directive
Article 3 – paragraph 1**

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by ***research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.***

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions ***to be made by a person who has lawful access to works and other subject-matter, provided that reproduction or extraction is used for the sole purpose of text and data mining.***

Or. en

Justification

The copyright relevant processes in the use of text and data mining technology is not the text and data mining process itself which consists of a reading and analysis of digitally stored information, but the process of access and the process by which information is normalised to enable its automated computational analysis.

Amendment 33

**Proposal for a directive
Article 3 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. Member States shall provide for rightholders who market works or other subject-matter primarily for research purposes, to have an obligation to allow research organisations not having lawful access to those works or other subject-matter access to datasets that enable them

to carry out only text and data mining. Member States may also provide for rightholders to have a right to request compensation for meeting this obligation as long as that compensation is related to the cost of formatting these datasets.

Or. en

Justification

Where the already normalised data sets are provided from the publishers, they may levy compensation to cover the cost of that process.

Amendment 34

**Proposal for a directive
Article 3 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. Member States shall designate a facility to store datasets used in research by text and data mining technologies securely and to make such datasets accessible only for verification purposes.

Or. en

Justification

The possible abuse of datasets being used for other purposes is to be addressed while taking into consideration that for research it is often important that the underlying datasets upon which conclusions are reached remain subject to verification. For this purpose, Member States should set up storage facilities of these datasets access to which is limited to verification of the research.

Amendment 35

**Proposal for a directive
Article 4 – paragraph 1 – introductory part**

Text proposed by the Commission

Amendment

1. Member States shall provide for an exception or limitation to the rights

1. Member States shall provide for an exception or limitation to the rights

provided for in Articles 2 and 3 of Directive 2001/29/EC, 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 in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the **non-commercial** purpose to be achieved, provided that the use:

provided for in Articles 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 in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the **education** purpose to be achieved, provided that the use:

Or. en

Justification

Regardless of the education provider, the use of copyrighted material for illustration in teaching must be limited to truly educational activities.

Amendment 36

Proposal for a directive Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) ***takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;***

Amendment

(a) ***is restricted to the specifically limited circle of those taking part in the teaching activity such as pupils or students and teaching staff;***

Or. en

Justification

The use of the exception provided for in Article 4(1) must be limited to those taking part in the teaching activity, i.e. pupils or students and teaching staff.

Amendment 37

Proposal for a directive Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may provide that the

Amendment

Member States may provide that the

exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate *licences* authorising the acts described in paragraph 1 *are easily available in the market*.

exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate *licence agreements* authorising the acts described in paragraph 1 *exist and are tailored to the needs and specificities of educational establishments*.

Or. en

Amendment 38

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the *licences* authorising the acts described in paragraph 1 for educational establishments.

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability, *accessibility* and visibility of the *licence agreements* authorising the acts described in paragraph 1 for educational establishments.

Or. en

Justification

Where teaching is provided on a commercial basis, Member States may impose an obligation of compensation for use of materials, even if the course is accredited or recognised. Several Member States have already implemented an exception or limitation for illustration for teaching purposes, including licensing agreement structures.

Amendment 39

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

No sooner than ... [three years after the entry into force of this Directive] the Commission shall, after consulting all stakeholders, submit a report to the

European Parliament and the Council on the availability of such licence agreements, with a view of proposing improvements if needed.

Or. en

Amendment 40

Proposal for a directive Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall provide for an exception 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, permitting cultural heritage institutions to make copies of out-of-commerce works that are permanently located in their collections available on their own secure electronic network for non-commercial purposes, provided that the name of the author or another identifiable rightholder is indicated, unless such indication turns out to be impossible.

Or. en

Justification

Having recognised the importance of preserving works and other subject matter permanently held in the collections of cultural heritage institutions, and having recognised the need to facilitate non-exclusive licencing through collective management organisations to enable the distribution through closed and secure portals for cultural non-commercial purposes, it becomes important to establish a solution for those works and sectors for which the availability of licencing is lacking.

