



## **French publishers file a competition case against Google.**

France has been the first EU Member State to implement article 15 (the press publishers' right) of the Directive on Copyright in the Digital Single Act.

On the 23<sup>rd</sup> of July 2019, the French Parliament voted the law creating a new neighbouring right to the benefit of press publishers and news agencies for the online use of their content by information society providers.

The press neighbouring right became law on the 24<sup>th</sup> October 2019. Google anticipated this new obligation to remunerate the publishers and news agencies and has addressed a mail informing them that he intends to comply with the law but has no intention to pay for news content appearing in the search engine. The publishers were offered the choice to either accept that Google continue showing their content in its service as it is for free, or see their results appearing as a sole url. This choice would jeopardize publishers web traffic as the algorithm would not favour such results and click through would be compromised.

Being given no choice but to accept these conditions, the federation of newspaper publishers, the federation of magazine publishers and AFP have decided to file a case against Google for abuse of dominant position. The French Competition Authority will give its decision in the coming months.

### ***PDLN condemns Google Rights Grab***

*In September, in response to the new DSM legislation, Google presented publishers used in Google's French service with an ultimatum; "accept that we can display your content including text snippets free of charge or we will reduce your coverage to a bare link". Because Google has a dominant (90% plus) share of search traffic, unless publishers complied, they would have lost significant traffic. French publishers and some others complied under protest and French competition authorities are investigating.*

*PDLN see this as unacceptable in both business and competition law contexts. Google are seeking to undermine democratically enacted EU legislation. Google are using their monopoly powers to unilaterally impose rules on publishers. Google are seeking to sustain a business model that is destroying journalism for the sake of their profits.*

*PDLN support appropriate and effective countermeasures from competition authorities, national and local governments, and publishers. We back ENPA, NME, EMMA and the other publisher representatives' condemnation of Google's action.*

## **Sweeping win for Portuguese Visapress**

The Portuguese MMO organizations CISION, MANCHETE and CLIPPING CONSULTORES have been found guilty of using content without authorization from the rights holders represented by VISAPRESS.



In its ruling on Sept 4th the Portuguese intellectual property court finally ended a 6 years litigation process. It confirmed the right of Visapress to license the use of content from press publishers that are VISAPRESS affiliates. The MMOs will now have to be licensed by Visapress and pay retroactive license fees to 2010.

Visapress MD Carlos Eugenio said “Visapress and Portuguese publishers are very happy to see the end of this long running action. We now have a proper basis for working with MMOs. We appreciate the patient support we received from publishers, licensed MMOs, and PDLN colleagues in this long battle”.

Visapress will now run advertising confirming their rights. Obrigatorio indeed.

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O licenciamento para a utilização de conteúdos publicados em jornais e revistas é **obrigatório**. \*

\* Artigos 19º, 67º e 68º do Código dos Direitos de Autor e Direitos Conexos  
Sentença de 3 de setembro de 2019, do Tribunal da Propriedade Intelectual  
(VISAPRESS vs Cision e outros)

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## PDLN 2020 Vienna Conference Hotel Chosen

PDLN will be in Austria next summer, jointly hosted by VOEZ and APA. June 7-9<sup>th</sup> has been set as the date. APA and VOEZ are well advanced on preparations. The conference hotel is in the heart of the city. We are pleased that Ninestars have kindly agreed to sponsor the event.



## Text and Data Mining Seminar Brussels 21<sup>st</sup> November. Report

A lively and very well attended PDLN seminar was held on the topic of text and data mining, and the implications of Article 4 in the DSM Copyright Directive. Conversation ranged widely over TDM many related topics, reflecting member interest in how implementation will change licensing models.

Article 4 creates a new exception to the benefit of commercial organisations (eg Meltwater) to copy news for the purpose of text and data mining. Users will benefit from the exception unless news publishers reserve their right, which means clearly mark their web content as opted out of the exception (as explained in the PDLN TDM briefing paper). The directive encourages this being done digitally. Angela Mills Wade of EPC showed the Copyright Hub proposed approach to marking websites and web pages with a widget that provides this. The presentation is on the PDLN site. It was suggested this be developed with a simple, short and clear advice for PDLN members to use in briefing publishers. A case study or an early adopter would be helpful.

Protecting content implicitly requires a licensing model and a business case publishers will respond to. Valuing the opportunity, or the risk of media monitoring moving from clippings to analysis based on TDM, was discussed at length. CLA and Belga were especially keen to develop clearer models as the basis for further action. Both are open to discussion, CLA proposing a comprehensive research exercise. They and other noted that there is a direct corporate application as well as intermediary (MMO) licensees. There was some considerable discussion on the progress of national web content licensing models. NLA, CLA, CFC, Belga and NLI have working models. CFC now have 11 companies licensed. Some continue to evade and avoid paying. The general consensus is fees based on a per client charge (with or without weighting by client size) is needed, given the value is in the data copied by the provider rather than the limited copyright value in material actually passed to users. Several reported challenges of breaking apart evaluation and copying rights.

CLA addressed wider values of TDM in anti piracy initiatives and in extracting greater value from data held by CMOs. Googles API is a resource, as well as a concern.

