

From [redacted] @magazinemedi.eu]

Ref. Ares(2016)5575203

Sent: Tuesday, May 24, 2016 4:24 PM

To: [redacted] (CAB-OETTINGER); [redacted] (CNECT)

Cc: [redacted]; a [redacted] @epceurope.eu; [redacted]

Subject: Aggregated data on publisher's right

Dear Ms [redacted], dear Mr [redacted]

Please find enclosed a report which contains data, information and comments from 52 newspaper and magazine publishers, as well as from publishers' associations, in the following eight countries: UK, Germany, France, Italy, Spain, Poland, Finland and Belgium, which was collected and aggregated by an independent, external partner (in order to meet publishers' strict confidentiality requirements), on the basis of a questionnaire.

This report contains confidential business information and therefore needs to be kept strictly confidential.

Please let us know if you have any questions on the report.

Kind regards

[redacted]

on behalf of ENPA, EMMA, EPC and NME

■ [redacted]
Director, Legal Affairs



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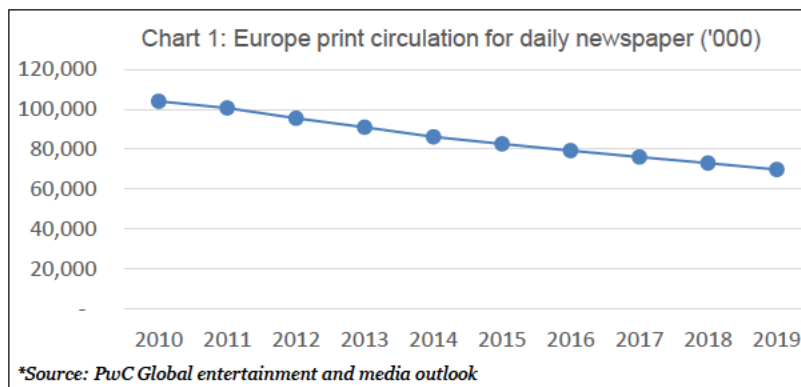
Section 1: Overview of the European newspaper and magazine publishing industry

The European newspaper and magazine 'press' publishing industry is reaching more consumers than ever, as readers shift consumption from print to digital in the form of websites and apps. However, this shift presents some major challenges for publishers:

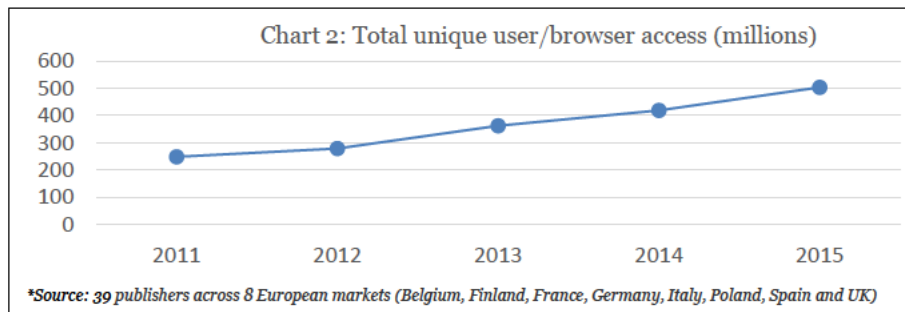
- i) Time spent reading print content is now being spent consuming digital content, with greater competition for eyeballs;
- ii) Revenue yields for publishers' digital content are much lower than for both content and advertising. This is because (1) freely available internet content, which includes content originating from publishers found on third party sites, creating a substitution effect, often makes it harder for publishers to charge consumers directly, and (2) publishers must compete with technology giants such as Google and Facebook for digital advertising revenues; and
- iii) The growth of mobile exacerbates these trends since smaller screens are less well suited for advertising but are now the medium of choice for many when it comes to accessing news and magazine-style content.

The impact of these challenges can be clearly seen in aggregated European data:

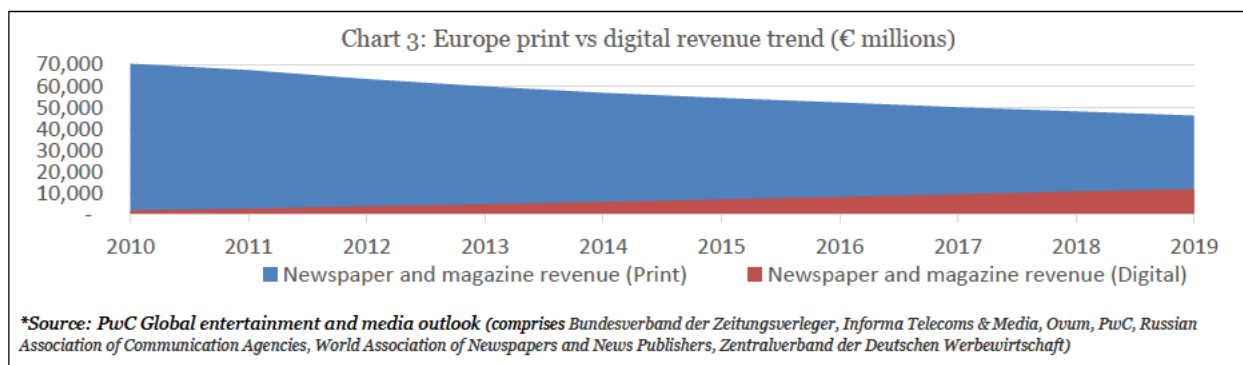
- Print circulations for daily newspapers across Europe, is expected to decline by 33% between 2010 and 2019. This is illustrated by Chart 1 below:



- Publishers across Europe have embraced technology change with investment in the functionality and content of consumer and business websites that now have major scale. Chart 2 illustrates this with the doubling of web traffic over five years:

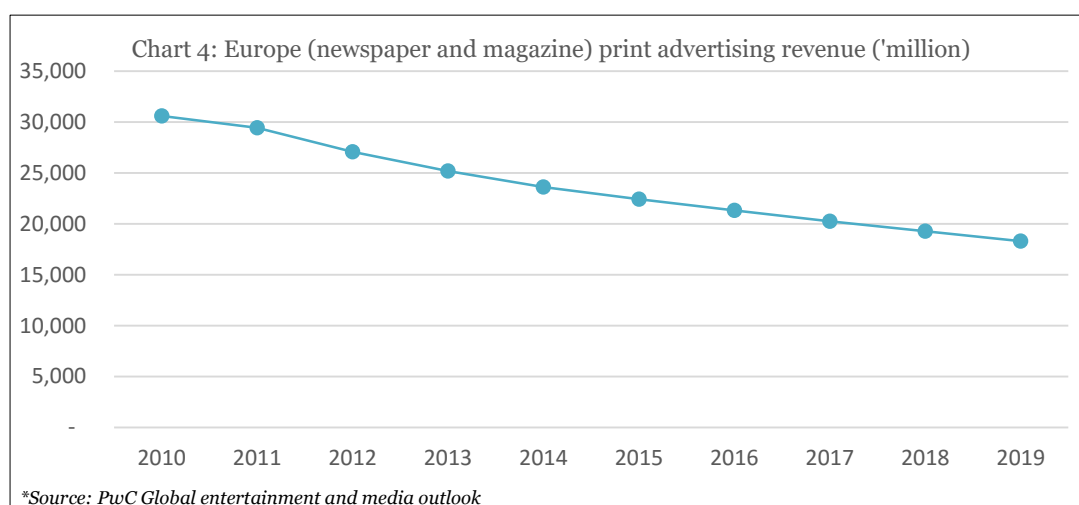


- So, the growth of digital audiences means newspaper and magazine content is more popular than ever. But digital revenues have not replaced the lost print ones due to smaller margins driven by competition for digital advertising revenues with news aggregators and social media platforms, as well as difficulty in charging for digital content due to availability of free online sources. This has been highlighted in chart 3 using actual revenue data up to 2015 and forecast data thereafter:

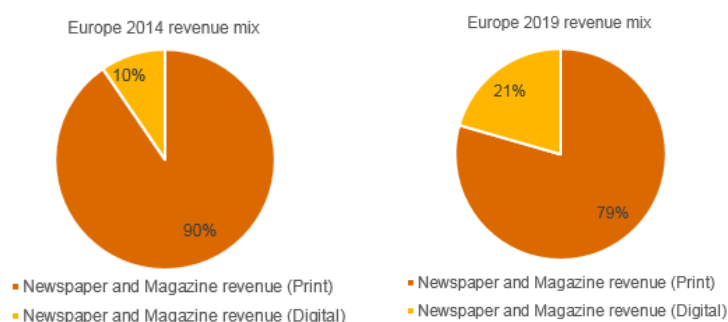


- Between 2010 and 2014, print revenues decreased €14 billion while digital rose to €4 billion, giving a net revenue loss of €10 billion for the European newspaper and magazine industry over just four years. This pressure means that despite audience growth, publishers are cutting editorial and operational costs while also struggling to fund digital investment.

- Print advertising revenue for both newspaper and magazine have declined by €7 billion between 2010 and 2014 as illustrated in Chart 4 below:



- In 2014 digital revenues comprise only 10% total newspaper and magazine revenues; this ratio will grow to 21% by 2019 but driven far more by falling print revenues than rising digital ones. “*Analogue pounds for digital pennies*” is a phrase widely used across Europe. Digital content from independent publishers is mostly difficult to charge for, given that it has to compete with freely available internet content including the public broadcasting services financed by mandatory taxes. Further digital revenues are being earned by other parties from unauthorised use of publishers content such as search engines and news aggregators.

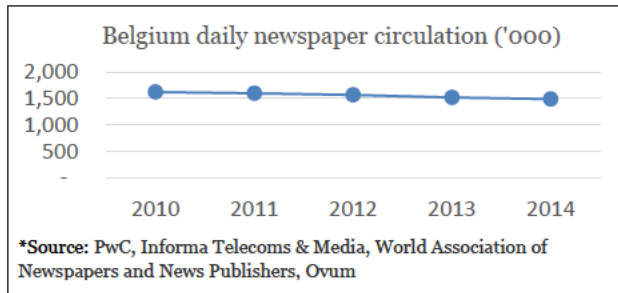


Source: PwC Global entertainment and media outlook

- Many publishers across Europe (and in the US) are therefore suffering increasingly unsustainable financial pressure. This trend will continue – and indeed, will hasten – without remedial action.
- It is ironic that many publishers have never been read more widely – due to the popularity of their websites and apps, and also their content being reproduced and disseminated on third party sites and apps (but without fair payment) – but are still facing intense financial pressures. This will reduce the funds for high-quality editorial content and investigative journalism, with a consequent negative impact across Europe on society and democracy.
- The report below presents print audience (circulation), digital audience (website users/browsers) and print/digital revenue data for eight major European markets. All growth % referenced are the total movement across the applicable period. The exact data sets vary by country due to availability of information, but the trends are consistent and reflect the major Europe-wide challenges set out above.