Amendment 41

Proposal for a directive Article 7 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Rightholders 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

Justification

Rightholders may object to the inclusion of their work on such secure portals.

Amendment 42

Proposal for a directive Article 7 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Member States may provide that the exception adopted pursuant to paragraph 1a does not apply generally or as regards specific types of works or other subject-matter, to the extent that the non-exclusive licences provided for in paragraph 1 are, or can reasonably be expected to become, available.

Or. en

Amendment 43

Proposal for a directive Article 7 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Member States shall, after consulting rightholders, collective management organisations and cultural heritage institutions, determine the availability of such licencing-based solutions.

Or. en

Justification

It becomes necessary to provide for the possibility to provide such licenses as well as to involve them in the determination of whether such licences are available or not.

Amendment 44

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

Justification

The definition has been moved to article 2 as the definition article.

Amendment 45

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-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.

Amendment

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.

Or. en

Justification

A reference to paragraph 1a becomes necessary to ensure that rightholders are involved even in the determination of necessary and reasonable requirements for determining whether they can fall within the exceptions provided for.

Amendment 46

**Proposal for a directive
Article 7 – paragraph 3**

Text proposed by the Commission

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

- (a) the deeming of works or other subject-matter as out of commerce;
- (b) the licence, and in particular its application to unrepresented rightholders;
- (c) the possibility of rightholders to object, referred to in point (c) of paragraph 1;

including during a **reasonable** period of **time** before the works or other subject-

Amendment

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

- (a) the deeming of works or other subject-matter as out of commerce;
- (b) the licence, and in particular its application to unrepresented rightholders;
- (c) the possibility of rightholders to object, referred to in point (c) of paragraph **1 and in paragraph 1a**;

including during a period of **six months** before the works or other subject-matter

matter are digitised, distributed, communicated to the public or made available.

are digitised, distributed, communicated to the public or made available.

Or. en

Justification

To bring in line with amendments carried out to previous paragraphs and to bring in line with ECJ judgment.

Amendment 47

Proposal for a directive Article 7 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. Paragraphs **1 to 1c, and 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.

Or. en

Amendment 48

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

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.

Amendment

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

Or. en

Justification

To reflect the amendments carried out in article 7 as well as provide wider possibility of access to the portal through which information on licences can be accessed.

Amendment 49

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 a licence granted in accordance with **Article 7(1) or referred to in Article 7(1a)** and information about the possibility of rightholders to object referred to in **Article 7(1)(c) and Article 7(1b)** are made publicly accessible in a single online **publicly accessible** 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 50

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,

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) **and the functioning of the exception referred to in Article 7(1a)**, ensure the effectiveness of

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).

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 51

Proposal for a directive Title III – Chapter 2 a (new)

Text proposed by the Commission

Amendment

CHAPTER 2a

Access to EU publications

Article 10 a

Union Legal Deposit

- 1. Any electronic publication dealing with Union-related matters such as Union law, Union history and integration, Union policy and Union democracy, institutional, parliamentary affairs and politics that is made available to the public in the Union shall 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 apply to publishers, printers and importers of publications for the works they publish, print or import in the Union.**
- 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 at the European Parliament Library's**

premises exclusively for the purpose of research or study by accredited researchers and under the control of the European Parliament Library.

5. The Commission shall adopt acts to specify the modalities relating to the delivery to the European Parliament Library of publications referred to in paragraph 1. .

Or. en

Amendment 52

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 those publications and the legal capacity to sue in their own name when defending the rights of such authors* for the digital use of their press publications.

Or. en

Justification

It is important that the challenges press publishers face in enforcing the derivative rights upon which they depend to protect the investment made in their publication are addressed in a manner that strengthens the position of press publishers, but does not disrupt other industries. Press publishers are thus given the right to bring proceedings in their own name before tribunals against infringers of the rights held by the authors of the works contained in their press publication and to be presumed to have representation over the works contributed to the press publication.

