

Towards a new European Copyright Directive

Proposals from the European Commission to introduce a new neighbouring right for press publishers, measures to counter unauthorised mass dissemination of copyright protected content via search and content sharing platforms, the so-called Repebel fix to allow publishers to get a fair share of levies, some changes to exceptions for teaching and a new one for text and data mining together with transparency rules to help rightholders negotiate fair remuneration with producers are all heading for key votes in the next 2 months. We're heading for the end game.

In the Council, where national experts from the Member States are considering options on all these issues, there is now a clear majority in favour of a neighbouring right. However some countries want to reduce to the term of protection to 1 from 20 years while others want an exception for snippets or at least for an originality test to apply for all re-use of press publications. Finding a balance that doesn't denude the right for the purposes of licensing is the focus while we await the next version of the text of the whole directive due out by end March. The Bulgarian government which holds the chair in the Council until end of June wants 'trialogue' negotiations to start with the Parliament and Commission by end of May but this seems overly ambitious.

In the European Parliament, the Rapporteur in the legal committee is negotiating with all the political parties to find compromises especially on the publisher's right and content sharing platforms where he wants an obligation to license to apply to both sides. The vote due end of April looks increasingly likely to be delayed to May or even June which will delay the beginning of the final negotiations with the Council to much later in the summer.

Thanks to Angela Mills-Wade of EPC for the summary

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PDLN Berlin seminar draws the crowds

NLA, Belga and German publisher consultant Martin Borek presented at a PMG hosted PDLN seminar on text aggregators in Berlin on 8th March. Over 20 attendees from a wide range of countries attended and all left with new ideas on developing their businesses.

The media monitoring services that PDLN members supply and license live in the market alongside text aggregators like Factiva and LexisNexis. The boundaries between MMOs and these aggregator services may be eroding, some felt. The growing use of text – encouraged by the growing use of web content in text format by users – and the increased timeliness of web content delivery may also be weakening the appeal of media monitoring based on traditional print delivered as a PDF. Further the supply lines established between some text aggregators and some MMOs is potentially diluting licensing value for publishers.

The seminar helped PDLN members understand and explore these dynamics and to reflect on the impact on their business of text aggregators and especially their relationship with MMOs, and so to help publishers make better informed decisions about licensing strategies. Presentations are available to members only. In a PDLN first audio recordings are also available to members on the PDLN website, following a request from Asian PDLN members. Contact pdlninfo@nla.co.uk Further suggestions on further seminar topics are welcomed. We hope to run an event in the autumn, possibly at the FIBEP Congress in Copenhagen in October.



Matt Aspinall, NLA media access, presenting in Berlin

Welcome to The New York Times

PDLN has received a membership application from the New York Times, who will be represented at the PDLN London conference. **Greg Miller, Director, Content Licensing and Operations, says he sees PDLN as the best channel to reach expertise on MMO licensing across the globe and make agreements with relevant licensing organisations.**

PDLN Conference Shapes Up with a Strong USA flavour

New York Times and Google have confirmed the PDLN conference in London June 3-5th. <http://pdln-conference.strikingly.com/>

We are very pleased to confirm that our external speakers now include;

- > New York Times – **Alice Ting**, Head of Syndication and Licensing
- > FIBEP – **Johna Burke**, President and CMO leading US MMO Burrelles Luce
- > Google - **Bénédicte Autret**, Head of Strategic Relations - News & Publishers, UK & Benelux
- > **Eleonora Rosati** - Associate Professor in Intellectual Property Law at the University of Southampton
- > **Carlos Amaral** – CEO Priberam, part of the EC funded SUMMA project on auto translation
- > **Caroline Morgan** – Chief Executive and Secretary General IFRRO – the global text licensing body

We already have delegate bookings from Korea, Japan, France, UK, South Africa, Denmark, Norway, Germany, Sweden and USA.

To reserve your place simply email delegate names and an invoice address to : PDLNinfo@nla.co.uk.

The fee is just e300.

Infomedia - Opoint

PDLN member Infomedia has announced the acquisition of OPoint from Finnish MMO M-Brain. Over the last couple of years, Infomedia had begun a journey towards becoming a Nordic player. The company invested heavily in new technology, data science, insight products and services and new partnerships.

“We transformed Infomedia from a “traditional” media monitor to becoming a full-scale media intelligence company with strong insights capabilities and leading solutions within all aspects of the media space, including print, online, broadcast and social media” said Infomedia’s CEO, Thomas Vejlemand. “The acquisition marks yet another milestone for Infomedia. We are now able to provide global online media content and a strong web-crawling technology for new digital products. This goes very well in hand with the partnerships with Talkwalker and Hootsuite for social media listening and engagement. We also strengthen our position in the global media monitoring space by having an even stronger partner channel with customers from US, to Europe and Asia.”

Judges spring into action

Like nesting sparrows the lawyers are busy everywhere right now.

In Portugal Visapress and MMOs have been encouraged to settle by the courts prior to trial; an announcement is expected very soon.

In Spain CEDRO have secured a disclosure order against MMOs to help determine copying activity.

Italian licensing body Promopress appeal against Data Stampa and Eco de la Stampa is due to be heard very soon.

We hear rumours of potential action in **Germany**, and the **Polish** MMO case is also in the works.

In **Australia** Meltwater have started a Copyright Tribunal case.

The **US** MMO case ruling was public, with Fax winning against MMO TVEyes. The advice is to train your children to be copyright lawyers and they will never be short of work.

iSentia CEO Departs

The leading Asian MMO iSentia announced a fall in profits resulting from client losses and declining clippings volumes.

Last year it wrote down the entire value of its King Content acquisition.

CEO John Croll announced his resignation.

TV Eyes Right - or Wrong?

TVEyes, the broadcast news aggregator that serves many MMOs, has lost a US copyright case brought by Fox. A federal appeals court has accepted with Fox News Channel that TVEyes' service of copying and selling searchable access to Fox's news is not fair use.

TVEyes records more than 1,400 TV and radio channels, and provides a database that allows clients, for \$500 per month, to search the programming and view up to 10-minute clips, as well as archive those clips. The court agreed that the service "deprives Fox of revenue that properly belongs to the copyright holder."

Many MMOs have taken comfort that TVEyes won the initial case – a comfort that no longer applies. One view is that the fact Fox did not offer a licence had harmed their case.

NEWSLETTER



Future events Dates for your diary

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|-------------------------------------|----------------------|
| > IFRRO European Meeting - Brussels | 28 - 29th May 2018 |
| > PDLN Annual Conference - London | 3 - 5th June 2018 |
| > AMEC Summit - Barcelona | 12 - 13th June 2018 |
| > FIBEP Congress - Copenhagen | 1 - 3rd October 2018 |

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