Belgium

Daily newspaper print circulation (2010 – 2014)	Paid magazine print circulation (2012 – 2013)	Unique users/browsers (2011 – 2015)	Total revenues growth (2010 – 2013)	Forecast total revenues growth (2014 – 2019)	Forecast print revenues growth (2014 – 2019)	Forecast digital revenues growth (2014 – 2019)	Digital revenues % of total revenues (2015)
-8%	-6%	114%	-9%	-10%	-17%	56%	11%

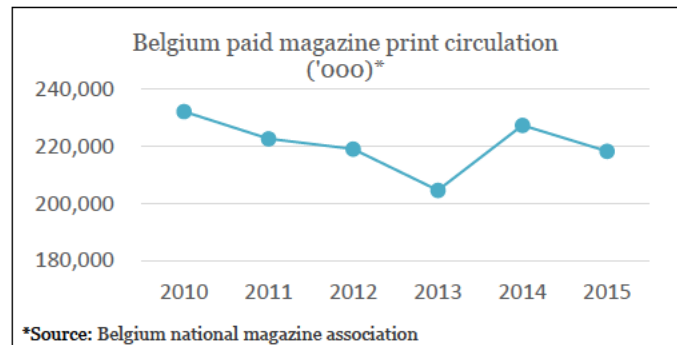


Belgium daily newspaper print circulation (national and regional)

- Daily newspaper print circulation declined 8% from 1.6 million copies a day in 2010 to 1.5 million a day in 2014.
- This decline is marginal in smaller than some other European markets, but consumers are still exhibiting the same shift towards digital and mobile consumption, so the decline will continue.

Belgium paid magazine print circulation

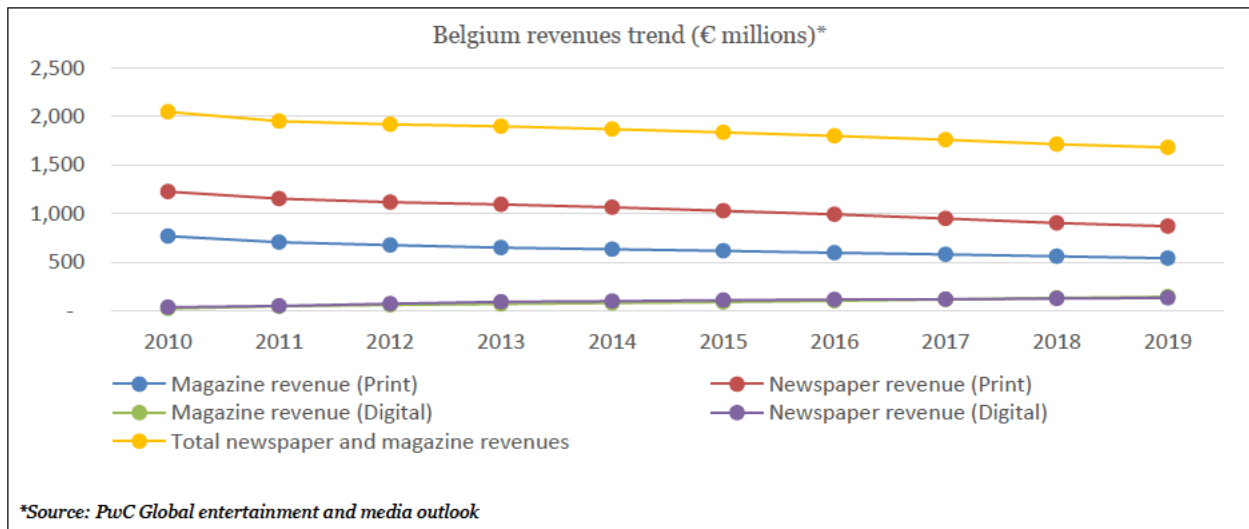
- Print magazine circulation fell 6% from 232 million in 2010 to 218 million in 2015.
- The poor economic situation in Belgium has contributed to a steady decline in print magazines, in addition to the common Europe-wide factors of the growth of internet and mobile penetration causing a decline in print magazine consumption.



Belgium publisher digital audiences

- Unique user/browser access to publishers' websites has increased by approximately 114% between 2011 and 2015.
- This reflects the common European trend of publishers investing heavily in their digital platforms, at the same time as consumers shift their focus to mobile and social media, which can help drive traffic to publishers' websites.

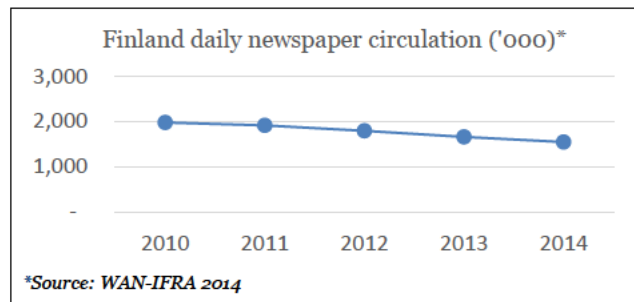
Belgium total revenues (print and digital) (NB: in chart below, green and purple lines overlay exactly)



- Total newspaper and magazine revenues are forecast to decline by €0.4 billion from 2010 to 2019.
- As elsewhere, it is expected that the growth in digital revenue will not be able to cover the losses suffered by print revenues. Over the 10 year period, print revenues will fall by €0.6 billion while digital revenues will grow by €0.2 billion. Digital revenues make up 11% of total revenues in 2015.
- Similar to other European markets, print revenues fall as consumers shift towards digital platforms and ad revenues do the same (Print advertising revenue has fallen by 23% between 2011 and 2015). The poor economy in Belgium has also contributed to the decline in revenue as consumers cut back on discretionary spending.
- It is difficult to charge for digital content given the volume of online content that is available free of charge, so publishers depend on advertising for digital revenues. But digital advertising yield (both in total and per reader) is much lower than print advertising, while at the same time digital ad revenues are being earned by other parties from unauthorised use of publishers' content (such as search engines and news aggregators).
- Publishers will continue to invest in digital content and platforms (both websites and apps), which will drive audience growth, but monetising this investment and audience via either content or advertising revenues is likely to prove challenging.

Finland

Daily newspaper print circulation (2010 - 2014)	Consumer magazine print circulation (2010 - 2013)	Total revenues growth (2010 - 2013)	Forecast total revenues growth (2014 - 2019)	Forecast print revenues growth (2014 - 2019)	Forecast digital revenues growth (2014 - 2019)	Digital revenues % of total revenues (2015)
-22%	-14%	-13%	-10%	-24%	118%	13%

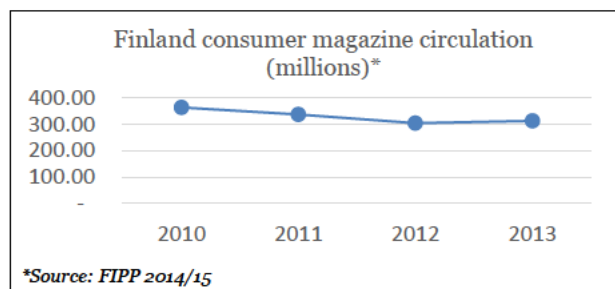


Finland daily newspaper print circulation (national and regional)

- Daily newspaper print circulation declined by 22%, from 2.0 million in 2010 to 1.5 million in 2014.
- In line with the rest of Europe, improved access to the internet and the proliferation of mobile devices is driving this decline, which is expected to continue.

Finland consumer magazine print circulation

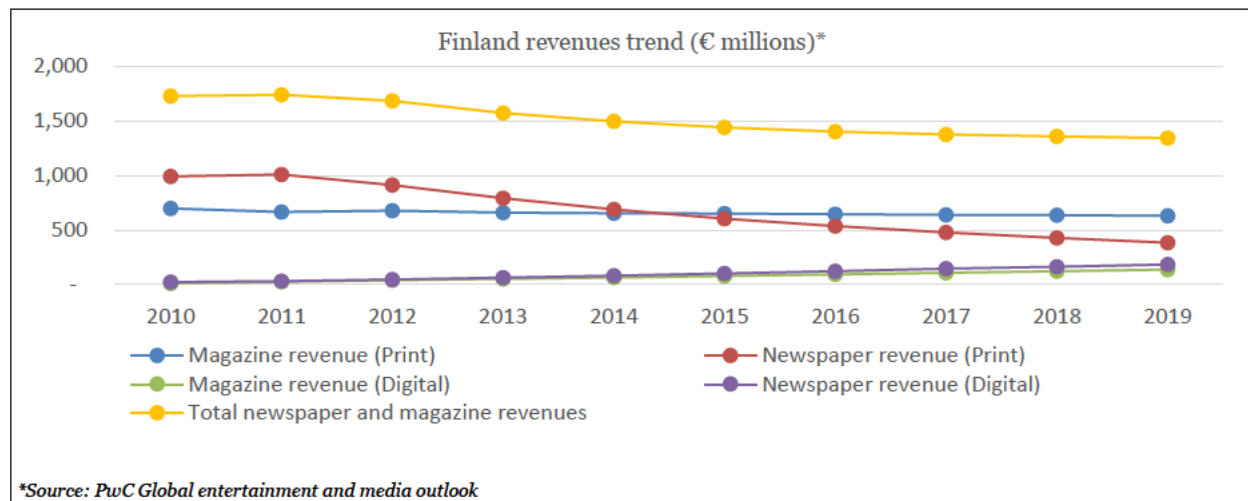
- Print magazine circulation fell 14% from 364 million in 2010 to 314 million in 2013.
- Print magazines have historically sold well in Finland, but like the rest of Europe, the growth of the internet and mobile means consumers are now shifting to social media and free online content instead of paying for print.
- This trend is consistent with data received from individual Finnish publishers



Finland unique user/browser access

- Suitable Finland publisher digital audience data was not available, but the trend would reflect charts 1 and 2 in the Europe-wide summary above (i.e. substantial growth in digital audiences but which, as per chart below, cannot be easily monetised).

