

AP wins copyright suit against Meltwater

On March 20th the US District Court for the Southern District, in Manhattan, ruled that [Meltwater News infringed the use of Associated Press content](#). The court granted AP's motion for summary judgment in the suit, denying Meltwater's.

Meltwater uses unlicensed AP content verbatim to produce a service for paying customers that competes directly with AP, the suit said. AP's press release on the ruling quotes Gary Pruitt, AP president and CEO: "This ruling makes it crystal clear that Meltwater wrongly used news content from AP to create its own content, while paying none of the costs associated with creating original news content. This is an important ruling for AP and others in the news business who work so hard to provide high-quality original news reports on which the public relies."

Some commentators see this as potentially problematic for search engines, as [Webpronews says](#), "Meltwater's service displays content with links and snippets in a similar format to Google News and other search engines and aggregators, which is why this case could have broader industry significance." [TechDirt adds](#), "Lots of internet companies who rely on fair use for scraping content suddenly need to be paying attention to the specifics of this case."

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PDLN 2013 conference: 9-11 June

The theme of this year's conference is "**The rise of paywalls and media monitoring**" and is being held in Stockholm June 10th – 11th at the attractive [BERNS Hotel](#) in the historic centre of the city.



On Monday there will also be time to see Stockholm and its spectacular archipelago on a dinner boat cruise with us and to finish your evening in the city's entertainment district on Monday;

on Sunday why not visit the Vasa ship museum with us. We suggest you arrive midday on Sunday 9th June and leave after 4pm Tuesday 11th. The formal conference start is Monday 10th, 10am.



To book your hotel place, contact the [hotel directly](#) and [register with PDLN now](#) as we only have a limited number of rooms at the conference hotel. Please book your hotel room by

contacting Berns Hotel directly via email to erika.danell@berns.se before Tuesday, April 23rd quoting the reference code: TT080613. Note that rooms can be cancelled on 7 days' notice, so there is every reason to book now.

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Conference: key speakers

Speakers include Francine Cunningham, Secretary General of ENPA; Jeanette Gustafsdotter, CEO Utgivarna from the Swedish Publishers Association; and Isabella Splendore, Head, Legal and International Affairs FIEG, Italian Federation of Newspapers and Magazine Publishers.



AMEC developments will be addressed by Dawn Conway, Senior Vice President, Global Content Licensing at Cision and Chairwoman of AMEC's Content & Copyright Committee.

Jan Helin, Publisher of Aftonbladet, Scandinavia's largest newspaper in print and online will discuss *current developments in the newspaper market and the future of the newspaper*.



Share your updates with colleagues

All PDLN members are invited to make a short presentation on current activities (please contact [Fredrik Billinger](#) via email or tel. +46 735 200 410).

Revamped PDLN website proves popular

Following the redesign of the website in August, website statistics for the last month show that there were around 2,000 page views over 30 days with around 20 visitors a day viewing around three pages each. The home page proved the most popular, followed by the members' area and current news.

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EC launches "Licences for Europe"

As announced further to the orientation debate that took place on the 5th of December 2012, the European commission initiative "Licences for Europe" was launched on the 4th of February under the joint authority of Commissioner Michel Barnier (DG Internal Market and Services), Commissioner Neelie Kroes (DG Connect) and Androulla Vassiliou (DG Education and culture). In his opening speech Commissioner Barnier highlighted the importance of fostering the creative industry, which generates 6.7 million jobs in Europe, whilst answering challenges and opportunities of the Internet.

The four working groups on cross border access and portability of services (1) user-generated content and licensing for small scale users (2) online accessibility of audiovisual works (3) and text and data mining activities (4) cross-border licensing have already met and began their work. Rights holders and their representatives are presenting existing and developing solutions that can best answer users' fast evolving needs and provide growth to the sector, unlike exceptions which would prejudice all stakeholders.

This dialogue aims at exploring short term market based solutions through licences and technology. A midterm report is expected in June and the final report by November 2013.

For more information click [here](#) or contact Sandra Chastanet, IFRRO and PDLN representative.