Amendment 53

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

Text proposed by the Commission

Amendment

1a. *Paragraph 1 shall not apply to criminal procedures.*

Or. en

Amendment 54

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 55

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 56

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 are actively and directly involved in the making available to the public of user uploaded content and where this activity is not of a mere technical, automatic and passive nature*** shall ***take*** appropriate and proportionate ***measures to ensure the functioning of agreements concluded with rightholders for the use of their*** works.

Or. en

Justification

Article 13 complements the liability regimes already established in Directive 2000/13/EC to the extent that Article 13 seeks to ensure the effective implementation of agreements concluded between online service providers and rightholders for the use of works. The amendment provides clarity as to which online service providers it is referring to, making use of the same classifications of service providers as under Directive 2000/13/EC.

Amendment 57

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

Text proposed by the Commission

Amendment

1a. For the purpose of ensuring the functioning of agreements, as referred to in paragraph 1, rightholders shall provide service providers with accurately

identified works or other subject-matter over which they enjoy rights. The service providers shall inform rightholders of the measures employed and the accuracy of their functioning as well as, when relevant, periodically report on the recognition and use of the works and other subject-matter.

Or. en

Justification

Transparency in the implementation of the measures adopted by service providers are connected to the management by rightholders of their rights in copyright . The implementation of such measures requires the correct identification of works by rightholders as being their own or under a licence to them. Consequently while service providers are in a position to be responsible for the functioning of measures operated, rightholders remain liable in the assertion of their rights over works.

Amendment 58

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 59

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 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 the measures referred to in paragraph 1 in order to challenge the application of those measures.

Or. en

Justification

The process cannot underestimate the effects of the identification of user uploaded content which falls within an exception or limitation to copyright. To ensure the continued use of such exceptions and limitations, which are based on public interest concerns, communication between users and rightholders needs to be efficient.

Amendment 60

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

Text proposed by the Commission

Amendment

2b. *Member States shall ensure that national law provides users 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 61

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

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.

practices *for the implementation of* appropriate and proportionate **measures**, 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 62

Proposal for a directive Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers **who are in a contractual relationship where there are ongoing payment obligations**, receive on a regular basis and taking into account the specificities of each sector, timely, adequate, **accurate** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, **modes of promotion**, revenues generated and remuneration due.

Or. en

Justification

The amendments are proposed to provide further clarity and legal certainty.

Amendment 63

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to **request**

Amendment

Member States shall ensure that authors and performers are entitled to **equitable**

additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

remuneration for the exploitation of *their* works.

Or. en

Amendment 64

Proposal for a directive Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that authors and performers or their representative organisations are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the unanticipated subsequent relevant net revenues and benefits derived from the exploitation of the works or performances.

Or. en

Justification

Authors and performers are at the centre of creativity yet often face challenges of making a livelihood and also face challenges to negotiate their rights. Recognising their right to an equitable remuneration for the exploitation of their works as well as the possibility of appointing representatives to seek contract adjustment on their behalf are means of empowering authors and performers without creating an unreasonable claim on the investment done by others.

Amendment 65

Proposal for a directive Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Representative organisations appointed by authors and performers may, on their behalf, bring proceedings in respect of disputes.

Or. en

Justification

Authors and performers often face challenges in initiating disputes with other rightholders. The possibility allowing their representatives to initiate proceedings on their behalf facilitates such processes.

Amendment 66

Proposal for a directive Article 17 – paragraph 1 – point a Directive 96/9/EC Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

“(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent ***justified by the non-commercial purpose to be achieved***, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];”

“(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent ***that the use is restricted to the specifically limited circle of those taking part in the teaching activity***, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];”

Or. en

Amendment 67

Proposal for a directive Article 17 – paragraph 1 – point a (new)

Directive 96/9/EC
Article 6 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(aa) In Article 6(2), the following point is added :

"(da) in the case of reproduction or extraction from a database for the sole purpose of text and data mining as provided for in Directive ...[this Directive];"

Or. en

Amendment 68

Proposal for a directive
Article 17 – paragraph 1 – point b
Directive 96/9/EC
Article 9 – point b