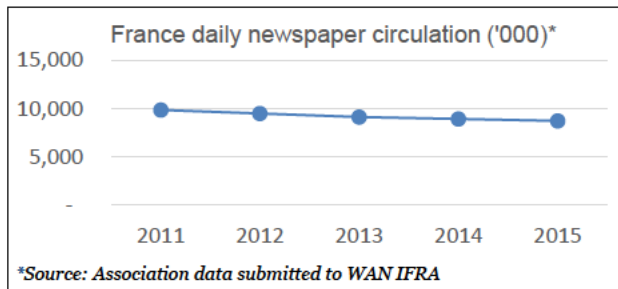
Finland total revenues (print and digital) (NB: in chart below, green and purple lines overlay exactly)



- Total newspapers and magazine revenues are forecast to decline by €0.4 billion from 2010 to 2019. This is driven mostly by declines in newspaper revenues as subscription sales have kept the magazines market more stable.
- The newspaper market in Finland is suffering similarly to the rest of Europe, as the decline in revenues is caused by the shift in consumer behaviour from the traditional print platform to digital devices such as smartphones and tablets.
- As elsewhere, it is expected that the growth in digital revenue will not be able to cover the losses suffered by print revenues. Over the 10 year period, print revenues will fall by €0.7 billion while digital revenues will grow by €0.3 billion. Digital revenues make up 13% of total revenues in 2015.
- The decrease in print revenues is driven by both circulation as consumers shift to digital platforms, and print advertising as advertisers make the same shift.
- Digital advertising yield (both in total and per reader) is much lower than print advertising, while at the same time digital ad revenues are being earned by other parties from unauthorised use of publishers' content (such as search engines and news aggregators). Print advertising revenue has fallen by 39% between 2011 and 2015.
- Publishers will continue to invest in digital content and platforms (both websites and apps), which will drive audience growth, but monetising this investment and audience via either content or advertising revenues is likely to prove challenging.

France

Daily newspaper print circulation (2011 - 2015)	Consumer magazine print circulation (2010 - 2013)	Unique users/browsers (2011 - 2015)	Total revenues growth (2010 - 2013)	Forecast total revenues growth (2014 - 2019)	Forecast print revenues growth (2014 - 2019)	Forecast digital revenues growth (2014 - 2019)	Digital revenues % of total revenues (2015)
-11%	-12%	82%	-4%	-2%	-20%	114%	17%

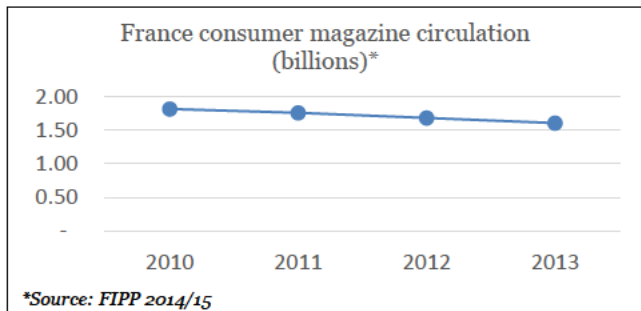


France daily newspaper print circulation (regional)

- Daily newspaper print circulation declined 11% from 10 million in 2011 to 9 million in 2015.
- In line with the rest of Europe, improved access to the internet and the proliferation of mobile devices is driving this decline, which is expected to continue.

France consumer print magazine circulation

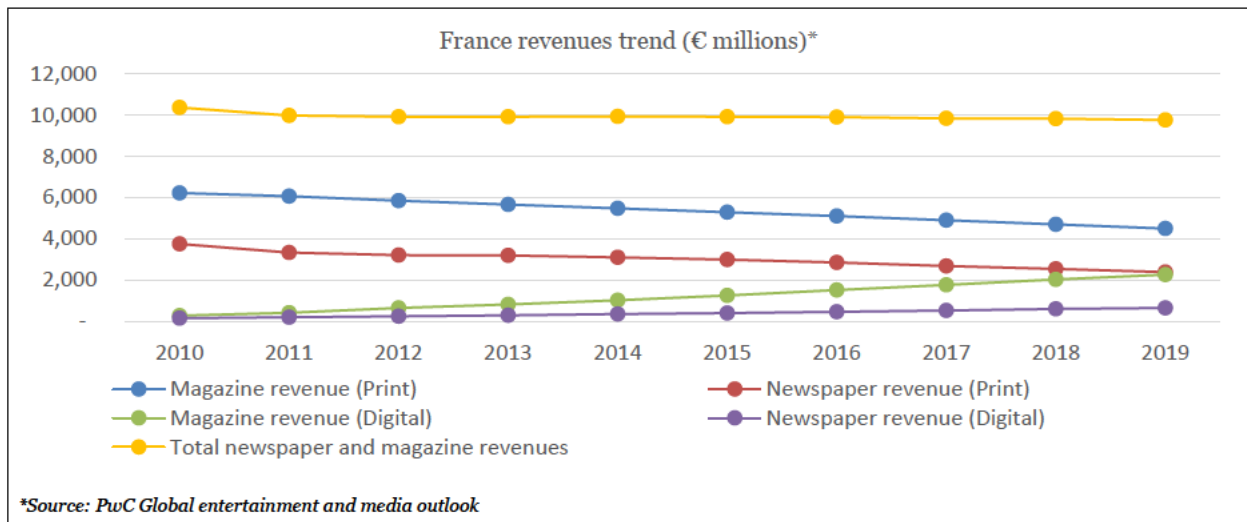
- Consumer magazine print circulation fell 12% from 1.8 billion in 2010 to 1.6 billion in 2013.
- Free online digital content is a key factor contributing to the decline, with more consumers accessing free online content, often through smartphones and tablets.



France publisher digital audiences

- Unique user/browser access to publishers' websites has increased by approximately 82% between 2011 and 2015.
- This reflects the common European trend of publishers investing heavily in their digital platforms, at the same time as consumers shift their focus to mobile and social media, which can help drive traffic to publishers' websites.

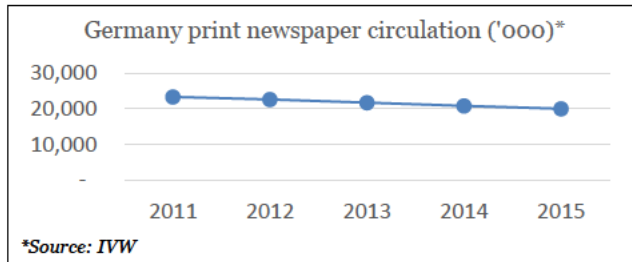
France total revenues (print and digital)



- Total newspaper and magazine revenues are forecast to decline by €0.6 billion from 2010 to 2019, being the net effect of €3.1 billion print decline and €2.5 billion digital growth. Digital revenues make up 17% of total revenues in 2015.
- The main causes is digital advertising yield (both in total and per reader) being much lower than print advertising, while at the same time digital ad revenues are being earned by other parties from unauthorised use of publishers' content (such as search engines and news aggregators). For example, newspaper print advertising revenues have fallen by 26% from 2011 to 2015. *(Source: regional association data submitted to WAN IFRA)*
- Digital revenues for French magazines are forecast to grow by 122% from 2014 to be €2.3 billion by 2019. This growth reflects publishers continuing to invest in digital content and platforms (both websites and apps), which will drive audience growth. However, even with investment, newspaper digital revenues are forecast to remain relatively modest, due to the monetisation challenges from competing with news aggregators and social media.

Germany

Daily newspaper print circulation (2011 - 2015)	Consumer magazine print circulation (2011 - 2015)	Unique users/browsers (2011 - 2015)	Total revenues growth (2010 - 2013)	Forecast total revenues growth (2014 - 2019)	Forecast print revenues growth (2014 - 2019)	Forecast digital revenues growth (2014 - 2019)	Digital revenues % of total revenues (2015)
-14%	-13%	86%	-9%	-7%	-16%	149%	7%

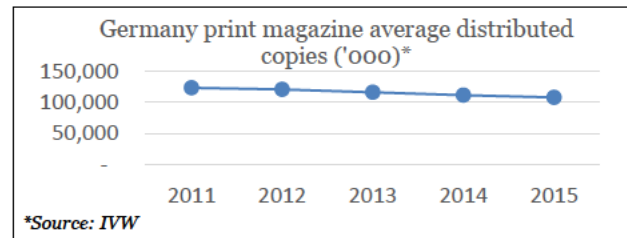


Germany (daily, weekly and Sunday) newspaper print circulation for national and regional (average print circulation in the last quarter)

- Newspaper print circulation declined 14% from 23 million copies in 2011 to 20 million in 2015.
- German newspaper publishers have suffered the common European challenge of consumers shifting to digital platforms, but have performed relatively well in comparison to other European markets due to the high levels and resilience of subscriptions.

Germany magazine print circulation (average distributed copies per edition in the last quarter)

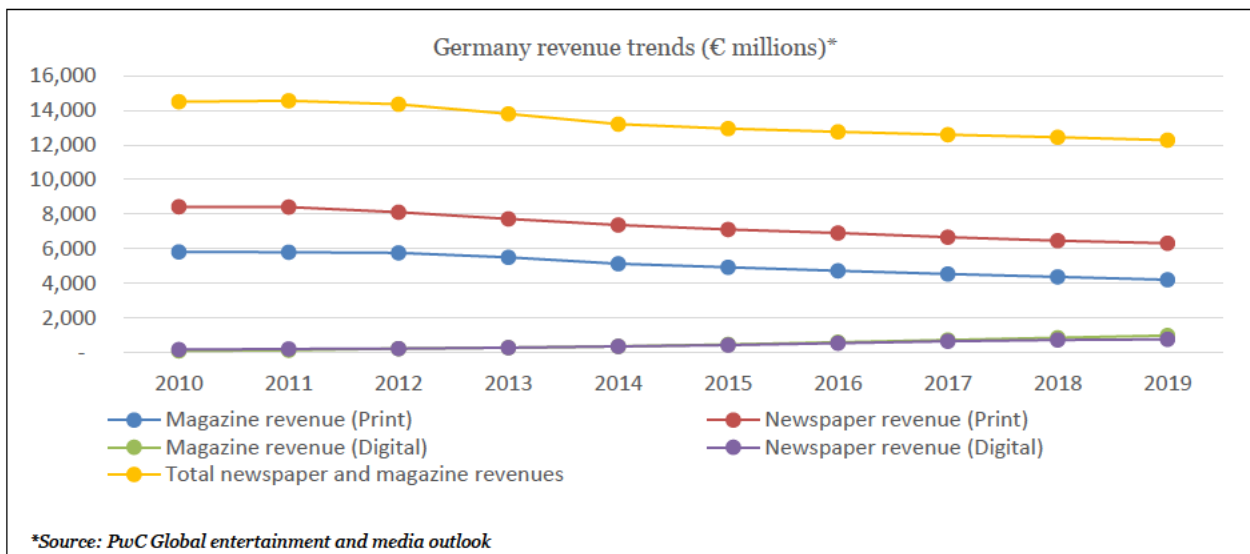
- Print magazine circulation fell 13% from 123 million in 2011 to 108 million in 2015.
- The decline is caused by increase in digital access as a result of greater and faster internet use. As consumers are now spending more time on social media and other platforms, less print content is consumed.



