

**Meeting between StM. Prof. Monika Grütters and  
Commissioner OETTINGER  
on 2 February 2015 at 13:30, Berlin, Kanzleramt**

OUT OF SCOPE

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## Copyright

There is no official Government position on copyright. According to a letter signed by four federal ministries a "copyright reform should take into consideration a fair balance between users' interests and an appropriate remuneration for creators; it should be ensured that dominant search engines do not use "unauthorised original content of third parties' websites" (see Letter to the European Commission of 13 November 2014, signed by the Ministries for Justice and Consumer Affairs, Home Affairs, Economy and Transports).

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## Copyright

A copyright reform is essential for an efficient digital single market. A European digital single market should strengthen the European industry on an international scale.

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## Urheberrecht

- Obwohl der Europäische Rat gefordert hat, den digitalen Binnenmarkt bis 2015 zu vollenden, ist dies bisher in Europa noch nicht geschehen.
- Infolgedessen gerät Europa beim globalen Wandel in Richtung Internetwirtschaft ins Hintertreffen und büßt so Wettbewerbsfähigkeit, Wachstum und Arbeitsplätze ein. Präsident Juncker hat unmissverständlich zum Ausdruck gebracht, dass dies nicht länger hinnehmbar ist. Folglich müssen wir jetzt handeln, um einen solchen digitalen Binnenmarkt zu schaffen.
- In einem digitalen Binnenmarkt
  - o können Verbraucher ohne Weiteres und über Grenzen hinweg online einkaufen, haben unabhängig vom Aufenthaltsort in der EU Zugang zu (öffentlichen und privaten) digitalen Diensten, können ihre rechtmäßig erworbenen Inhalte in anderen Ländern nutzen und auf andere Endgeräte übertragen, vernetzte Objekte und Apps nutzen und sich darauf verlassen, dass Websites und Online-Dienste in anderen Mitgliedstaaten ebenso zuverlässig sind wie in ihrem eigenen Land, weil ihre personenbezogenen Daten gut geschützt werden;
  - o ist es für Unternehmen nicht aufwändiger, ihre Produkte und Dienstleistungen in anderen Mitgliedstaaten anzubieten und bereitzustellen, und sie können online unter gleichen Ausgangsbedingungen auf der Grundlage eines klaren Rechtsrahmens am Wettbewerb teilnehmen.
- Folglich müssen wir die Haupthindernisse angehen, die wir im Zuge unserer gründlichen Vorarbeiten ermittelt haben:

- o regulatorische Fragmentierung in einer Reihe von Bereichen, darunter Urheberrecht, elektronischer Geschäftsverkehr, Datensicherheit, Datenschutz und Steuern;
  - o territoriale Beschränkungen auf der Grundlage von Geoblocking.
- Eine der Prioritäten der neuen Kommission wird die Modernisierung des Urheberrechts sein, insbesondere im Hinblick auf die digitale Revolution, das veränderte Verbraucherverhalten sowie die kulturelle Vielfalt Europas.
  - Kreative Inhalte sind wesentlich für nachhaltige digitale Ökosysteme. Der Rechtsrahmen muss eine angemessene Vergütung für Autoren und ausübende Künstler gewährleisten.
  - Die dieses Jahr verabschiedete Richtlinie zur kollektiven Wahrnehmung ist ein erster Schritt. Sie dient insbesondere dazu, die kollektive Verwertung zugunsten von Urhebern effizienter und transparenter zu gestalten.
  - Gleichzeitig sollen die europäischen Verbraucher, die digitalen Start-ups, Universitäten sowie die Institutionen des kulturellen Erbes in die Lage versetzt werden, die Chancen des digitalen Zeitalters vollumfänglich zu nutzen.
  - Ich bin der Überzeugung, dass die Interessen von Rechteinhabern und von Nutzern miteinander vereinbar sind – die Schaffung eines digitalen Binnenmarktes kann dazu beitragen, sie in Einklang zu bringen.