Text proposed by the Commission

Amendment

“(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent ***justified by the non-commercial purpose to be achieved***, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];”

“(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent ***that the use is restricted to the specifically limited circle of those taking part in the teaching activity***, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];”

Or. en

Amendment 69

Proposal for a directive
Article 17 – paragraph 1 – point b a (new)
Directive 96/9/EC
Article 9 – point c a (new)

Text proposed by the Commission

Amendment

(ba) *In Article 9, the following point is added :*

"(ca) *in the case of reproduction or extraction from a database for the sole purpose of text and data mining as provided for in Directive ...[this Directive];"*

Or. en

Amendment 70

Proposal for a directive

Article 17 – paragraph 2 – point a (new)

Directive 2001/29/EC

Article 5 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(aa) *In Article 5(2), the following point is added:*

"(ea) *in the case of reproductions of works or other subject-matter for the sole purpose of text and data mining as provided for in Directive ... [this Directive];"*

Or. en

Amendment 71

Proposal for a directive

Article 17 – paragraph 2 – point b

Directive 2001/29/EC

Article 5 – paragraph 3 – point a

Text proposed by the Commission

Amendment

“(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this

“(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this

turns out to be impossible and to the extent ***justified by the non-commercial purpose to be achieved***, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];”

turns out to be impossible and to the extent ***that the use is restricted to the specifically limited circle of those taking part in the teaching activity***, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];”

Or. en

Amendment 72

Proposal for a directive Article 18 – paragraph 2

Text proposed by the Commission

2. The provisions of Article 11 shall also apply to press publications published before [the date mentioned in Article 21(1)].

Amendment

2. The provisions of Article 11 shall also apply to press publications published before ... ***[12 months after the date of entry into force of this directive] but only in so far as uses of works contained in press publications are made after [12 months after the date of entry into force of this directive]***.

Or. en

Justification

The application of new rights established in this Directive to uses carried out in the past would unjustly apply a new law which was not foreseeable with certainty. However the application of such new right to uses of works contained in press publications published even prior to the coming into force of this Directive but which uses are made after the coming into force of this new right is foreseeable and in accordance with law.

EXPLANATORY STATEMENT

Copyright in the digital single market

Scope and purpose

The proposed directive addresses the challenge of ensuring protection of copyright in the digital single market. Several issues need to be considered, including the digital use or transformation of works and other subject matter protected by copyright, such as the digitisation of those works, the application of digital technological processes to works, such as the application of text and data mining to a reproduction or extraction of copyrighted works, and the ease of access to such works that digital technology provides for European citizens.

Rightholders face a number of copyright-related challenges within a continuously changing market dependent on fluid user patterns. Owing to developments in digital technology, business models in the creative and cultural sectors face similar challenges, in the same way as other sectors. These challenges are compounded where rightholders also face difficulties in exercising their rights over works. Amendments to copyright can make a difference where copyright-relevant acts are involved in these challenges.

There are instances where the creative and cultural sectors have responded to such challenges and found market-led solutions together with other service providers or stakeholders. Solutions need to be balanced in a way that ensures protection of rightholders while allowing other stakeholders to distribute their works and ensuring that the works of rightholders reach consumers in different ways. Any value chain in any sector involves numerous, interdependent stakeholders. The legislator should not interfere in contractual relations, but ensure respect for copyright.

One should not assume that acts relevant to copyright in the analogue dimension are identical in the digital dimension, and that a rule which works in the analogue dimension will function in the digital dimension. For copyright to work in the digital single market, copyright-relevant acts in the digital dimension need to be addressed in a balanced way, as the current legislation does for copyright-relevant acts in the analogue dimension. The complementarity of this directive with other Union legislation is reflected in the issues of exceptions and limitations, the licensing agreements processes, and the clarification of the applicability of copyright to digital uses.

A more effective functioning of the digital single market and of copyright within that market require legal certainty and greater harmonisation in the application of copyright.