Germany publisher digital audiences

- Unique user/browser access to publishers' websites has increased by approximately 86% between 2011 and 2015.
- This reflects the common European trend of publishers investing heavily in their digital platforms, at the same time as consumers shift their focus to mobile and social media, which can help drive traffic to publishers' websites.

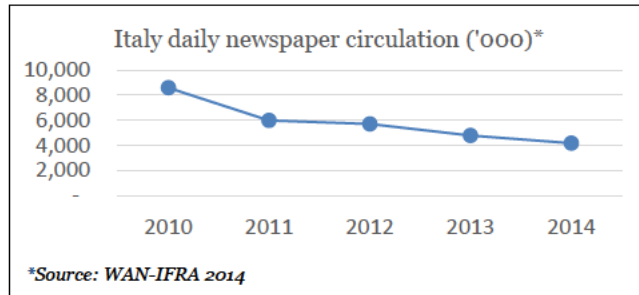
Germany total revenues (print and digital) (NB: in chart below, green and purple lines overlay exactly)



- Total newspaper and magazine revenues are forecast to decline by more than €2 billion from 2010 to 2019.
- Publishers have tried price increases, but this could not compensate for circulation decline (and can sometimes serve to exacerbate it). In contrast, digital content is often difficult to charge for, given that it has to compete with freely available internet content.
- Print revenues have been falling due to decreases in both circulation and most notably advertising revenues, which have decreased by 26% between 2011 and 2015. The main causes of this is digital advertising yield (both in total and per reader) being much lower than print advertising, while at the same time digital ad revenues are being earned by other parties from unauthorised use of publishers' content (such as search engines and news aggregators).
- Growth in digital revenue of €1.5 billion has not matched the print falls of €3.7 billion from 2010 to 2019. Digital revenues make up 7% of total revenues in 2015.
- Publishers will continue to invest in digital content and platforms (both websites and apps), which will drive audience growth, but monetising this investment and audience via either content or advertising revenues is likely to prove challenging.

Italy

Daily newspaper print circulation (2010 - 2014)	Consumer magazine print circulation (2010 - 2013)	Unique users/browsers (2011 - 2015)	Total revenues growth (2010 - 2013)	Forecast total revenues growth (2014 - 2019)	Forecast print revenues growth (2014 - 2019)	Forecast digital revenues growth (2014 - 2019)	Digital revenues % of total revenues (2015)
-52%	-15%	121%	-26%	-10%	-25%	153%	11%

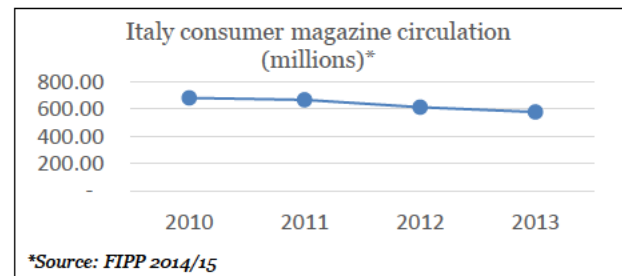


Italy daily newspaper print circulation (national and regional)

- Daily newspaper print declined 52% from 8 million in 2011 to 4 million in 2015.
- In line with the rest of Europe, improved access to the internet and the proliferation of mobile devices is one driver of this decline.
- In addition, circulation has been heavily affected by adverse economic conditions in Italy.

Italy consumer magazine print circulation

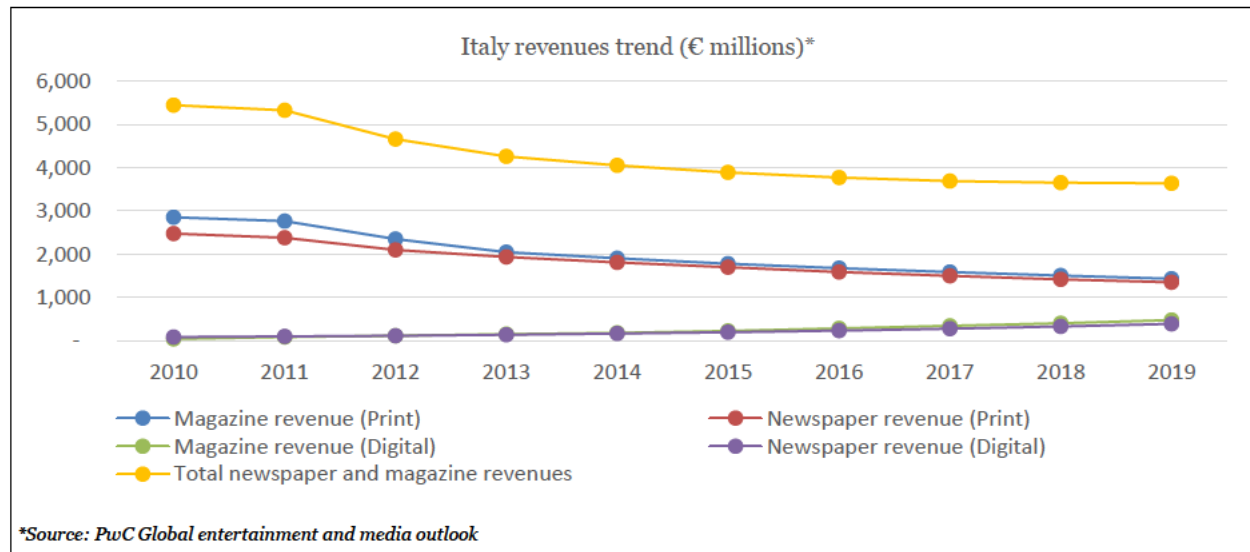
- Print circulation fell 15% from 681 million in 2010 to 578 million in 2013, a less rapid decline than for newspapers.
- However, a fall of 15% is still a large fall, reflecting the Europe-wide trends of pressure from internet access facilitating consumption of digital content.
- Some sectors and publishers have particularly suffered e.g. one submission showed a circulation fall of 63% from 2011 to 2015.



Italy publisher digital audiences

- Unique user/browser access to publishers' websites has increased by approximately 121% between 2011 and 2015.
- This reflects the common European trend of publishers investing heavily in their digital platforms, at the same time as consumers shift their focus to mobile and social media, which can help drive traffic to publishers' websites.

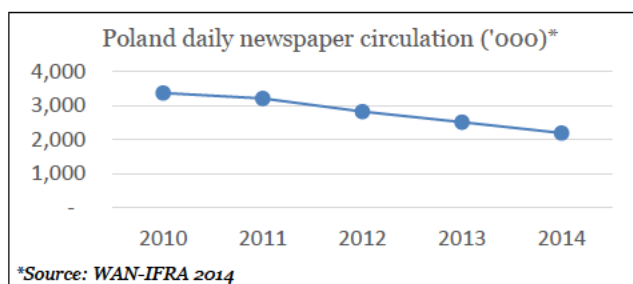
Italy total revenues (print and digital) (NB: in chart below, green and purple lines overlay exactly)



- Total newspaper and magazine revenues are forecast to decline by €1.8 billion (33%) from 2010 to 2019. For some publishers, this decline has already happened e.g. one submission reported a revenue decline of 34% over the past five years. The rapid decline of print audiences and revenues is causing severe financial strain for publishers.
- Print advertising revenue has fallen by 50% between 2010 and 2015.
- Over the 10 year period between 2010 and 2019, print revenues will decline by €2.5 billion while digital ones grow by only €0.7 billion. The main cause is digital advertising yield (both in total and per reader) being much lower than print advertising, while at the same time digital ad revenues are being earned by other parties from unauthorised use of publishers' content (such as search engines and news aggregators). Digital revenues make up 11% of total revenues in 2015.
- The digital market in Italy has not grown nearly as quickly as the industry had previously expected. It is hoped this might pick up as the economy recovers and consumers start to use their mobile phones/tablets more frequently to visit publisher websites and/or to pay for digital content. But even with investment in digital content and platforms (both websites and apps), and digital audience growth, monetising it via content or advertising revenues is likely to prove challenging.

Poland

Daily newspaper print circulation (2010 - 2014)	Consumer magazine print circulation (2010 - 2013)	Unique users/browsers (2011 - 2015)	Total revenues growth (2010 - 2013)	Forecast total revenues growth (2014 - 2019)	Forecast print revenues growth (2014 - 2019)	Forecast digital revenues growth (2014 - 2019)	Digital revenues % of total revenues (2015)
-35%	-16%	152%	-17%	-8%	-13%	53%	9%

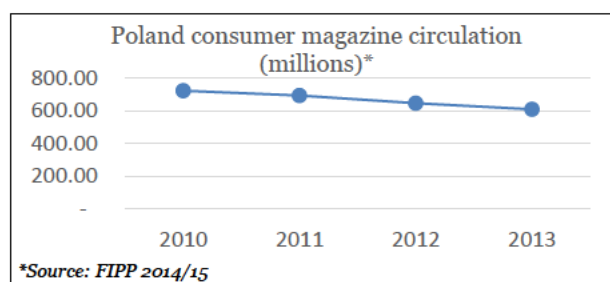


Poland daily newspaper print circulation (national and regional)

- Daily newspaper print circulation declined by 35%, from 3.3 million in 2010 to 2.1 million in 2014.
- In line with the rest of Europe, improved access to the internet and the proliferation of mobile devices is driving this decline, which is expected to continue.
- The trend of 35% declines is consistent with submissions received from individual Polish publishers.

