

## I Regulars

### US PUBLISHERS ON THE MOVE

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Washington. The release is at : <https://www.newsmediaalliance.org/advocacy1/copyright-compliance/>.

The initiative will be managed by Michelle King working for Paul Boyle at NMA. Michelle has been briefed on PDLN.

The plan seemed to alarm US MMOs, who noted PDLN and PDLN member countries that offer central clearing options for MMOs as a models that should be followed by USA. Be ready for some waves...



### GS ECJ CASE PROTECTS RIGHTS HOLDERS

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A ruling from the European Courts of Justice has reduced the scope of the Svensson case by creating a new test for whether linking can be a copyright infringement. The case revolved around linking to an image that was known to be illegal. The new test applied was that the infringer knew the work was not licensed and sought to make money from the links. This new test – taking commercial advantage as a factor in determining whether linking is legal or “the pursuit of financial gain” – will significantly reduce the scope for MMOs to claim Svensson allows linking without a license. A good summary [here](http://ipkitten.blogspot.nl/search?q=GS+media+) <http://ipkitten.blogspot.nl/search?q=GS+media+>

### EC DIRECTIVE ON COPYRIGHT IN A DIGITAL SINGLE MARKET - UPDATE

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Further to its communication by the European Commission on the 14th September, the proposal is now being reviewed by the European Parliament (<https://ec.europa.eu/digital-single-market/en/news/proposal-directive-permitted-uses-works-and-other-subject-matter-protected-copyright-and>). The Legal Affairs Committee is in charge of the report , and Therese Comodi, a Maltese MP, has been appointed as rapporteur of the working group.

December 2016 Newsletter

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## I Regulars

This Directive proposal contains a number of items, which are of particular interest for collective management organizations and press publishers:

- Text and Data Mining exception (art 3)
- Illustration for teaching exception (art 4)
- Claim to fair compensation for publishers (art 12)
- Related right for press publishers with regard to digital use of their press publications (art 11)

On Article 11 Therese Comodini was invited to speak at “Press freedom in a digital world: the value of copyright”, an event organized by ENPA (<http://www.enpa.eu/>). She recognized the need for the directive to support publishers’ investment in order to guarantee a sustainable model to produce quality press content in a digital economy.

The provisional calendar for the process at the parliament level has been announced by Theresa Comodini. The Committee is currently hearing views from different stakeholders. She expects a draft report in March. The amendments deadline from other committees and parliamentary groups would be drafted by 30th of March, followed by a period of consideration of those amendments. A final vote in plenary session is expected by end of June.

<http://www.comodinicachia.com/timeline.html>

## ADDED VALUE TRUMPS MONITORING ? FIBEP CONFERENCE IN WASHINGTON

FIBEP chose a memorable week for their Washington Congress Nov 16-18th, with traffic disrupted by Trump protestors and food for discussion on the media role in the recent election. A smaller than usual attendee list (around 130) reflected an out of Europe location, but the quality of discussion was excellent. As ever, discussion focus was on future trends towards evaluation, insight, big data and consultancy, but a significant proportion question when that will happen. From a PDLN perspective the trend is clear, as is the dilution of press as a proportion of measurement activity as social and broadcast grow. The presentation on Brazil showed the damage that can be done to MMOs from chaotic and aggressive pricing after the courts support licensing requirement and no central publisher offering was made. Smart MMOs encourage licensing.

There seems to be a clear kick back from the PR community on perceived over complication of evaluation measures – a trend AMEC in particular will need to accommodate.

## I Members News

### CFC LAUNCHES ITS WEB LICENCE

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CFC – the French CMO and PDLN member - has launched a web licence allowing MMOs and web monitoring services to crawl and scrape newspaper websites. The licence follows a period of consultation with publishers and is set within the legal framework set by the European Court of Justice. More than 130 press publishers including the national newspapers have granted the management of their rights to CFC and the licence covers more than 370 publishers web sites. CFC has been licensing media monitoring organizations on behalf of press publishers for more than 13 years. Digital use of press content in this area generated 17M€ in 2015. New form of media monitoring services have emerged and are growing in the market, such as web monitoring using hyperlinks or media analyses, and the new licence addresses these developments.

### RETRIEVER CHALLENGES MBRAIN

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Swedish MMO Retriever has allied with STT (the Finnish news agency) to add its MMO service to the Retriever portfolio. This follows the acquisition of OPoint by MBrain. The Scandinavian market seems to be consolidating with Retriever, MBrain, Meltwater and Danish Infomedia as the main players.

### SOUTH AFRICA – MMO ROUND TABLE

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DALRO hosted its first MMO seminar in Johannesburg on October 6th. Attended by leading local MMOs it featured presentations from SAMMA – the local MMO association, DALRO, and PDLN, it focused on the practical benefits for all parties in working together to create a stable and positive relationship between publishers and users of media monitoring services. DALRO CEO Lazarus Serobe sees this as the starting point for creating a more effective partnership with local MMOs and service users.

