

# Günther H. Oettinger meeting A. Hauff, Thieme Verlagsgruppe, 19 June 2015

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## I. Scene setter

### Participants

*For DG CONNECT: -*

*For the Cabinet: Anna Herold*

**Objective:** Engaging with scientific publisher Thieme about the copyright reform. Re-assure the representatives of Thieme that the reforms should not favour big internet platforms to the detriment of right owners.

### **Their Position:**

#### *Copyright*

Generally, publishers are under pressure from content aggregators such as Google (Google News, Google Books) and are struggling to find new business models adapted to new consumption habits. Increasingly, consumers (including researchers) expect that they can access/use scientific content on various devices and platforms.

More specifically, scientific publishers are concerned that a copyright reform facilitating text and data mining, e.g. on the basis of an exception, or a widening of the educational exception could undermine their ability to capitalize on their investments. As a result, they stress that there is a need for strong copyright protection and a liability of online platforms for infringing content.

### **Our Position:**

#### *Copyright*

A copyright reform is essential for an efficient digital single market (DSM). The Commission understands the role of copyright in the publishing sector and believes that the DSM will benefit eventually all stakeholders. We are examining how to facilitate access to scientific and educational content and to enable text and data mining without undermining the ability of publishers to recoup their investments.

## II. Speaking points

- We need to modernise copyright to make it fit for the Digital Single Market. We want citizens to access online services across borders and give businesses the incentives to develop cross-border platforms. At the same time we want to make sure that copyright remains a driver for creativity and investment.
- The interests of right owners and users can be reconciled. The creation of a Digital Single Market can contribute to aligning them.
- Therefore, generally, it is important to create a regulatory framework which gives incentives to press publishers for investing into new products and content. Our proposal will be published end of this year.
- As announced in our Digital Strategy for Europe of 6 May, we plan proposals on:
  - Portability of legally acquired content, as well as access to legally paid for cross-border online services while safeguarding the value of rights in the audiovisual sector,
  - Adopting harmonised exceptions for specific purposes in view of creating more legal certainty in the Digital Single Market (e.g. education, text and data mining)
  - Launching a process to modernise the cross-border enforcement of copyright, focusing on commercial-scale infringements and the 'follow the money' approach.
- In addition, we will launch before the end of 2015 a comprehensive assessment of the role of platforms and intermediaries in the sharing economy.

- I am looking forward to working with you on this issue so important for Europe's digital economy and society.

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**What is the view of the European Commission the copyright protection of newspaper publishers?**

We are closely observing the discussions and legislative interventions on this issue in the Member States, notably in Germany and Spain. [REDACTED]

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[REDACTED]

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### **New rights for press publishers**

Google News offers internet users access to news published in the press by providing the headlines and the first lines of press articles along with the links to the original pages. This has resulted into litigation in a number of Member States (notably in Belgium and France). In France Google reached an agreement with press publishers in 2013 (by establishing a €60 m fund to support French press publishers).

Two Member States (Germany and Spain) have adopted laws to address press publishers' concerns. Both aim at the same result (i.e. payment to press publishers for the use of their works by news aggregators), but follow different approaches:

- Under the Spanish law, news aggregators do not need an authorisation from the relevant right holders to make news snippets available to the public. However, the use is subject to the payment of an equitable compensation to the publishers or authors of the original press articles. This compensation cannot be waived and is subject to mandatory collective management. The exception will not be applicable to images or photographs. For the latter, the exclusive right of the relevant right owners remains.
- Germany has introduced a neighbouring right for press publishers, in force since August 2013. The law grants newspaper publishers an exclusive right to allow or prohibit the making available of press products or parts of press products online. The making available is lawful

unless carried out by commercial news aggregators such as search engines or social networks. Authors and journalists have a right to participate in a possible remuneration.

OUT OF SCOPE

**Contact:**

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