Poland consumer magazine print circulation

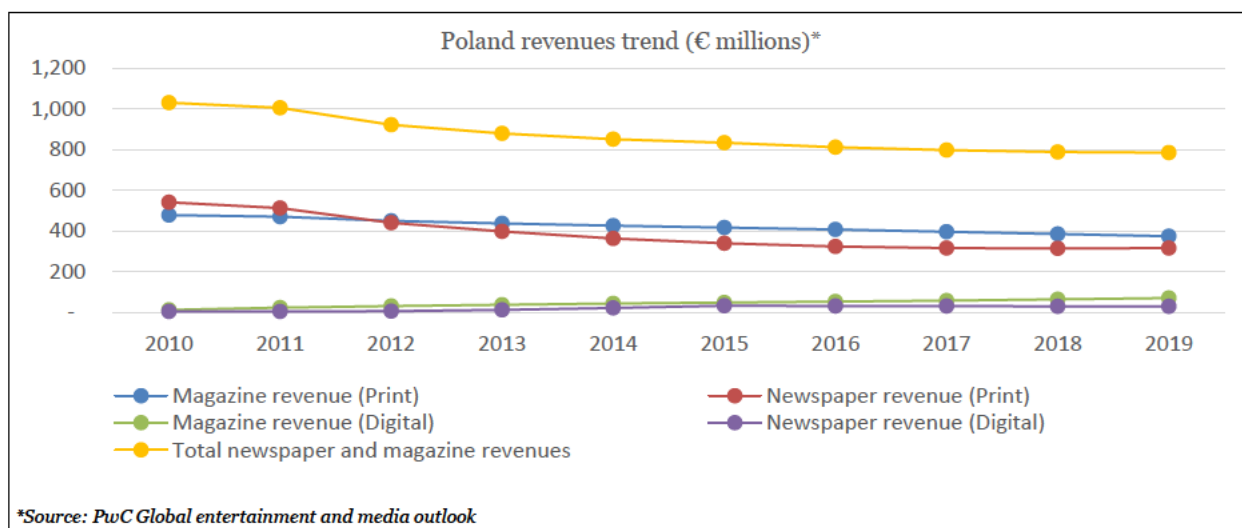
- Print magazine circulation fell 16% from 720 million in 2010 to 608 million in 2013.
- The growth of internet and mobile penetration has caused a decline in print magazine consumption.
- The trend is consistent with data received from individual Polish publishers e.g. one submission had a decline of around 17%.



Poland publisher digital audiences

- Unique user/browser access to publishers' websites has increased by approximately 152% between 2011 and 2015.
- This reflects the common European trend of publishers investing heavily in their digital platforms, at the same time as consumers shift their focus to mobile and social media, which can help drive traffic to publishers' websites.
- But growth in Poland is one of the fastest in the eight markets discussed in this report, reflecting particularly rapid growth in device penetration and digital consumption (from a smaller base) during the past 5 years.

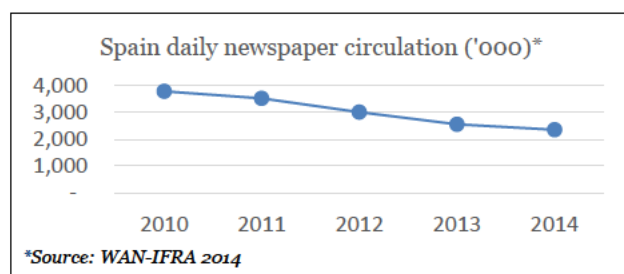
Poland total revenues (print and digital)



- Total newspaper and magazine revenues are forecast to decline by €245 million from 2010 to 2019. (The decline in the chart above over the past five years is approximately 20%, which is consistent with individual publisher submissions showing a range of 11-16%).
- With digital revenues contributing less than 10% of total revenue in 2015, it is expected that the growth in digital revenue will not be able to cover the losses suffered by print revenues. Over the 10 year period, print revenues will fall by €328 million while digital revenues will grow by €83 million.
- The decrease in print revenues is driven by both circulation as consumers shift to digital platforms, and print advertising (down 36% from 2010 to 2014) as advertisers make the same shift.
- Digital advertising yield (both in total and per reader) is much lower than print advertising, while at the same time digital ad revenues are being earned by other parties from unauthorised use of publishers' content (such as search engines and news aggregators).
- Publishers will continue to invest in digital content and platforms (both websites and apps), which will drive audience growth, but monetising this investment and audience via either content or advertising revenues is likely to prove challenging.

Spain

Daily newspaper print circulation (2010 – 2014)	Consumer magazine print circulation (2010 – 2013)	Unique users/browsers (2011 – 2015)	Total revenues growth (2010 – 2013)	Forecast total revenues growth (2014 – 2019)	Forecast print revenues growth (2014 – 2019)	Forecast digital revenues growth (2014 – 2019)	Digital revenues % of total revenues (2015)
-38%	-39%	146%	-26%	-10%	-17%	78%	8%

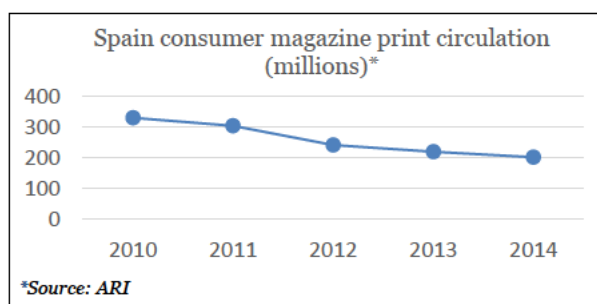


Spain daily newspaper print circulation (national and regional)

- Daily newspaper print declined 38% from 3.8 million in 2010 to 2.4 million in 2015.
- In line with the rest of Europe, improved access to the internet and the proliferation of mobile devices is one driver of this decline.
- In addition, circulation has been heavily affected by adverse economic conditions in Spain.

Spain consumer magazine print circulation

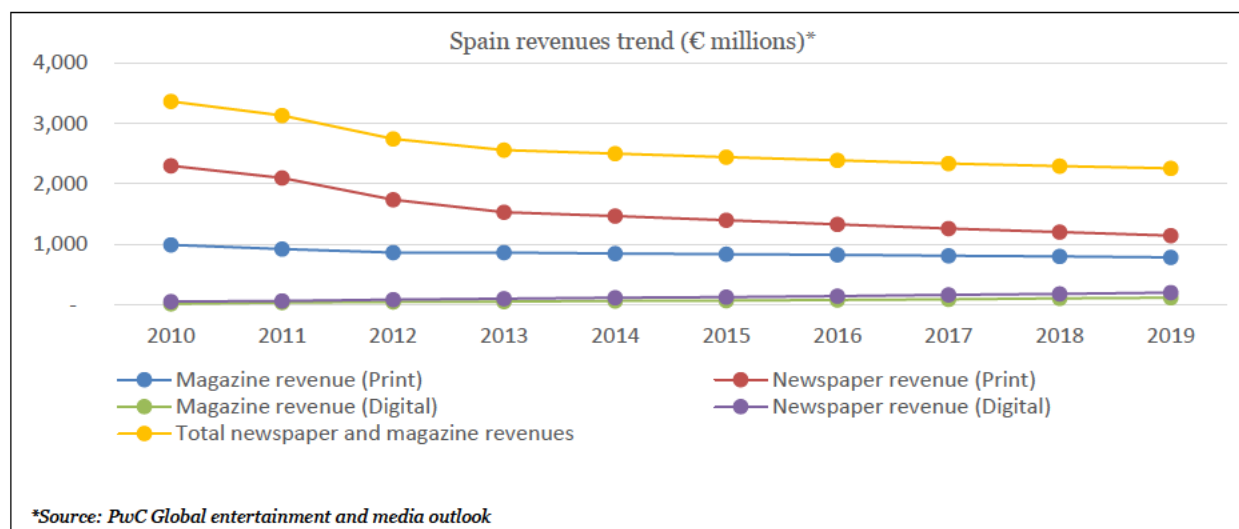
- Consumer magazine circulation fell 39% from 330 million copies in 2010 to 201 million copies in 2015.
- In addition to the Europe-wide digital pressures, the economic slump in Spain caused consumers to cut discretionary spending and accelerated the consumer shift from paid print to free online content.
- Youth unemployment meant this effect is particularly high among younger audiences.



Spain publisher digital audiences

- Unique user/browser access to publishers' websites has increased by approximately 146% between 2011 and 2015.
- This reflects the common European trend of publishers investing heavily in their digital platforms, at the same time as consumers shift their focus to mobile and social media, which can help drive traffic to publishers' websites.

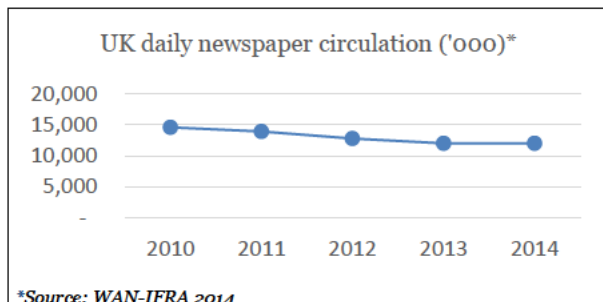
Spain total revenues (print and digital)



- Total newspaper and magazine revenues are forecast to decline by €1.1 billion (33%) from 2010 to 2019. For some publishers, this decline has already happened e.g. some submissions from Spanish publishers showed revenue declines of 46% to 64% over the past five years.
- Print consumer revenues have fallen as consumers opt to cut spending on newspaper and magazines due to Spain's economic adversity. Print advertising revenues (down 42% from 2010 to 2015) have been impacted by both the economy and the shift ad spend towards digital platforms.
- Digital advertising yield (both in total and per reader) are much lower than print advertising, while at the same time digital ad revenues are being earned by other parties from unauthorised use of publishers' content (such as search engines and news aggregators).
- Digital growth of €0.3 billion will not come close to covering the print decline €1.4 billion (digital revenues make up 8% of total revenues in 2015). It is hoped the digital market will grow as the economy recovers. But even with investment in digital content and platforms (both websites and apps), and digital audience growth, monetising it via content or advertising revenues is likely to prove challenging.

