

[REDACTED] (GROW)

Subject: FW: Notification requirements on draft German law on a 'Leistungsschutzrecht'

From: [REDACTED] (ENTR)
Sent: Thursday, May 02, 2013 8:55 PM
To: [REDACTED]
Subject: RE: Notification requirements on draft German law on a 'Leistungsschutzrecht'

Dear [REDACTED],

Thank you for your e-mail of 8 April 2013 informing us about the developments in Germany.

We are examining further the case in order to establish which further steps to take. We will keep you informed about further developments.

Kind regards

[REDACTED]

[REDACTED]



European Commission
DG Enterprise and Industry
ENTR/C/3

[REDACTED]

From: [REDACTED]
Sent: Monday, April 08, 2013 7:30 PM
To: [REDACTED] (ENTR)
Subject: Re: Notification requirements on draft German law on a 'Leistungsschutzrecht'

Dear [REDACTED],

I am sure you are aware of the latest developments in Germany which I will just describe very shortly: the upper house has decided to not get involved in the legislative process de facto passing the law. The President is expected to sign the law soon.

Given that a Member States has decided to pass law which we are convinced should have been notified, I would like to kindly ask you whether the Commission intends to take next steps and how these steps would look like.

I would like to thank you for your answer in advance.

Kind regards,

On Mon, Mar 25, 2013 at 12:06 PM,

[REDACTED]@ec.europa.eu> wrote:

Dear [REDACTED],

Thank you for your e-mail of 4 March 2013 informing us about the developments in Germany.

As we already informed you, we have asked the German authorities to clarify further in order to establish whether the draft law should be notified under Directive 98/34 and in cooperation with other Commission services we are following closely the situation there.

Kind regards



European Commission
DG Enterprise and Industry
ENTR/C/3
[REDACTED] 1049 Brussels
[REDACTED]

From: [REDACTED]
Sent: Monday, March 04, 2013 7:12 PM
To: [REDACTED] (ENTR)
Cc: [REDACTED] (ENTR)
Subject: Re: Notification requirements on draft German law on a 'Leistungsschutzrecht'

Dear [REDACTED]

I thank you very much for your email and the very fast reaction. I would like to take this opportunity to update you on the recent developments in Germany.

The German lower house (Bundestag) has passed this law last on Friday in an amended version. Under the link below you can find the amendments as tabled in the legal committee and subsequently adopted in the lower house:

<http://dipbt.bundestag.de/dip21/btd/17/125/1712534.pdf>

For your convenience the key amendment is a rather short, but important one on page two under point 2. At the very end the committee decided to add "*es sei denn, es handelt sich um einzelne Wörter oder kleinste Textausschnitte.*"

This means that the new ancillary copyright is created "unless it concerns individual words or smallest text excerpts" (my own translation from German).

Even though the addition of this provision gives arguably more breathing space to search engine providers and news aggregation services, the precise ramifications of the law remain very uncertain and I don't think that this changes Germany's overall requirement to have notified the law in advance.

Since the notification has not happened, I wanted to ask you how the Commission intends to follow up in this case?

One more time, I wish to thank you and [REDACTED] for your support in this issue.

Best,

[REDACTED]

On Fri, Mar 1, 2013 at 5:06 PM,

[REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)> wrote:

Dear [REDACTED],

Thank you for your e-mail informing us about the German draft law on copyright.

We have analysed your position. Taking it into consideration, we have asked the German authorities to clarify further in order to establish whether the draft law should be notified under Directive 98/34.

Kind regards

[REDACTED]



European Commission
DG Enterprise and Industry
ENTR/C/3

[REDACTED] 1049 Brussels
[REDACTED]

From: [REDACTED]
Sent: Monday, February 25, 2013 2:44 PM
To: [REDACTED] (ENTR)

Subject: Notification requirements on draft German law on a 'Leistungsschutzrecht'

Dear [REDACTED]

As a follow-up to our discussion from last week, I would like to kindly ask you whether you were able to analyse the draft German law for a *Leistungsschutzrecht*.

As the law affects "commercial search engine providers or commercial providers of services that process content in a similar way" we are very convinced that Germany is under an obligation to notify its draft law. This has not happened so far.

Unfortunately, I was not able to reach you today via the phone. Can we talk about this draft law and the possible next procedural steps you have mentioned last week at a time today that suits you best?

I thank you for your answer in advance.

Best,

[REDACTED]

--

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

--

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

--

[REDACTED]

[REDACTED]