Text and data mining

Text and data mining allows for the reading and analysis of large amounts of digitally stored information in order to gain new knowledge and discover new trends. For text and data mining to occur, information needs to be first accessed and reproduced. It is only after the information is normalised that its processing through text and data mining can occur. Assuming that access to the information is lawful, this normalisation constitutes copyright-

protected use, since it constitutes reproduction by change of format of the information, or extraction from a database into a processable format. The copyright relevant-process in text and data mining is thus not the mining process itself, which is merely the reading and analysing of normalised information, but the access and the normalisation of information in view of its automated analysis.

The process of access to information protected by copyright is already regulated in the copyright acquis. The required exception is needed to address the reproduction or extraction carried out during the normalisation process. Where those with lawful access to data normalise that data for the purpose of reproduction or extraction, the prejudice to publishers is minimal. Where, however, normalised data sets are provided by publishers, compensation may be required by those publishers in order to cover the cost of the normalisation.

Research organisations often have difficulty in obtaining access to the many scientific publications that are required for research by text and data mining. The research organisations may not have access to the publications and are consequently unable to normalise the data. In order to facilitate innovation and research, publishers are obliged to provide research organisations with normalised datasets, but may seek compensation for the cost of normalisation.

The possible abuse of datasets by their use for other purposes should be addressed. However, it is often important for research that the underlying datasets upon which conclusions are based can be verified. For this purpose, Member States should set up storage facilities for these datasets, but access should be limited to research verification.

Use of works and other subject-matter in digital and cross-border teaching activities

Education is a lifelong learning process. This also places a responsibility for education on establishments which are not traditional schools. Educational programmes are offered by schools, universities, private tuition organisations, NGOs, and other structures. Regardless of the education provider, the use of copyrighted material for illustration in teaching must be limited to truly educational activities. Member States have systems which recognise educational establishments and accredit their programmes of studies. The exception for illustration in teaching needs to cover all formal schooling in schools and universities, as they are recognised or accredited as educational establishments. However, this exception should also cover other education programmes accredited by national authorities. The exception is about teaching and not about educational establishments. Making the exception on teaching subject to the place where teaching takes place is incompatible with the goal of lifelong learning. The exception must therefore be directly linked to ‘teaching activities’, regardless of the structural context. Teaching activities can be defined as ‘an educational process taking place either (i) on the premises of an establishment recognised or accredited by the relevant national authority as an educational establishment or (ii) within the framework of an education programme recognised or accredited by the relevant national authority’. The use of this exception must be limited to those taking part in the teaching activity, i.e. pupils or students and teaching staff.

Where teaching is provided on a commercial basis, Member States may impose an obligation of compensation for use of materials, even if the course is accredited or recognised.

Several Member States have already implemented an exception or limitation for illustration for teaching purposes, including licensing agreement structures.

Out-of-commerce works

i. Legal certainty

Title III, Chapter 1, of the proposed directive concerns the use of out-of-commerce works, aiming to strengthen the role and the cultural purpose of cultural heritage institutions. Legal certainty requires that the existing terminology of Union law is retained. That is why the definition of ‘cultural heritage institutions’ in this directive should be the same as that in the Orphan Works Directive (Recitals 1 and 23, and Articles 1(1) and 2(a)(b)) and the InfoSoc Directive (Article 5(2)(c)). The definition of out-of-commerce works should reflect the outcome of the discussion between the Commission and rightholders. Consistency of these definitions is needed for legal certainty. For clarity, both definitions should be included in Article 2.

ii. Fulfilling the cultural purpose of cultural heritage institutions

We need to preserve works and other subject matter held in the permanent collections of cultural heritage institutions, and we need to facilitate non-exclusive licencing through collective management organisations in order to enable distribution through closed and secure portals for cultural non-commercial purposes. We also need to establish a solution for those works and sectors where licences are unavailable. However, safeguards are required, including restrictions on the use of closed and secure portals for cultural non-commercial purposes.

iii. Authors remain at the heart of the proposals

Authors and rightholders need to be at the heart of the proposals to facilitate the cultural missions of cultural heritage institutions. They should be involved in deciding whether the licenses referred to in Article 7 are available or not, and included in the stakeholders’ dialogue in the Member States.