United Kingdom (UK)

Daily newspaper print circulation (2010 - 2014)	Consumer magazine print circulation (2010 - 2013)	Total revenues growth (2010 - 2013)	Forecast total revenues growth (2014 - 2019)	Forecast print revenues growth (2014 - 2019)	Forecast digital revenues growth (2014 - 2019)	Digital revenues % of total revenues (2015)
-18%	-29%	-13%	-6%	-20%	74%	18%

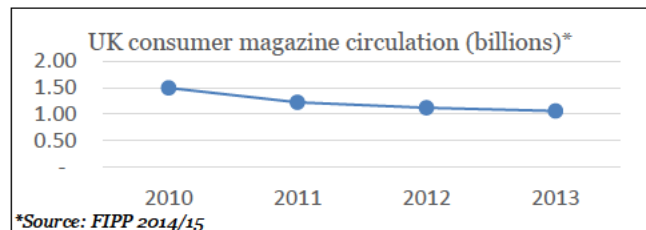


UK daily newspaper print circulation (national and regional)

- Newspaper print circulation declined 18% from 15 million copies in 2010 to 12 million in 2014
- Forecasts for the next five years are of continued print circulation decline, of approximately 5-8% per annum.
- The decline is largely due to changes in consumer behaviour, e.g. as consumers choose to consume digital content, (especially mobile) while travelling to and from work, rather than reading print newspapers.

UK consumer magazine print circulation

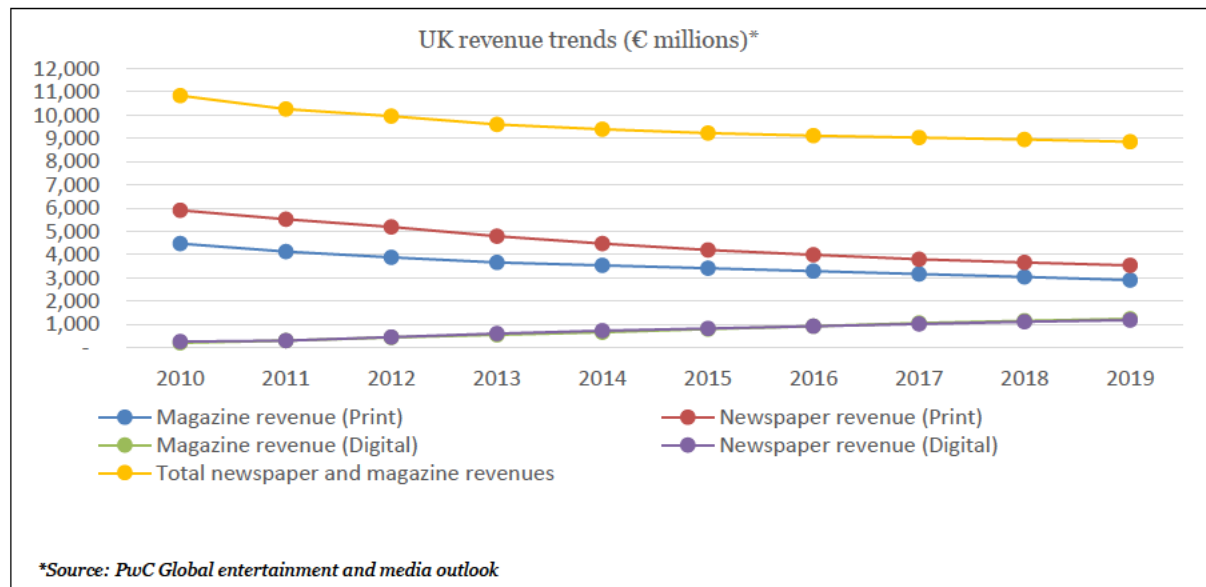
- Print circulation fell 29% from 1.5 billion in 2010 to 1.1 billion in 2013.
- Magazine printer Polestar UK was placed into administration in April 2016, reflecting this decline.
- Greater and faster internet has driven increased access to digital content. This has caused some categories (e.g. "lad mags") to all but disappear. Special interest and high-end magazines have held up relatively well.



UK publisher digital audiences

- Digital reach of newspapers in the UK increased from 35% in 2014 to 39% in 2015.
- This reflects the common European trend of publishers investing heavily in their digital platforms, at the same time as consumers shift their focus to mobile and social media, which can help drive traffic to publishers' websites.

UK total publisher revenues (print and digital) (NB: in chart below, green and purple lines overlay exactly)



- Total newspaper and magazine revenues are forecast to decline by €2 billion from 2010 to 2019.
- Print revenues decline (aggregate of content and advertising) outweighs growth in digital revenues as (a) digital content is often difficult to charge for, given that it has to compete with freely available internet content including the BBC; and most critically (b) digital ad revenues are being earned by other parties from unauthorised use of publishers' content (such as search engines and news aggregators). Digital revenues make up 18% of total revenues in 2015.
- Digital advertising revenue yields (both in total and per reader) were relatively flat in 2015 vs 2014, with no signs yet of a significant upturn in 2016. Print advertising revenue has fallen by 29% between 2010 and 2015.
- Publishers will continue to invest in digital content and platforms (both websites and apps), which will drive audience growth, but monetising this investment and audience via either content or advertising revenues is likely to prove challenging.

Section 2: Potential impact of granting neighbouring/related rights to newspaper and magazine publishers

INTRODUCTION

The European Commission is currently consulting on the role of publishers, notably newspaper and magazine ('press') publishers in the copyright value chain. Press publishers wish to put their case forward for the recognition of their rights to exclusively decide upon the reproduction and distribution and communication to the public of their press product. This section of the report aggregates data from available literature and publisher questionnaires to identify the potential impact of having a publisher's or 'related' right in eight representative European markets (Belgium, Finland, France, Germany, Italy, Poland, Spain and UK).

The meaning of 'neighbouring/related' rights

While the recently launched consultation refers to a neighbouring right, for consistency with the Directive 2001/29/EC we are using the phrase related right throughout this report.

The concept of related rights as used throughout this report refers to rights afforded to participants in the copyright value chain in addition to the authors; parties which seek to protect their financial and organisational investment with respect to the content. Such rights are currently provided for other parties such as broadcasters, film producers and phonogram producers. Extending related rights to press publishers would give them greater control over the dissemination of published content, incentivise new licensing schemes and entitle them to appropriate compensation for the re-use of such content whether on or offline. The acknowledgement of press publishers as right holders would also ensure a proper balanced basis for discussions and collaborations with digital platforms, in particular aggregators and search engines. This will help publishers compete in the market in a fair way with other competitors and will assist them in creating quality content which benefits consumers.

Current status of publishers' rights situation in the EU

Publishers do not currently benefit from related rights for their published edition within the EU, unlike broadcasters who benefit from a related right for the fixation of the broadcast, or film producers for the fixation of the film, or phonogram producers for the fixation of the phonogram. In some countries however, notably the UK, there is a presumption of transfer of rights from employees of press publishers to the employer which gives them the equivalent protection of a related right.

At national level recent amendments to the law in both Germany and Spain essentially grants rights and entitlements for publishers to enforce against certain uses by certain commercial users as a means of reward for the publishers' creative, organisational and financial investment in their published edition.

Before publishing an edition, online or indeed offline, press publishers must always ensure the rights are cleared with numerous contributors and for one or more purposes and for specific durations. These rights can be acquired from employees through employment contracts (via legal presumption of transfer or via contractual agreement), freelancers and other contributors such as photographers through regular or ad hoc agreements of assignment, in countries where work for hire provisions do not exist (i.e. most EU states).

However, solely relying on derived rights to protect against the unlimited and unauthorised reproduction and making available of published online content by third parties, is not sufficient and doesn't provide the legal certainty publishers need for the new and ever evolving digital environment, when it comes to licensing of their content and the enforcement of those right. While a potential related right at EU level should not affect the underlying authors' rights, it should aim to ensure that the publisher has rights in their overall product as well as at an individual level. This simplifies enforcement of rights and aligns publishers' rights both with the additional value they contribute and their business models for licensing their publications as a whole.

The widespread practice of copying, in whole or in part, articles written by a multitude of contributors, including freelancers, or of complete websites, leads to challenges by the courts to the publishers' authority to issue cease-and-desist orders on grounds of lack of ownership of rights by the publisher. In some cases, even where rights are granted to the publishers without a limited duration, they do not always cover all future uses, e.g. excerpts, which makes enforcement actions impossible. In such cases a related right protecting the overall product/published edition would allow for effective enforcement and provide legal certainty not only to publishers but also to investors.

European copyright law does not recognise such a protection since publishers are not identified as right holders in the Directive 2001/29/EC. As a result, without such protection at EU level, publishers have no clear legal basis to licence, protect, or be remunerated, for use of content they have published, by organisations such as news aggregators and other commercial players.

Recent legislative developments in Spain and Germany

Germany and Spain have recently introduced changes to their legislative framework to tackle the systematic unauthorised reuse by news aggregators of content published by press publishers.

The changes in law in these jurisdictions aim to ensure that any commercial or institutional third party (news aggregators, commercial companies, public institutions, etc.), who reuse editorial content should remunerate the

publisher for this use. In Germany this took the form of a Leistungsschutzrecht (ancillary right) with voluntary collective management of the right. In Spain a statutory limitation via an exception to copyright was introduced, allowing the aggregation of news and other copyright content, subject to a non-waivable remuneration right. It is still too early to assess the longer-term impact of these laws as legislative changes take time to implement and assess actual benefits. Indeed in Germany, right holders are pursuing some users in the market who have so far declined to accept the licences from the publishers and we await the results of the law in Spain.

It is important to appreciate that the adaptation of the law in Germany and Spain does not seek to restrict access to content, in particular by the individual reader, but rather is aiming to ensure that the use of editorial content by any third party (e.g. by news aggregators, public institutions, etc.) is subject to permission and where publishers decide a remuneration; and in Spain is subject to a mandatory compensation. In the public debate, it is often inaccurately reported that these laws will change the nature of the internet, limit access to the content by the individual user/reader, or create a 'links tax' for individuals. Publishers themselves believe that any new law should not block access to individual users or prevent them from sharing links on an individual basis.

Views of publishers across the EU

This report collates information from press publishers in the target markets identified above. There is a general belief among publishers that the balance of power is weighted against them which inhibits the development of new licences because they have no clear legislative right to license the certain uses of their content. These publishers largely agree that EU-wide legislation to recognise and provide clearly enforceable rights against the unauthorised reproduction, communication and redistribution of content they publish is the only viable way to control how the content they produce and invest in is re-used by other commercial players for commercial purposes. This would protect their position in the copyright value chain and, even more importantly, enable them to continue to produce highly valuable editorial and journalistic content and make this available on a variety of platforms in new and innovative ways, without the risk of sacrificing revenues through unauthorised commercial re-use on the internet. The rights they seek are the same as those already enjoyed by other content producers, in particular broadcasters, film producers and phonogram producers. Publishers believe that the resulting increase in revenue that would flow from the introduction of a related or a related right would enable press publishers within the EU to invest in their brands, their platforms, in independently financed journalistic content and in their people. Publishers believe that this would have a positive effect on the press industry as a whole as well as to EU citizens, and is fully in keeping with the democratic principles of the EU.