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NLA extends charity discount to online

Earlier this month the NLA announced that it would extend its charity licensing discount scheme. The NLA already gives discounted or free licences to over 1,000 charities.

Marking the tenth anniversary of the charity discount, NLA has extended the scheme to cover copying of content from newspaper websites and republishing of copyright content for publicity purposes on charity websites.

NLA predicts this will be of financial benefit to over 1,200 licensed UK charities with smaller charities seeing the greatest relative discount and over 200 small charities (with five or less staff) continuing to enjoy a free licence.

David Pugh comments, "We feel this move strikes a good balance; increasing our support for those charities most in need whilst ensuring newspaper publishers reliant upon NLA fees are fairly remunerated by larger charities benefiting from PR exposure in their titles."



Contact: [Andrew Hughes](#) or [click here](#) for more information

German law hits news aggregators

The German Bundesrat (upper house) has approved the bill on ancillary copyright law. Three weeks earlier the law had been passed by Parliament by a vote of 293 to 243. The "Leistungsschutzrecht" (LSR) grants publishers the right to charge search engines and other news aggregators for reproducing their content. A last minute change allowed for the use of "individual words or the smallest excerpts of text". Thus only companies reproducing full texts (or excerpts of substantial length) for commercial use will be required to pay royalties to publishers.

Google welcomed the weakened version of the law but had bitterly opposed the proposal and started a campaign dubbed "Defend Your Net", both online and through full page adverts in the German press.

Most German newspaper publishers welcomed the law. The Federation of German Newspaper Publishers (BDZV) said: "With the ancillary copyright law, publishing houses now have a right that other intermediaries have long had." Angela Mills Wade, Executive Director of The European Publisher's Council (EPC) also hailed the law: "New innovative business models can now be built based on legally licensed content."

But there is also criticism that by watering down the law, it fails to grant full clarity and encourages legal disputes over the definition of "snippets" and how much text can be reproduced by aggregators without being charged.

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Google Innovation Fund France & UK?

In our January newsletter we pondered whether Google's [agreement with Copiepresse in Belgium](#) would set a precedent for other countries and it seems we were right. In February [Google announced](#) two initiatives in France: one is "to help increase [French publishers'] online revenues using [Google's] advertising technology"; the second is the creation of a €60m "Digital Publishing Innovation Fund to support transformative French digital publishing initiatives".

Google's Executive Chairman Eric Schmidt has discussed potentially expanding the fund to the UK.

The Telegraph [reports](#) Schmidt as saying, "The reason I like this model is I don't like the idea of randomly writing cheques to publishers in the old model. I think it's a very good idea for Google to assist in the transition of their business model from old to new, so it's a very good positioning."



VISAPRESS legal action in Portugal

In February VISAPRESS, representing the majority of the main Portuguese titles, national newspapers, magazines and regional press, presented a legal action against major multinational MMO company CISION and two of the leading Portuguese cuttings agencies: Manchete and Clipping Consultores. VISAPRESS is claiming compensation in excess of €350k.

The MMOs cited refused to subscribe to VISAPRESS licences.

The VISAPRESS legal action was taken in accordance with the "exclusive right of rightholders" to use and enjoy its works, which cover in particular the exclusive right to authorise the reproduction and the distribution of its works, namely if it is pursued for commercial purposes. The legal reasons are also based on analysis of entitlement about collective work and the rights of journalists, as aspects related with freedom of press and the right to inform.

Last year Portugal created its first Intellectual Property Court and VISAPRESS believes that this specialised institution can rule on the legal action that brings new questions for Author's Rights law in relation with the protection of periodical publications.

At a meeting in January, Portuguese media companies discussed the abusive use of their content by search engines. This reinforced the debate on the use of news content on platforms like Google News without the payment of any fee. At the time Francisco Pinto Balsemão, CEO of Impresa Group and European Publishers Council (EPC), argued that "the robbery of piracy and the abuse of search engines cannot remain unpunished".

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Retriever acquisition is nixed

Norway's Competition Authority has banned Retriever's planned acquisition of MMO Intermedium. Retriever describes itself as the Nordic region's "leading provider of services such as news monitoring, applications for editorial research and media analysis".

