

PDLN Newsletter March 2016 Draft

Promopress gear up for Rome Conference



PDLN now has confirmed speakers from AMEC, FIBEP, Newton, Italian publishers FIEG, local MMOs Mimesa and expects more confirmations in the coming days for the annual conference in Rome June 5-7th. We also have confirmed attendees from Japan, South Africa, Australia, Denmark, Belgium, Germany, Sweden, Austria, France, UK, Ireland, Spain, and Portugal – so far. **BREAKING BOUNDARIES;- HOW FORMAT FREEDOMS ARE CHANGING NEWS MEDIA** promises to be an excellent event. Rome, June, open air dining and stimulating presentations. What's not to like? The programme is available [here](#) – check for further updates. Contact pdlninfo@nla.co.uk to reserve your place.

Eleven German publishers defeated in lawsuit against Google



Eleven publishing groups in the collecting society VG Media suffered a defeat in February in their dispute with Google about compensation for use of online content. The action was based on the ancillary copyright introduced in Germany in 2013. Google demanded a free licence from publishers and threatened that those who refused this licence would be moved to the bottom of search results.

The Berlin district competition law court dismissed a suit from VG Media against Google claiming it was abusing its dominant market position and discriminating against publishers. The specific charge of the claimants was that the US company enforces free use of snippets of text and small thumbnail images. The judge accepted arguments that the Google approach is a "win-win situation" for all parties; - the searchers, the search engine providers as well as the producers of press content would all benefit of the snippets, it was said.

The spokesman of the publishing groups, including industry leaders such as Axel Springer, said they will consider an appeal and it is expected that the legal struggle will continue.

See also: <http://www.handelsblatt.com/unternehmen/it-medien/axel-springer-rechtsstreit-mit-google-werde-viele-jahre-dauern/13051908.html>

<https://www.vg-media.de/de/de/presse/2015/325-first-decision-on-ancillary-copyright-for-press-publishers-google-is-obliged-to-pay.html>

France and UK work to make licensing simpler



NLA media access and the Centre Français d'Exploitation du droit de Copies - CFC – have completed an agreement allowing them to license their respective publisher repertoire to media monitoring organisations - MMOs - and business users in both countries. As a result, Les Echos, Le Monde, Figaro and other leading French titles can now be delivered as part of UK digital press cuttings services, and major UK newspaper titles like the Telegraph, Guardian and Independent can be delivered through licensed French MMOs.

NLA and CFC have also made access available to newspaper and magazine content through the eClips and CFC distre-presse databases to users in UK and France, and will co-operate in offering French and UK content to media monitoring companies in other territories. This additional content will be automatically included in current CFC and NLA end user licenses at local prices, so no additional agreement is required by users or MMOs. The agreement also replaces the special licences needed by French media monitoring suppliers and users accessing NLAs eClips service.

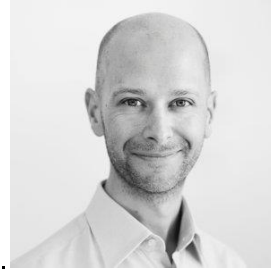
NLA and CFC have come together in response to user requests to make it easier to use international content. Both are members of international organisations PDLN and IFRRO, who have provided model contracts to assist in reaching the new agreement.

Philippe Masseron, CFC's General Manager, said: "We welcome the opportunity to offer seamless access to English language content to the French market and to have NLA media access act for us in the UK. Working together we can create better solutions for users and publishers. Working through PDLN and IFRRO we hope to extend these agreements to users in other countries. We aim to show that voluntary licensing is the best way to address market needs." Contact schastanet@cfcopies.com

PDLN Seminar Update



As we went to press CFC were expecting 12 delegates to the April 6th Paris seminar on audio-visual licensing, including speakers from Executive Interviews and Kantar. Further seminars on PDF processing and education sector news licensing are being prepared for the autumn in London and Vienna. Contact pdlninfo@nla.co.uk



CLA simplifies licensing of UK web and print content in Europe .

CLA has announced that it has now signed up the first customers to its new International Media Monitoring Licence, which expands access to more than 7,000 websites and 4,500 print publications (mostly magazines and journals) under a common set of terms and conditions for all MMOs, regardless of the territories they operate in. Launch customers Opoint and Kantar Media will be taking advantage of this cross-border solution to supply UK content to clients in multiple European countries, and CLA is in discussions with several other European MMOs. For more details about CLA international licensing, please contact James Bennett . Contact james.bennett@cla.co.uk .



Changes for OPoint owner AMedia

A newly established foundation will become the new owner of Amedia in order to secure long term and stable ownership of Norwegian local newspapers. The agreement signed today entails the new foundation taking over 100 per cent of the Amedia shares from Telenor, LO and Fritt Ord. The formal acquisition is expected to take place in April.

Sparebankstiftelsen DNB is an independent foundation that utilizes its profits for philanthropic purposes. The sale values Amedia at NOK 1.4 billion. After deductions for debt and debt -related items the purchase price for the shares is NOK395 million. The new foundation will keep Amedia as a one corporation and will secure the company's independence and editorial freedom. Amedia is Norway's largest publisher of local media and has extensive distribution activities in Norway and large printing trades in Norway and Russia, in addition to pure digital businesses. The corporation reaches close to 1.7 million readers every day both digitally and on paper through the group's 62 subscription newspapers. The corporation has about 2400 employees and had revenues of NO 4.2 billion in 2015. Telenor Group first acquired a stake in Amedia in 2000, and holds 44.2 percent of the shares. For further details please see [Amedia's press release in Norwegian](#).