The case for the introduction of 'related' rights

Advocates of the proposed new rights believe that the introduction of such rights will:

1. Put publishers on a par with existing related rights owners (such as broadcasters, film producers and phonogram producers etc.) and on a par with their American counterparts;
2. Ensure that the value generated by new forms of online content distribution is fairly shared (which is particularly relevant given the speed of the shift from print to digital) benefiting publishers and their readers;
3. Achieve greater control over how content is re-used on the web on a commercial basis, and entitle publishers to a share of licensing incomes in a more balanced relationship with third parties and digital platforms;
4. Incentivise and reward investment by press publishers in editorial content and professional journalism, their brand, platform and people;
5. Provide legal certainty to the publishing value chain as a whole, but also to the commercial users; and
6. Provide a clearer basis from which to tackle piracy and pursue enforcement actions.

There is a strong desire within the industry to grant additional protection to publishers and to remunerate them fairly, thus enabling them to effectively transition into the new digital age, where print circulation is declining but digital readership is on the rise. Being able to monetise this trend would improve the position of publishers, which in turn could improve the quality and variety of the news and other content produced for their readers.

The arguments for a change in the legislation have been recognised by the European Commission which has agreed the need to revisit the current legal position. In its communication to the European Parliament and the Council, the European Commission states that there is growing concern about whether the current EU copyright rules ensure that the value generated by some of the new forms of online content distribution is fairly shared, among all contributors. The Commission noted that this state of affairs is not compatible with the digital single market's ambition to deliver opportunities for all and to recognise the value of shared content and of the investment that goes into it from various parties. The Commission is of the belief that the current state of affairs also means that the playing field is not level for different market players engaging in equivalent forms of distribution.¹

Publishers' position in the digital age

A range of studies have been performed by separate parties across EU jurisdictions over the publishers' position in a fast-changing industry where traditional print is being rapidly replaced with digital content. One of these studies, undertaken in Belgium, concluded that it is incomprehensible that press publishers are totally dependent on a

¹ European Commission Communication. *Towards a modern, more European copyright framework*. 9 December 2015. (<http://resources.riches-project.eu/european-commission-communication-towards-a-modern-more-european-copyright-framework>)

contractual relationship with the authors of publications for the protection of their product when they bear the investment risk and provide the financial resources for the curation and making available of the final products.²

This study highlights that, in the last few years, the newspaper industry has been consistently confronted with new and significant challenges. As the structural decline of print continues, there is a fundamental change in the business model for publishers. Readers consult the digital press increasingly more or, at the very least, use a combination of digital and printed versions. The study identified that there has been a significant change in reader behaviour that has led newspapers and magazines to place their content on various digital platforms. However, this has not resulted in a significant increase in turnover for the publishers whereas revenues of the host platforms increases exponentially.³

In the following pages we explore the data and views of publishers from across the EU in relation to a variety of questions over the income they receive and lose from the current state of affairs, the income that they believe they could receive as a result of the introduction of a related right at an EU legislative level, and the benefits that this would have to the strength of the press across the EU.

Data was collected from publishers in Belgium, Finland, France, Germany, Italy, Poland, Spain and UK.

I – A PUBLISHER’S RIGHT WOULD AIM TO SECURE EXISTING REVENUES FROM COMPENSATION

1. Income from compensation/remuneration for private copy/reprography levies which publishers have now lost as a result of the Reprobel ECJ decision

Reprobel Case
(copyright
exceptions) -
Out of scope

[Redacted content]

² Belgian Paper on the introduction of a related right for press publishers, 18 February 2015

³ Towards a sustainable economic model for Belgian publishers of newspapers and magazines: overview of the important of Licenses, (Brussels, 2014)

and other commercial parties who directly or in-directly exploit content invested in, developed and produced by the publishers.

- The publishers B2B revenue sources would increase due to potential (license) payments received from the platform providers, search engines and other commercial parties who directly or in-directly exploit content invested in and produced by the publishers. Also some of the platform providers, search engines and other commercial parties' advertisement revenues could be directed to the publishers with a help of a possible related right for publishers.
- The publisher's increasing revenues would create room for investments in development of local journalism, employment within editorial rooms and domestic high-quality and differentiating new content types and services under the editorial principles and responsibilities. A possible related right for publishers would also be instrumental in maintaining the editorial and responsible publishing principles alive in Europe. It is relevant for the freedom of press and democracy in the EU Member States in general.

According to a Belgian publisher, a related right would in first instance not be a new source of revenue for publishers, but rather a legal form that strengthens the position of the publisher to exploit their content and to act more efficiently against third party infringers who re-use the content without a license, thereby turning infringers into new customers. A related right would provide security and most of all allow publishers to fully exercise and enforce their right and thus be a useful tool to act against pirates, parasites, or aggregators etc. who wrongfully re-use the content without license.

A German publisher pointed out that a new related right at EU level would significantly strengthen their position in regard to potential licensees. The degree to which they can enforce their rights in the case of copyright infringements is fundamental for their licensing practice: Only if potential licensees are aware of the fact that the publishers have effective measures to enforce their rights they are willing to enter into license agreements. The publishing house estimates that companies such as media monitoring services and companies using their content in the framework of press reviews for example would enter into licensing agreements with them – without delay, without fundamental discussions and without any efforts for legal proceedings and litigations. The publisher is estimating an increase of their turnover by a factor of 3 within the first two years after an eventual implementation of the publisher's right.

A Spanish publisher considered that an EU related right would have a positive impact on the business as it would help publishers balance their model in an environment where the use of publishers' content throughout all kinds of platforms is heavily growing, without publishers receiving - in many cases - any kind of remuneration or compensation for this reuse. Some of the users of publishers' content reject the need to compensate publishers as they claim that publishers' rights end with the first publication of the online version newspaper. Such a vision would significantly reduce publishers' capability to be part of the digital market place as it would cut short innovative licensing models with commercial partners and reinvestment in the production of content.

Although most of the respondents were unable to estimate the potential increases, a few stated that they believed that this right would lead to a 10% increase in revenue or between 10-15% in their operating profit margin.

2. New revenues through licensing of small excerpts

In France, it has been highlighted that press publishers are today confronted with crawlers which are exploiting their content. Those crawlers are developing business models indexing press content, but also archiving such content and disseminating it to their clients in the form of structured press reviews, board tables or news alerts. These crawlers provide such press monitoring services on a commercial basis and enable their clients to evaluate their communication impact on the web and anticipate the market developments, without authorisation or remuneration of the publishers. In France, publishers highlighted that the potential revenues based on the re-use of press content by crawlers for press reviews is estimated at around 31 million Euros.

A German respondent pointed to that fact that two expert consultancies, Solon and KPMG, have estimated that Google's dominance of the German search market generates turnover of between €1.9 billion and €4.8 billion per annum. In applying tariffs that had previously been calculated and collected by VG Wort (and noting that it is subject to ongoing litigation before the German courts), the same German respondent states this level of income to Google could result in potential licensing revenues for the full repertoire of press publishers in Germany for the use of their content in search engines and news aggregators in the range of €220 million to €550 million per annum.

Furthermore, even with a huge reduction to the tariff, which they do not expect, these revenues would still be more than €100 million, which would be a significant boost to the overall online advertising revenues of German publishers which currently total approximately €300 million per annum.

The estimation of the German publishers is echoed by a Spanish respondent, who stated that the unauthorised use of small excerpts of press products, by search engines, has led to readers substituting the excerpts and short extracts for the full article and not clicking through to the publishers' websites to view the article. This causes a cumulative negative impact on publishers who experience a loss of revenue from the unlicensed use of the content and a loss of associated advertising revenue due to a loss of traffic to their websites.⁵

In Poland the two biggest press clipping companies (covering about 80% of the press clipping market) use publishers content without any remuneration for publishers (the lawsuits last already more than 4 years). The Polish publishers

⁵ Public consultation on the role of publishers in the copyright value chain and on the 'panorama exception' (May 2016), Author requested to remain anonymous.

believe that an EU related right would help them to convince those companies to conclude a licencing agreements which would bring publishers (according to today's licencing fees) about 500,000 Euros.

III. REVENUES FROM BETTER ENFORCEMENT BY CLEAR PUBLISHERS' RIGHTS

A significant estimate of loss of revenues was made in the aforementioned study from Belgium, which estimated that the reuse of content without a licence leads to an estimated annual loss of licence revenue amounting to around €27 million due to piracy and €7 million due to parasitism⁶.

A German publisher gave the example of a service provider that has screened sharing platforms for illegal downloads of their publication and estimated 20,000 illegal downloaded copies per month.

An EU related right would eliminate or at least confine the huge internet piracy observed in Poland, according to their publishers. It would be justified and fair if companies which business model is based on using publishers content, would share their revenues and compensate publishers for the use of works which could not occur without being financed by publishers. This view is also supported by Spanish publishers, estimating that costly and lengthy court cases would easily be avoided if there were to be a clear and strong EU related right.

This is in addition to the subsequent lost advertising revenue. Newspaper and magazine websites lose page views because their articles can be read elsewhere in pirated, parasitized or aggregated form. In addition, copy-pasting and rewriting or sharing articles without a licence lead to a devaluation of Belgian newspaper and magazine brands and of the professional online written press in general.⁷

IV. OVERALL FEEDBACK FROM QUESTIONNAIRES

1. Consensus among publishers that EU wide legislation is the only way to be able to enforce publishers' rights

Respondents were largely of the opinion that non legislative action would not achieve the outcome necessary to allow publishers to continue to invest in quality content production and dissemination. It was also pointed out by one Italian publisher that stakeholder dialogues require time and resources that in particular SME publishers simply cannot afford. They highlighted that it is not a realistic exercise to expect that stakeholder dialogue would succeed in establishing a level playing field with players having opposite interests and no willingness by any to negotiate.

There was a common belief that publishers require a strong legal framework in order to meet the requirements of a new digital world in which the means and possibilities for illegally copying content are greatly increased, where news spreads quickly, and audiences are global. It was highlighted that the high level of investments on the one side and the large number of third party infringers on the other side, makes the position of the publisher more vulnerable every day.

There was broad agreement that publishers need a strong legal framework to support further and continued investment in quality content production and dissemination. It would allow publishers to maintain the current level of employment and positively influence publishers' P&Ls leading to investment in resources and people.