Subjects for further work includes Article 17, some of the other DSM sections (eg out of commerce) and (as noted above) business models and value. PDLN was also asked to ensure data on wider implementation was shared, noting not all publisher associations and countries had or were applying resources to this.

## New acquisition strengthens Infomedia's Nordic market position

Infomedia is taking over the Norwegian, Swedish and Estonian media monitoring companies M-Brain AS, M-Brain AB and M-Brain OÜ from the Finnish company M-Brain OY. The acquisition includes 100 employees along with company clients, digital platforms and solutions. Infomedia is hereby significantly expanding its Nordic position in media monitoring and analysis of news content. The acquisition strengthens Infomedia's ability to deliver data-driven communication insights to Nordic customers, who are seeking a partner and adviser with both local, Nordic and international media insights.

For the past seven years, Infomedia and the M-Brain companies have been close partners with more than 300 joint Nordic customers. This gives Infomedia a deep insight into the strengths of the three companies and the many obvious growth opportunities.



“There are many synergies in the acquisition that will improve our positions in both Denmark, Sweden and Norway,” explains Thomas Vejlemand, CEO of Infomedia. “There are numerous areas where we see complementary strengths in technology, partnerships, market access and competencies, and we look forward to meeting our new customers and continuing the solid work that M-Brain employees are responsible for. We are also looking forward to introducing new initiatives from Infomedia, among others our performance dashboard for media communication, a series of new social media solutions, and not least, a number of new industry-specific solutions.” Thomas Vejlemand emphasizes that the acquisition is a part of a long-term strategy to make Infomedia an agenda-setting, leading player within data-driven communication insights. “The acquisition of Opoint Technology in 2018 was an important milestone and made Infomedia the global market leader within web crawling of online news. Combined with our partnerships with global market leaders within social media, such as Talkwalker, Brandwatch, Hootsuite and Zerofox, we have a good starting point for developing new products and services for customers in a broader market,” says Thomas Vejlemand.

## German CMO VG Media joins PDLN

German CMO VG Media, best known for broadcast licensing and its work for German publishers on leading the attempt to license Google in Germany, has joined PDLN. The new 2019 EU DSM legislation creates new opportunities for publishers, VG Media is working to join up with other PDLN press licensing bodies in pursuing a better and fairer deal for journalism from the big tech platforms. VG Media has also joined IFRRO and EMMA. Its press work is led by Andrew Hughes, who is also Secretary General of PDLN, who joined in July from NLA media access.

## Cision floats. Or does it?

Cision (which owns Gorkana, Prime, PR Newswire and other assets) has been sold by its primary investor GTCR to another US VC, Platinum. The deal values Cision at USD2.7b, more than the USD2.48 paid by GTCR. Underlying revenue trends look less attractive, with largely static revenues and declining profits.

## Jordan based Syndigate also joins PDLN.

Founded in 2007 by industry veteran Mark Gatty Saunt, SyndiGate is a global content distribution and sales agency with offices in Amman (HQ), Dubai, and London. SyndiGate is owned by Al Bawaba Group.

SyndiGate licenses and distributes content from 4,000+ publications and content services, with a primary focus on content about Africa, Asia, Middle East and Oceania, plus select global publishing brands. Formats licensed by SyndiGate include news, features, interviews, photos, video, podcasts, music, realtime data, research, company information, academic journals and other information. SyndiGate packages and provides the licensed content to a broad range of global customers, including professional news platforms (e.g. Bloomberg Terminal), subscription-based information databases (e.g. Dow Jones Factiva), major B2C content platforms (e.g. Apple News), academic libraries (e.g. Stanford University Libraries), broadcasters (e.g. Abu Dhabi Media), publishers (e.g. Saudi Research & Marketing Group), brands (e.g. Emirates) and agencies (e.g. Omnicom Media Group).



## FIBEP Congress, in Peru gets 120 delegates

FIBEP 2019 in Lima had 120 participants from all over the world. The Media Monitoring industry is evolving, and several new exciting solutions have been presented. Thomas Vejlemann (CEO Infomedia) was elected to the FIBEP board. Among other interesting topics which were discussed:

- FakeNews versus constructive news and the MMOs role in this
- Copyright Directive
- New trending technologies
- PR/Communication



## IFRRO and FIBEP welcome PDLN members to their boards

PDLN board members Javier Diaz Olarte and Thomas Veljemand have been elected to the boards of IFRRO and FIBEP respectively. Sandra Chastanet was re elected to the IFRRO board. Congratulations to all.

## License League Folds

License League has ceased operations, citing limited publisher support. The US privately owned content licensing business was run by former Burrelles Luce operations head Dan Schiabe. The business led a brave and widely admired effort to create a central clearing house for US content rights, but the fragmented US market and the extreme stresses on US news ownership proved too great an obstacle. Schiabe will continue in an advisory role to publisher licensing efforts. The world's biggest news and media monitoring market continues to deliver less to publishers than some of the smallest.

## Snippets

Bain Capital bought 60% of Kantar in June.

JRRC reports strong revenue growth following the move to digital licensing.

CLIP (Netherlands) has resigned from PDLN, and is expected to fold.

DALRO face potential hit as Copyright Bill passes Parliament. Will President halt the bill?

Argentinian newspapers have joined local RRO, CADRA