*End of October, you were quoted in the German newspaper Handelsblatt that you wanted to reform copyright in order to make it possible to collect a levy on Google and other commercial users of copyright protected works.*

- The new Commission is planning a copyright reform. Our goal is to modernise copyright rules in the light of the digital revolution and changed consumer behaviour. For the moment, we are examining possible options. In any event, we want to make sure that creators receive a fair remuneration from the online use of their works.

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*Is copyright reform necessary? Won't it favour big internet companies at the expense of European creators?*

- There is nothing unusual in saying that EU copyright rules need updating. The main relevant piece of legislation is the Directive on Copyright in the Information Society ('InfoSoc Directive'), dating back to 2001.

- In the digital environment, copyright rules should continue to reward and provide incentives for creation while allowing access to a wider variety of works, including across borders. The EU copyright framework needs to take into account new technologies, new uses and new market conditions.
- This does not mean favouring big players or damaging creators. It simply means that – as with other areas of law – copyright rules need to be reviewed in light of the realities of a market that is increasingly digital and fundamentally cross-border in nature.
- We need more clarity in our rules, we need to act when we have the required evidence and we need to inject the dynamics of the single market into our copyright framework.
- This will be a win-win result for all players involved: creators and creative industries, digital companies, consumers, libraries and heritage institutions, researchers and libraries etc.


## EU COPYRIGHT POLICY – STATE OF PLAY

### 1. State of play of consultation

The Commission carried out a public consultation on the review of the EU copyright rules between December 2013 and March 2014, covering a large number of issues. Almost 10,000 replies were received, including from 11 Member States.

Furthermore, the Council Working Party had some exchanges of views during the Greek Presidency of the EU (first half of 2014). Discussions are also taking place in some Member States (e.g. DE, UK, ES, IE, AT, FI, SK, HR), either around national legislation reforms or the role of copyright and copyright enforcement in the digital economy more generally. The UK and ES have recently introduced changes to their national laws.

In the European Parliament, MEP Pavel Svoboda (EPP, CZ), the new chair of the JURI Committee (which traditionally has copyright in its competences) has set up an inter-group on copyright, while the only Pirate Party MEP, Julia Reda (Greens/EFA, DE) was appointed rapporteur on an own-initiative report on the implementation of the InfoSoc Directive and has started holding a series of hearings on the matter.

2. Main positions of stakeholders, MEPs and Member States

Very different views were expressed during the public consultation by stakeholders, with users and institutional users (consumer organisations, libraries, cultural heritage institutions, etc.) calling for a review of EU copyright rules to facilitate access to content and right holders (authors, publishers, producers, etc.) largely considering that the current rules remain appropriate in the digital environment. Generally speaking, the stakeholder environment is very divided, although positions vary in tone and content depending on the issue at hand. A detailed overview is available in the report of the consultation mentioned above, available here: [http://ec.europa.eu/internal\\_market/consultations/2013/copyright-rules/docs/contributions/consultation-report\\_en.pdf](http://ec.europa.eu/internal_market/consultations/2013/copyright-rules/docs/contributions/consultation-report_en.pdf).

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GERMAN NEIGHBOURING RIGHT FOR PRESS PUBLISHERS:

Germany has introduced a neighbouring right for press publishers, in force since August 2013. Its effectiveness remains unclear. Only certain publishers have chosen to claim their exclusive right against news aggregators. VG Media, the collecting society tasked with

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collecting the remuneration on the basis of the ancillary right, 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. Meanwhile, Google News has recently announced that it will not aggregate news snippets from those press publishers who want to exercise the new neighbouring right.

There is a similar new law in Spain, which came into force on 1 January 2015. Google reacted to the adoption of the law in a similar way as in Germany. However, the compensation due to press publishers cannot be waived in Spain and is subject to compulsory collective management, so Google decided to stop the provision of the Google News services in Spain, as from 16 December 2014. This has given rise to a controversy amongst press publishers, who claim Google has refused to negotiate any compensation and has reacted based on its dominant position.