



STATEMENT

18 May 2009

ENPA Statement on Google News and other news aggregators

The European Newspaper Publishers' Association (ENPA) raises its concerns regarding the expansion of news aggregators' activities in the field of online news using newspapers' content. In particular, ENPA seriously questions the introduction of advertisements on Google News.

ENPA has always stressed as a principle that individual publishers are entirely free to decide which content may be used and made available on Google News or other websites and to fix the price or compensation for such use.

In this context, ENPA believes that respect for copyright legislation by Google and others based on right holders' prior consent (opt-in)¹ is essential to ensure a proper basis for discussions and partnerships between news aggregators and newspaper publishers. Furthermore, publishers have developed and support ACAP², a permission-based solution allowing any content provider to express what can or cannot be done with their online content.

To run their own businesses, news aggregators such as Google rely and depend on content produced by others, originating in most cases from newspapers. Without content provided by our industry, services such as Google News would not be viable and would probably not even exist.

The recent announcement to start advertising on Google News creates more difficulties than solutions. It would definitely affect newspapers' advertising revenues in the online world and put obstacles to any possible partnerships with Google based on trust and respect of rules. With such a move, Google does not follow its public statements to publishers that it would not place advertisements on its news service. It also sends a very negative signal that there is no intention by Google to negotiate in an open and fair basis with newspaper publishers.

Newspaper publishers in Europe invest every day in the production and dissemination of quality content and innovative services on various platforms. They have expanded their online activities in order to meet the demand of the public at large and attract millions of readers on their websites on a daily basis. In order to ensure that newspaper titles remain sustainable and competitive, publishers rely on revenues from content sales, copyright licensing and advertising, not only from the print versions but increasingly from their online newspapers.

¹ National and EU copyright legislation ensures that the authorisation of the right holder is required **before** the use of the protected work by a third party. This principle is called "opt-in". With a system based on "opt-out" the user decides to use a protected work without asking for the right holder's prior authorisation. The burden is therefore on the right holder who needs to ask the user to take down or not its protected work.

² For further information on ACAP : <http://www.the-acap.org/>



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Newspaper publishers represented through ENPA therefore call for the respect of newspaper content, protected by copyright legislation and for fair competition as regards editorial content and advertising. ENPA believes that all of the above should be accepted by Google and others as the core basis for trusted and balanced partnerships with newspaper publishers in Europe.

ENPA encourages newspaper publishers, where this is found appropriate, to consider all legal and other means to ensure that Google understands the harm it is causing to readers, journalists and other employees and its impact in the industry, democracy and employment.

*The **European Newspaper Publishers' Association (ENPA)** is an international association, defending and promoting the interests of the European newspaper publishing industry at different European and international organisations and institutions. ENPA represents over **5,200 national, regional and local** newspaper titles, published in 23 European Union Member States plus Norway and Switzerland. More than **150 million** newspapers are sold or distributed and read by over **300 million** Europeans every day.*

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