The need for legislative action came across particularly strongly from publishers in Poland, where piracy is rampant and there is widespread disregard for copyright rules, including misuse of exemptions, which is in fact a problem elsewhere too. Publishers from Italy and Germany also cited being able to more effectively fight piracy as a positive impact of having a related right.

It was underlined by many publishers (including from Belgium, Germany, and Poland) that only legislative action can create a sound position for publishers in negotiations and dealings with users of their content on a large scale. There was widespread concern (including from French, Spanish and German publishers), about third parties using press publishers' content without authorisation, who do not appear to be interested in changing their behaviour based on negotiated agreements. Several Belgian publishers pointed out that legal protection of publishers in the EU copyright framework is much-needed to re-balance the bargaining power in order to remove incentives to ignore licensing options. The current lack of clarity benefits those that want to free ride on press publishers' investment.

Belgian publishers also noted that courts tend to give less weight to 'non legislative' instruments in their decisions. So, if publishers want to act against large scale commercial infringements they will need such a related right to enforce their rights.

Various publishers also underlined that if publishers are not acknowledged as right holders in Europe in line with all other content producers, they will ultimately be left without any protection in European copyright law in their own right and will continue to be subject to complex legal cases with uncertain outcomes. They consider that it is only natural that press publishers should enjoy the same rights as producers from other creative industries, given the huge investment and resources required to produce professional press published content. Publishers point out that, taking

⁶ *Towards a sustainable economic model for Belgian publishers of newspapers and magazines: overview of the importance of Licenses*, (Brussels, 2014)

⁷ *Belgian Paper on the introduction of a related right for press publishers*, 18 February 2015

into account that the publisher equally carries the investment-related risks and provides the financial resources, a different treatment can in no way be justified. It was also noted by some Belgian publishers that such a different treatment also poses a barrier to a level playing field, now that press publishers and audiovisual producers are direct competitors due to convergence.

The ruling by the Court of Justice in the case of Hewlett Packard and Reprobel was also mentioned by several publishers across the selected markets as a good illustration of why there is a need to clarify the InfoSoc Directive.

2. The impact of an introduction of a related right at EU level is generally seen as the most effective way of preserving publishers' rights and would lead to innovation and investment in the sector

This consensus view on the introduction of related rights for publishers at an EU level is apparent both from the available studies and from the survey results. In addition to the Belgian study that called for clearly enforceable related rights, input into the Commission's public consultation on the role of publishers in the copyright value chain from a Spanish publishing representative concluded that the use of publishers' content online, without permission or license, amounts to exploitation and that this exploitation causes incalculable harm to the financing of the free press and to the future state of state independent journalism. Furthermore, it states that adding press publishers to the catalogue of rights holders in EU copyright law, allowing them to protect their publications content and restrict the reproduction, public communication and distribution of published content, will encourage investment and innovation in the sector.⁸

A common theme from the survey results is that publishers across the eight nations agree that a new related right would allow them to license their publications to third parties, which would in turn help the circulation of content, whilst respecting the investments made by the publishers themselves and the copyright of the original author. This would afford these publishers to obtain clear legal rights, enabling them to protect and exploit their investment, thereby encouraging investment and innovation in the sector. One French publisher highlighted that a related right for press publishers would allow them to be free to create new and innovative business models, either based on their own rights or in cooperation with other right holders, and would be an excellent starting point for fast and more adaptive action.

Furthermore a new EU level related right would recognise the increasing work and input by publishers to invest in their ongoing, long term investments in their brands, development of services and maintenance and development of professional editorial rooms. It would also balance the negotiation powers between the publishers and those users who exploit their content. This would also provide legal certainty to the users of the published content.

Publishers further highlighted that it will encourage investment and innovation in the sector rather than creating restrictions to business innovation as often claimed by technology industry and those who advocate for policies that not only increase access to and reuse of creative content, but without permission and for free.

3. Consensus that a new EU wide related right would enable publishers to invest in their content and brands

The survey results have shown that there is a general consensus amongst publishers across the eight markets that the introduction of a new related right would enable publishers to generate revenue that would allow them to deliver more quality content and that this additional revenue would allow for greater investment in digital skills and their staff.

Several publishers (including from France, Belgium, Italy, Poland and Germany) commented that the innovations which would be made possible by a related right would also benefit journalists, as publishers would have more money to invest in them. Belgian publishers also commented that the stronger position of publishers vis-à-vis large commercial scale (re)users / copiers of content, as regards being correctly remunerated, would also in the end benefit journalists and photographers. One German publisher highlighted that journalists' jobs and living standards are currently under threat, and warned that without a related right there would be a shift to freelancers as well as a huge decline in capital investment.

The new investment in staff could create new opportunities for publishers serving their readers and viewers across various platforms, solutions and devices. This would in turn form a solid base for publishers to continue financially viable, and independent, free press in Europe.

Some publishers note that a publisher's right should support licensing, either individually or collectively. Others remark that in asymmetric search and aggregation markets that if individual publishers attempt to implement licences it would lead to them becoming less competitive compared to those publishers who did not take that course of action. Therefore the Commission should in addition consider implementing additional provisions to address asymmetric markets.

4. Better enforcement of publishers' rights would result in an increase in their revenue

There is general consensus from publishers, across the markets surveyed, that revenues would increase should related rights be implemented at an EU level as it would allow for better enforcement of publishers' rights. This increase in

⁸ Public consultation on the role of publishers in the copyright value chain and on the 'panorama exception' (May 2016), Author requested to remain anonymous.

revenues would be experienced across all revenue streams but the strongest growth was felt to be within B2B revenue as there would be increased scope for licensing to other parties.

A notable response from Spain stated their estimation that as the publisher they recoup €0.7 for every €100 invested by advertisers in placing online advertising using Real Time Bidding ('RTB').

5. Consensus among respondents that losses have been suffered as a result of IP right infringements, but it has been difficult for publishers to estimate their losses

Although few publishers were able to estimate their losses, several publishers referred to the findings of the report entitled *'Towards a sustainable economic model for Belgian publishers of newspapers and magazines: overview of the importance of Licenses'* (Brussels, 2014), which estimates annual loss of revenue to Belgian publishers of €27.6 million relating to piracy, €7.3 million relating to parasitism and between €1.1 million and €10.8 million relating to loss of advertising revenue.⁹

The German respondents estimated that intellectual property infringements lead to a 30% loss of digital transaction volume and a potential 10%-20% of turnover. One respondent provided a specific range loss in absolute values of between €16.6 million and €41.6 million. A Spanish respondent estimated that 15-20% of publisher's revenue is affected by piracy.

6. Consensus among respondents that losses have been suffered as a result of the unauthorised use of content by search engines, but it has been difficult for publishers to estimate their losses and responses were varied

A study entitled *'Newspapers and Magazines: An evolving business model'*, produced by Italia Creativa in relation to their business, estimates that the loss of advertising revenue through the unauthorised use of published content by internet search providers has resulted in losses of €600 million from 2012.¹⁰

German respondents estimated that their loss was between 2% – 15% of turnover with one respondent stating that the publishers industry as a whole could suffer losses in the region of €100 million.

7. Clarity of the legislation with respect to enforcement and licensing

There appears to be a consensus amongst German respondents that a different legal situation can exist for each text contribution, each photo and each graphic, which makes licensing to third parties extremely difficult. The same applies to the enforcement of those rights. An example was given, where a company had a large number of newspaper articles available on its website. This included 8.500 articles from one publications and 14.000 articles of another newspaper. All the articles could also be downloaded. The proof of the right to sue caused great practical difficulties due to the large number of articles. The publisher tried to provide the necessary proof of rights in the judicial proceedings by providing the author contracts of the first 25, the last 25 and 25 random articles of the article lists. As a result the judge informed the publishing house that the claim seemed to be well founded but the right to sue was only performed for 150 articles (2x 75). For a full explanation of the right to sue, the submission of further approximately 22.350 contracts was required. A related right for press publishers would provide for legal clarity in such cases.

An issue experienced by publishers in Belgium is that they often cannot licence the publication as a whole. If a user does not grant prior authorisation for a specific article, they are unsure as to whether or not this is an article for which the publisher possesses any rights. 95% of the re-use of Flemish newspaper articles (print and online) is covered by a licence, but there is legal uncertainty over the remaining 5%. This legal uncertainty is an obstacle to publishers being able to license the publication as a whole and being able to take action against the re-use of the whole publication.

The introduction of new publishing legislation could provide clarification, thus making it possible for the publisher to licence the content, which it publishes with the consent of the author, to third parties and enforce their rights without further burden of proof.

⁹ *Towards a sustainable economic model for Belgian publishers of newspapers and magazines: overview of the importance of Licenses'*, (Brussels, 2014)

¹⁰ *'Newspapers and Magazines: An evolving business model'*, Italia Creativa

CONCLUSIONS:

- The economic trends and figures gathered in ‘Section 1: Overview of the European newspaper and magazine publishing industry’ have clearly demonstrated that while the press sector has made strong efforts to respond to the digital economy by investment in platforms to make their content widely available to all users, their revenues do not enable them to recoup the required high investments in both digital platforms and editorial content and professional journalism.
- The increasing use of press content by different type of users, in particular news aggregators, platforms, search engines, etc. represent a commercial value gap since publishers do not have the possibility to be remunerated from such use because of the ongoing legal uncertainty in the EU Copyright Directive since they are not clearly identified as right holders.
- A publisher’s right would fill such a gap by securing existing revenues from compensation and existing licensing schemes but would also create more legal certainty and clarity for publishers to improve and increase their licensing capacities. It would create a basis for trusted and balanced relations between digital platforms and press publishers in Europe. This would therefore lead to more revenues and more investment in editorial content and professional journalism and thereby ensuring that it is accessible to, and readable by, all individual users.
- A publisher’s right would put them on a par with other content producers in the copyright value chain in Europe, and also with US publishers.
- Not granting such rights would put existing compensation and future licensing revenues at risk, and reduce capacity to enforce rights, thereby potentially impacting publishers’ capacity to invest in content, innovation, employment and their overall business.
- Introducing related rights for publishers would, on the other hand, enable publishers to generate revenue that would allow them to deliver more quality content. This additional revenue would allow for greater investment in digital skills and staff, and thus create new opportunities for publishers to serve their customers across various platforms and devices. This would in turn provide a solid foundation for publishers to maintain a sustainable, independent and free press in Europe, which is essential for our democratic society.