

Meeting with FACEBOOK
12.05.2016

Object: Exchange of views on the upcoming copyright reform with the focus on the ongoing public consultation on publishers and the "value gap" discussion.

- **FACEBOOK:** [REDACTED],
[REDACTED] USA), [REDACTED] ([REDACTED]
USA)
- **F.5.:** [REDACTED], [REDACTED], [REDACTED], [REDACTED]
[REDACTED]

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protection
Article 4(1)(b)

Main points discussed:

- The ongoing public consultation which considers the recognition of a "neighbouring right" for publishers:
 - So far, **FB** does not plan to answer this public consultation but welcomed this proposition of exchange of views on this issue.
 - **We** recalled that at the EU level, the discussion has shifted from an "ancillary right" to a full Neighbouring Right granting the publishers exclusive rights (+ underlying exceptions) and that the option to recognize a Neighbouring Right to publishers would not impact the current debate on whether a Hyperlink or a snippet is protected under copyright.
 - **FB** welcomed this confirmation and raised two general concerns about the publishers' issue:
 - The database legal protection already granted by the EU Directive. FB recalled that this protection exist and wondered whether more protection is needed at this regard.
 - Having a good and rational policy making focused on a long term perspective. FB expressed doubts on the opportunity to create a new Neighbouring Right, especially when such right does not already exist in other countries.
 - As to the relation between FB and the Publishers: **FB** spoke about its new "**Instant Articles**" tool (in Phase Beta). This tool aims to enhance the user access to publishers' content on Facebook, by enable them to load and read them far quicker (notably on their mobile). For publishers, it maximizes the publication process and reach and thanks to a strong IT structure they get the ability to track (monitor and collect data: total views, time spent, etc.) and monetize their content through various advertising options. **FB** presents it as a "win-win" tool and gave us an article from the FR Newspaper Liberation telling the success of their experience.
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] (we understand that different

Protection of
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Article
4(2)

partnerships/models are proposed which usually imply some form of sharing of the advertisement revenues (other incentives for publishers seem to be usage data tracking and more generally what FB refers to as "removing frictions" for readers (i.e. improving readers experience).

- FB concerned that a new publishers' right could nevertheless have an impact on their business as regards FB use/link to publishers content outside partnerships agreements.
- The value gap issue:
 - We explain that the value gap discussion is above all on certain hosting service providers who distribute content. The intervention would be related to communication to the public without reopening art 14 of e-commerce directive. There is no intention to intervene on hyperlinking or to propose internet taxes.
 - FB confirmed that despite their willingness to develop more partnerships with content owners, as demonstrated by the instant articles project for press sector, they remain an UGC platform. They are however aiming at creating more value for everyone, including content owners.
 - As to current content identification tools, they use Audible Magic which is also in charge , on their behalf, of solving issues linked to notifications for illegal content. They have been developing their own content management tool (made public in April this year, for trial with right holders). This tool is meant to have enough flexibility so that it can be used not only for blocking content but also for content management in case of partnerships. They are also working on filtering live streaming (important for content that needs to be blocked quickly, e.g. sport events). [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. They should send more information on their content management tool.

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