Authors should have the right to exclude their works from the license mentioned in Article 7(1) as well as from use under Article 7(2). The publicity of licenses and actions under Article 7 will also provide better protection for authors.

Rights in publications

Copyright solutions need to be focused and clearly assessed as to their necessity, adequacy and proportionality. These solutions affect not only the rightholders, but all stakeholders who come into contact with the copyright held by rightholders. Press publishers face challenges with the digitalisation of business and consumer habits. Digitalisation makes it easier for the contents of press publications to be copied or reused. Digitalisation also facilitates access to news and press by providing users with a referencing or indexing system for a wide range of sources. Both processes need to be recognised as separate.

Using digital technology to copy and appropriate news and press content created by others is

clearly disproportionately harmful to the financial interests of press publishers. However, using digital technology to facilitate the finding of news and press is not necessarily disproportionately harmful to the financial interests of press publishers, and in some cases these linking or referencing systems (such as hyperlinks) facilitate users' access to online news portals.

Press publishers depend on the enforcement of their derivative rights to protect the investment made in their publication. Measures are needed to strengthen the enforcement position of press publishers, but those measures must not disrupt other industries. Press publishers are thus given the right to bring, in their own name, court proceedings over infringements of the rights of authors of the works contained in their press publication and also to be presumed that they represent the rightholders of those who contribute works to their press publication. This measure is necessary, adequate and proportionate, as it strengthens the rights already held by press publishers, and improves their standing when dealing with others making use of their content and thus fosters the value of those rights.

The plurality of news and opinions, and wide access to those news and opinions, is important for public debate in a modern democratic society. The non-commercial sharing of news and opinions is similarly necessary.

As this legal standing for press publishers is new, it would not be in the interest of justice and legal certainty to confer that right in relation uses which lie in the past. However, it is appropriate to apply this new right to the use after the date of application of this directive of works contained in press publications published prior to that date.

Certain uses of protected content on online services

i. Inclusion of a reference to Directive 2000/13/EC in Article 1

Article 13 of the proposed directive applies to information society service providers, and concerns their responsibilities when implementing agreements with rightholders on the use of works protected by copyright. Article 13 thus complements the Directive on electronic commerce (2000/13/EC). Legal clarity and certainty therefore require that this directive should indicate its relation with Directive 2000/13/EC, which explains the reference to the latter in Article 1(2).

ii. Clarity and legal certainty in Article 13

The liability of platforms has already been established by Directive 2000/31/EC. Article 13 of this proposal is complementary to those rules, as it seeks to ensure the effective implementation of agreements concluded between online service providers and rightholders on the use of works. The law needs to state clearly which online service providers it applies to. Clarity and legal certainty calls for use of the same classification of service providers as under Directive 2000/13/EC.

Agreements concluded between service providers and rightholders can be implemented using technology, but this must respect the copyright acquis in its entirety: both rights under copyright and exceptions and limitations to copyright. This implementation requires the correct identification of works as being a rightholder's own or under licence. Consequently,

while service providers are responsible for this technology, rightholders remain liable as to the assertion of their rights over works.

Implementation by service providers and rights management by rightholders are linked. We need transparency in order to ensure that rightholders can effectively manage their rights, which requires the provision of information on the technological measures used and their accuracy.

It is important to accurately identify user-uploaded content which falls within an exception or limitation to copyright. The continued use of such exceptions and limitations, which are in the public interest, requires efficient communication between users and rightholders.

Applying such obligations only to platforms dealing with large amounts of information would create uncertainty, since there is no verifiable way of defining a 'large amount', bearing in mind that even start-ups may require large amounts of data to participate in and contribute to the digital economy.

Fair remuneration for authors' and performers' contracts

Value chains generally involve several stakeholders, but all investment or use of material has its origin in the creativity of authors and performers. All stakeholders seek greater access to contractual relations, but authors and performers face the greatest challenge in ensuring fair remuneration for the exploitation of their works and performances from those to whom they have licenced or transferred their rights.

