

**Günther H. Oettinger meeting Bundestagsausschuss für Kultur und
Medien, 29 June 2015**

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Our Position:

Copyright

An update of our copyright rules is essential for an efficient digital single market (DSM). The Commission understands the role of copyright as an incentive for creativity and investment and believes that the DSM will benefit eventually all stakeholders.

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Copyright

- We need to modernise copyright to make it fit for the Digital Single Market. We want to facilitate citizens' access 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,
 - clarifying the rules on the activities of intermediaries in relation to copyright-protected content, particularly on whether there is a fair share of the value in the digital online market.
 - 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.

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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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IV. Background

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2. Copyright

German neighbouring right for press publishers

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.

The effectiveness of the law remains unclear. Initially, certain big publishers (Springer, Burda etc.) gave their approval to have their publications included in Google News. In February 2014, 12 publishers, including Springer, Burda and Dumont Schauberg joined the collecting society VG Media. In June 2014, VG Media published their tariff (up to 11% of the turnover generated from the making available of the snippets). After Google's refusal to pay licence fees based on this tariff, VG Media filed a complaint against Google with the Federal Competition Authority. In August 2014, the complaint was dismissed on grounds of inadmissibility. Also in August 2014, Yahoo News filed a constitutional complaint against the law with the Federal Constitutional Court. In October 2014, Google announced that it would display only the titles of publications and their links (which are not covered by the exclusive right). As a consequence, the publishers represented in VG Media agreed again with the display of snippets. In parallel to the complaint with the Federal Competition Authority, the publishers have filed a complaint against Google with the arbitration body of the Patent and Trademark Office, the competent supervisory authority for collecting societies. A decision is awaited for June/July 2015.

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Contacts:

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