

NEWS MEDIA EUROPE

Contribution to the European Commission's call for evidence on "Combating online piracy of live content" initiative

Brussels, 10 February 2023

[News Media Europe](#) is the voice of the progressive news media industry in Europe, representing over 2,700 news brands in print, online, radio and TV, through national associations from sixteen countries. Together, we defend key principles which are vital to us: protecting the freedom of the press, championing the digital future of our industry, and ensuring that the value of content is properly protected.

Introduction

News Media Europe co-signed a letter last year together with the creative and cultural industry, asking for a European legislative instrument against live piracy. Copyright protection remains a fundamental pillar of a healthy and independent news media market and we are convinced that more can be done to recognise the value of press content and allow press publishers to monetise their work. The announcement of a European Recommendation is a first and welcomed step in the right direction. We will continue building up on the proposed instrument.

Tackling piracy of news media content

Although this issue is generally associated with live football games¹ and music concerts, the problem also exists in the news media industry. Either we are talking about live news coverage or simply news content (e.g. articles, videos, podcasts, interview, image, infographics) that has by nature a very short lifespan, and can be subject of live piracy. On average, a piece of news and current affairs is relevant within the next two hours after publication. Therefore, news content should be considered of "immediate" relevance under the new EU initiative. Piracy of news content means that news media companies are not able to recover the significant investments that journalism represents, as the monetisation potential of a news piece "expires" very quickly.

To conclude, we would like the EU initiative to take into account this "immediate" specificity of the news sector and recognise the specific aspects and problems of piracy for the press publishing industry.

Appropriate safeguards

From a news reporting and media freedom point of view, we would also like to caution against automatic take-downs which could result in news publishers having legal video coverage of

¹ [The Danish Rights Alliance and LaLiga wins case on blocking of illegal live sports | RettighedsAlliancen](#), 6 July 2020

NEWS MEDIA EUROPE

unfolding news-events, notably sports events, being removed from their publications. For example, reporting on football riots should not lead to automatic removal of a livestream because an algorithm deems the news media company as an illegitimate rights holder. Aware that the market provides more and more sophisticated content recognition tools, we encourage online platforms to make use of the latest tools available, with a recommendable degree of human oversight, to identify and take-down illegal reproductions. Appropriate safeguards in the EU initiative should ensure that press publishers can carry out journalistic reporting without fear of over-removal, meaning the removal of legally acquired copyrighted content.

Conclusions

We thank the European Commission for the opportunity to comment on the issue of illegal streaming of live events and encourage including the issue of news content piracy. In this regard, the Recommendation should build upon the acquis of the Copyright DSM Directive to protect press publishers' control and monetisation over journalistic publications (Article 15).

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