Four measures would provide a sounder foundation for authors' and performers' work: (i) a declaration on authors' and performers' right to fair remuneration, (ii) increased transparency, (iii) contract adjustment mechanisms, and (iv) more accessible redress.

Each of these measures needs balanced implementation so as to ensure that other rightholders are not disproportionately disadvantaged. That is why, although the right to fair remuneration of authors and performers is reaffirmed, other amendments seek to ensure clarity and legal certainty. Authors and performers are given better representation for the recognition or enforcement of copyright under Articles 14, 15 and 16 of this directive.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

Entity and/or person
1. British Academy of Songwriters, Composers and Authors
2. Kennisland
3. Mediaset
4. UK Music Publisher Association
5. C4C (Copyright for Creativity)
6. ICMO-CIEM (International Confederation of Music Publishers)
7. Music Sales Limited (The Music Sales Group)
8. IAO Music (International Artist Organisation of Music)
9. Suomen Musiikkikustantajat ry (Finnish Music Publishers Association)
10. 21st Century Fox
11. EVARTIST (European Visual Artists)
12. VIVENDI Group
13. CANAL+
14. Time Warner Europe
15. Cable Europe
16. GESAC (European Grouping of Societies of Authors and Composers)
17. IFFRO (International Federation of Reproductive Rights Organisation)
18. Federation of European Publishers
19. Association of Commercial Television (ACT)
20. SAS
21. Motion Picture Association
22. Universal Music Group

23. Sony
24. SKY
25. IFPI
26. AEPO-ARTIS (Association of Performers' Organisation)
27. SoundCloud
28. ISFE (Interactive Software Federation)
29. PRS for Music
30. Conference of European National Librarians
31. Max Planck Institute
32. Reading & Writing Foundation
33. Google
34. KREAB
35. Wikimedia
36. RELXgroup
37. Netflix
38. Communia Association
39. Modern Poland Foundation
40. News Media Europe
41. National Writers Union (US member organisation of IFFRO)
42. Mozilla
43. European Publishers Council
44. European Newspaper Publishers' Association
45. European Magazine Media Association
46. Axel Springer
47. Italiana Editrice
48. BEUC (The European Consumer Organisation)
49. LIBER Europe

50. International Association of STM Publishers
51. YouTube
52. Open Forum Europe
53. EBay
54. Permanent Representation of France to the EU
55. Ministere de la Culture et Communication (France)
56. Civil Society Europe
57. Springer Nature
58. BusinessEurope
59. FEDIL (Luxembourgish Business Federation)
60. RTL Group
61. European Composer and Songwriter Alliance (ECSA)
62. League of European Research Universities (LERU)
63. Science Europe and the European Universities Association (EUA)
64. European Writers' Council (EWC)
65. ISFE – Representing the European Videogame Industry
66. UK Representation to the EU
67. Louis Vuitton Moet Hennessy
68. DIGITALEUROPE
69. SAA Authors
70. European Alliance of News Agencies
71. SACEM
72. EGMONT
73. HUBERT BURDA Media
74. Bertelsmann
75. Thomson Reuters
76. Ringier

77. Sanoma Corporation
78. Guardian Media Group
79. IMPRESA, Portugal
80. AmCham EU
81. Federation of European Journalists
82. ZAPA- Union of Audiovisual Authors and Producers
83. Polish Filmmakers Association
84. IMPALA
85. EVA - European Visual Artists
86. Amazon Europe Core SARL
87. Avisia EU
88. Getty Images
89. European Digital Rights (EDRi)
90. European Digital Media Association (EDIMA)
91. EUROPEANA
92. Audible Magic
93. CEPIC –Centre of the Picture Agency
94. EUROIsPa
95. N-square Consulting
96. eco –Association of the Internet Industry
97. NewsNow Publishing Limited
98. MICROSOFT
99. ZDF German Television
100. MICROSOFT
101. YAHOO!
102. Verband Deutscher Zeitschriftenverleger
103. Deutscher Journalisten-Verband