A subsidiary of the news agencies TT and NTB, Retriever services clients in both private and public sector across all business segments from its offices in Sweden, Norway and Denmark.

The Competition Authority says the acquisition would "result in a significant limitation of competition on the part of the media monitoring market, which includes press clippings from newspapers".

The acquisition would reduce the number of players from three to two.

The Competition Authority's Director, Gjermund Nose, says, "We believe this will weaken competition and could lead to more expensive services for customers who want this type of media monitoring."

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Danish Supreme Court – Infopaq ruling

On 15 March the Danish Supreme Court [upheld the 2007 judgment](#) from the Eastern High Court on the Infopaq/Danske Dagblades Forening (Danish Newspaper Publishers' Association) after hearing the ECJ twice during the past years. Infopaq's clippings services digitised newspapers and created an 11-word snippet consisting of the client's keyword plus five words preceding and following it. The snippet plus source reference was sent to the client.

Holger Rosendal of Danske Medier says, "The Danish Newspaper Publishers' Association and Danish Media are of course extremely satisfied with the outcome."

The Supreme Court's decision states that the 11 words will from time-to-time be protected by copyright and that it is not certain that those extracts are automatically deleted after a short period of time (i.e. they may not be transient).

[Time.lex reports](#) that the ruling states that "By the last act of reproduction in the data capture process, Infopaq is making a reproduction outside the sphere of computer technology. It is printing out files containing the extracts of 11 words and thus reproduces those extracts on a paper medium. Once the reproduction has been affixed onto such a medium, it disappears only when the paper itself is destroyed." The writer makes the point that "While legally consistent, it is also clear that this test is frequently difficult to apply in practice and does not lend itself particularly well to new business models which rely on the automated creation or aggregation of short summaries."

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NLA – Meltwater Supreme Court Case

The NLA / Meltwater Supreme court case around 'temporary copying' began in February.

NLA's Andrew Hughes provides an update on the case, what it covers and what the future implications are. To read his full blog, visit: <http://blog.nla.co.uk/nla-blog/2013/2/11/the-nla-v-meltwater-three-things-to-remember-this-week.html>

In the blog Hughes comments, "This Supreme Court appeal does not affect current services; instead, it raises a hypothetical issue – whether a heavily revised service in which the end user did not receive copyright material but only opened articles on a publisher site might be validated by the "temporary copying" exception.

"NLA argue this exception is very limited and only applies to intermediaries, such as ISPs to allow networks to pass data; the PRCA (on the same side as Meltwater) that it applies to any browsing by users. That is what the Supreme Court will address."

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Profile: Fredrik Billinger of TT



Fredrik Billinger is Product Manager at the marketing department of the news agency TT, part of TT-Gruppen, Sweden's leading news and multimedia content provider. He joined TT in 1999 and started

working at the sports desk. In 2006 he became business developer at TT Monitor, the part of TT-Gruppen that delivered news content to the public sector, companies and organisations and managed TT-Gruppen's copyright issues. In 2012 the news agency TT and TT Monitor merged with the picture agency Scanpix and Fredrik started working at the new marketing department. In his spare time he reads the classics, follows Manchester United and spends time with his wife and three children.

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Profile: John Friesland, Retriever



John Friesland is the Content Officer of [Retriever AB](#), the only Scandinavian media monitoring and analysis company handling all media channels. Retriever also holds the most extensive all-digital media archive in the Nordic region, with over 300 million news articles, dating back to 1945. Retriever

aspires to be a preferred partner in Europe by providing reliable and dependent services on a digital platform. John Friesland has been part of Retriever since the start in 2000. With genuine experience of press and business communication he has contributed to develop the highly successful business of Retriever. John is a devoted traveller with a flair for finding good food and drinks. Should there be a coral reef at the destination you'll be sure to find him exploring that as well.

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

We welcome members' contributions to this newsletter.

Please send yours to the editor Catherine Dhanjal: Catherine.dhanjal@theansweruk.com

To subscribe to this newsletter, contact PDLN Secretariat pdln@presse-monitor.de

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