Contact Tiro Seleke : [tiro.seleke@dalro.co.za](mailto:tiro.seleke@dalro.co.za)



Andrew Hughes and Lazarus Serobe

## I Members News

### AN AWFUL LOT OF CONFUSION IN BRAZIL

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A presentation by Global News CEO Laura Garcia at the FIBEP Congress in November on Brazilian developments underlined the value of collective licensing. A court ruling following a challenge to publisher licensing there confirmed fees are payable by MMOs. Publishers have responded by setting individual fees which – charged in full – would be more than double the whole industry turnover.

The local MMO association ABEMO is split - some apparently see high fees as a way of closing smaller MMO competitors but most are appalled. What a mess.



## I PDLN News

### MEMBER DEVELOPMENT

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Following the application of JRRC, PDLN now has two Japanese members, JAC and JRRC. PDLN have lost Australian member CopyCo (who are effectively represented by Copyright Australia) and STT, following the MBrain alliance.

### PDLN EDUCATION SEMINAR



CLA hosted a seminar in London Sept 29th to explore approaches to licensing news in the education sector. The wide ranging discussion covered EC legislation, pricing and negotiation experience, database models, and alliances between licensing bodies and press owned services. Fourteen delegates from UK, France, Spain, Portugal, Ireland and Denmark attended. CLA presented their alliance with NLA which creates a central point of contact for schools and leverages CLA expertise in the sector and government negotiation. NLI (Eire) and CEDRO (Spain) talked to the challenges licensing organisations face when government regulators struggle with conflicts between their budgets and the law.

Stefan Eland Christiansen (CopyDan) and Soren Clausen (InfoMedia) set out the different approaches each organisation takes to the Danish market. Big challenges arise from the restricted rights CopyDan get from Danish publishers. Both point to the benefits that can arise where the deeper publisher – author issues can be negotiated. Author representation in RROs can bring solutions but also raise fundamental concerns for news publishers. Presentations are available on the PDLN website member area.

## I PDLN News

### PDLN LICENSING HUB

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A one day seminar in London at the end of September confirmed the road map for the PDLN Licensing initiative. Draft plans are being shared to confirm scope prior to MMO consultation .

### PDLN DEVELOPMENT GROUP

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Recognising the challenges many member face in establishing effective licensing, a new PDLN initiative has started, the PDLN Development group. The aim is to connect those at the development stage and share and discuss common problems. The first call on Oct 12th focused on the difficulties of selling licences to the corporate sector. Tiro Seleke, who head business development for DALRO, talked through his approach in South Africa, and Patricia Riera Barsallo from CEDRO and Carlos Eugenio and Andrew Hughes, NLA shared experience.

Marketing messages. CEDRO favour a 'solutions' approach focusing on quality, introducing licensing and copyright as an element of professional quality, rather making than a legal threat. DALRO are considering switching to this messaging, as a legal approach has not been effective and put companies on the defensive / evasive approach. Visapress use copyright, but try and talk about value of content and the importance of a licence reflecting that value.

Approach. CEDRO start with phone calls to identify users but use hard copy letters as well, then email once a contact is established. Starting with email is less effective they find. DALRO agree emails aren't effective, especially emails mentioning copyright. Visapress use email to multiple contacts to establish a dialogue.

Contact levels. CEDRO focus on MMO service users and compliance functions, Visapress on CEO/Finance heads, and DALRO have tried many approaches.

MMO role. It is difficult to engage MMOs who are concerned about client reaction and sometimes budget issues (will copyright reduce budget for the MMO service). CEDRO have been successful in getting some to work with them on quality and compliance validation that a licence can bring. In Portugal the legal action with some MMOs means others don't want to promote Visapress in case users move to the unlicensed agencies. DALRO are just starting MMO discussions.

A follow up session on licensing models was held November 9th and more are planned.

Please contact [pdlninfo@nla.co.uk](mailto:pdlninfo@nla.co.uk) for more information.

## I PDLN News

### PDLN ANNUAL CONFERENCE 2017 - ATHENS

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Dates for the PDLN Athens conference have been set as **Sunday 4th – Tuesday 6th June 2017**. Our hosts are OSDEL. More details to follow.



## I Futures events

### FUTURE EVENTS

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**AMEC 2017** > 16th -18th May Bangkok

<http://amecorg.com/2016/10/2017-summit-in-bangkok-next-year-isentia-to-be-headline-sponsor/>

**IFRRO 2017** > Europe 30th May – 1st June Helsinki

**PDLN 2017** > Conference June 4-6th Athens

**CISSAC 2017** > June 8th Lisbon

## CONTACT

Please feel free to copy or forward this newsletter to anyone you think may be interested.

We welcome members' contributions to this newsletter.

To subscribe to this newsletter, contact PDLN Secretariat [ahugues@nla.co.uk](mailto:ahugues@nla.co.uk)

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