Sweden and NLA

NLA has announced that it has reached an agreement with Bonus Copyright Access <http://en.bonuscopyright.se/> allowing UK users to copy many [Swedish newspapers](#). The agreement will also allow Bonus Copyright Access to license copying of UK content in Sweden. The agreement does not at this stage cover media monitoring service suppliers.



IFRRO lobbies EC on Education

EC has been considering major exceptions to copyright in education, which is a significant source of revenue for many RROs. On Thursday February 18th, an IFRRO delegation met with *Marco Giorello*

(Deputy HoU F5), *Emmanuelle du Chalard* (Policy Advisor) and *Thomas Ewert* (Policy Advisor) of the European Commission's Copyright Unit at DG Connect. The aim of this second meeting was to discuss the planned review of EU copyright rules when it comes to exceptions for education.

The EC representatives said that they are reviewing the 'illustration for teaching exception' in particular if digital use is included and regarding cross-border access to teaching material. IFRRO explained that cross-border access is currently in practice not an issue (also not for the licensing RROs), as long as the student/researcher is enrolled in the educational institution, paying the tuition fee and accessing the material on the internal University network from another country.

The EC thought legal uncertainty may exist for such cross-border cases on accessing education material on an internal University networks from another country because it is not covered by any provision and the legitimacy stops currently at the border. IFRRO explained how current licensing works and showed evidence of effective cross border licensing. EC requested further data and IFRRO plans to survey members to address these detailed questions.

PDLN is considering an autumn seminar on news licensing in education. Interested parties are requested to contact pdlninfo@nla.co.uk.

PDLN Development Plan

The PDLN board have approved a development plan which seeks to

- Broaden the network
- Engage the membership
- Engage the environment
- recruit and develop more members
- enhance members awareness and use of PDLN
- make PDLN more visible and relevant to its market

We hope to increase membership, especially by starting discussions with publisher groups and RROs in markets where we have no presence. On engagement the initial step has been to ask members to increase internal and local market awareness of PDLN by sharing newsletters, Tweets and other information more widely. We will then have a platform from which we can increase our role in the wider publishing infrastructure. We need your help, support and feedback. Please make sure you share ideas with and through PDLN.

PDLN Comment Column



The US 'Fair Use' doctrine is a threat to publishers everywhere. The article below by new Copyright Agency CEO Adam Suckling was first published in The Australian newspaper, but addresses issues common to many countries, as Fair Use is advanced as a copyright reform, with disastrous recent consequences in Canada. The PwC report commissioned in Australia contains valuable evidence the consequences of the Fair Use doctrine. [Download the full PwC report](#)

A change that would cost more than millions 02 Mar 2016

There's no doubt we all love a great story. Whatever the medium: books, television, films, plays, documentaries - the story is king.

So when storytellers such as Nobel prize winner J.M. Coetzee, Malcolm Gladwell, Margaret Atwood, Yann Martel and Stephen Sondheim throw their support behind a cause, there's a good reason to ask why.

They and many others filed briefs this month with the US Supreme Court in support of the American Authors Guild. The guild wants the court to hear its case that Google be held accountable for its copying of millions of books without asking permission or paying a cent.

As the guild says: "Google copied 20 million books to create a massive and uniquely valuable database. It never even bought a single book." Unlike Apple with iTunes, it never asked the creators of these works if it could use them, or paid them a cent.

The case is an expensive, decade-long escalating litigation. It's also a stark example of how badly US copyright law can go wrong.

In copying 20 million books without payment or permission, Google has relied on the US legal concept of fair use, which outlines the circumstances where large companies do not have to seek permission to use books, music and films created by other people.

A major problem with fair use is that different courts have come to widely different decisions, encouraging constant litigation. By contrast Australia's system is clearer and less prone to litigation. Despite this, some advocate that we adopt a fair use approach here which, according to a new PwC report, could result in a loss of GDP in the order of \$A1.3 billion (\$US946 m).

PwC finds three main reasons for this contraction in GDP. [Download the full PwC report](#),

First, fair use would permanently lift legal costs in Australia. There is almost five times as much copyright litigation in the US than in Britain, whose law is more certain and comparable to Australia's. PwC conservatively estimates that Australia's costs of copyright litigation would rise from \$A26.6m (\$US19) to \$A133m (\$US96m) annually, if fair use were introduced here.

Second, fair use would rip millions of dollars away from Australian storytellers and content creators, because large companies, governments and education institutions who now have to pay to use creative content would stop paying as much or stop paying at all.

As the PwC report puts it, "a transition to fair use will create disincentives to create original copyright works" and "the impact of reduced production should be felt almost entirely on domestically produced works ..." resulting in "a loss of Australian professional creative output".

PwC's findings are based, in part, on what happened in Canada when similar changes were introduced in 2012. Most universities and schools refused to take out licences for using content. Education licensing revenue dropped 98 per cent and multiple publishing operations closed. Oxford University Press stopped producing Canadian text books for primary and secondary school students.

Third, fair use would undermine the highly effective licensing system in Australia.

This system means Australian teachers can share and copy almost every book, magazine and journal published in the world with their students for less than the cost of a book each year. School departments pay this fee, not students.

When it comes to modernising our copyright system, policymakers need to get the balance right, between promoting economic growth, setting the right incentives and making sure Australian storytellers can make a living.

What this means for digitised books is that we avoid extensive and expensive litigation as occurs in the US. A better approach would be licensing laws that ensure public access to material, that provide a fair return to those who invest in content and ensure Australian storytellers keep producing.

It is vital our storytellers are given the environment and freedom they need to create new stories. Our copyright system can continue to do just that, providing clarity and certainty for Australia's innovative creative community, which contributes billions to Australia's economy.

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