

News Media Europe (NME) represents the progressive news media industry in Europe - over 2200 European newsbrands of newspapers, radio, tv and internet. NME is committed to maintaining and promoting the freedom of the press, to upholding and enhancing the freedom to publish, and to championing the newsbrands which are one of the most vital parts of Europe's creative industries.

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- *NME welcomes the new proposed directive on copyright in the Digital Single Market, which addresses the complexities of online copyright and licensing scheme;*
  - *NME supports the creation of a publishers' right which creates a level playing field for the news media industry and tackles the distortions of today's online marketplace;*
  - *NME believes that a publishers' right would give our sector the legal tools necessary to remain competitive and independently financed in Europe's Digital Single Market.*
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Since its establishment, NME has embraced the digital revolution and aims to fully capitalise on the creation of a truly Digital Single Market. We are looking to a bright digital future for our industry - 4 out of 5 people in the EU access news media every week making us global leaders in the creative industry.

Europe's publishers need to compete on all platforms to remain competitive and independently financed. The evolution from analogue to digital can only be sustainable and future proof with an appropriate and updated legal framework that recognises the complexities of copyright and licensing for online news content and that gives publishers the bargaining power they need to protect their investment in the creation of original, professional and quality content. Content may be free to access, it is not free to produce.

### **A publishers' right**

News Media Europe welcomed the European Commission's EU copyright proposal which aims to adapt the current framework to the realities of the Digital Single Market. We are glad to see that the proposal introduces fairer rules of the game for a better functioning of the marketplace for online content. Especially, we welcomed the provision regarding the protection of press publications concerning digital uses (article 11) - the so called "publishers right".

As acknowledged in the proposed directive, "the organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry." Sustainability of the industry depends on innovation fostered through legal certainty.

# NEWS MEDIA EUROPE

By establishing a Europe-wide publisher's right, press publishers have a better legal handle to defend their intellectual property against online copyright violations, thereby protecting the value of their work. The proposal helps the press publishing sector with facing the asymmetric relationship with dominant distribution platforms taking advantage of their scale to distort the market and insulate themselves from the need to reach fair and reasonable terms with publishers for their content, or in-platform consumption leading to publishers being cut out of any data relationship with our readers. By providing more legal certainty for press publishers to deal with these issues, sustainability and innovation of the news media sector is better supported.

## Exceptions

News Media Europe recognises the importance of the existing exceptions as put in place under the 2001 Directive. These exceptions fully address the concerns that a publishers' right should not impact private users. Their freedom to link and share is not affected.

### Freedom of Panorama

NME suggests the introduction of a European exception on Freedom of Panorama. As an association representing new brands on all platform, we support a legal framework which would grant clarity to journalists and press photographers for taking pictures in public spaces.

### Text and Data Mining

Our members believe that text and data mining (TDM) techniques facilitate the dissemination of scholarly knowledge. However, News Media Europe opposes an extension of a TDM exception to commercial players and favours its limitation to mere scientific publications.

## Want to learn more?

Feel free to visit the pages below to have a look at how a good reform would look like for the press sector and why neighbouring rights are so important for the sustainability of quality and independent journalism.

**Publishers Right initiative** - Link: [www.publishersright.eu](http://www.publishersright.eu)

**Empower Democracy initiative** - Link: [www.empower-democracy.eu](http://www.empower-democracy.eu)

Our **FAQ** (<http://bit.ly/2dUdxbY>) and **Mythbuster** (<http://bit.ly/2d56zAa>)

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