

# European Parliament

2014 - 2019



05/09/2018

## AMENDMENTS: 6

**Axel Voss**

Copyright in the Digital Single Market

**A8-0245/2018**

**Proposal for a directive** COM(2016)0593 - C8-0383/2016 – 2016/0280(COD)

Amendments created with

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**Amendments per language:**

*EN: 6*

5.9.2018

A8-0245/1

**Amendment 1**

**Tiemo Wölken, Catherine Stihler, Josef Weidenholzer**

**Report**

**A8-0245/2018**

**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

**Proposal for a directive**

**Recital 38 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In accordance with article 11 paragraph 2  
the responsibility of information society  
service providers pursuant to Article 13  
does not extend to acts of hyperlinking  
with respect to press publications.***

Or. en

**Amendment 2****Tiemo Wölken, Josef Weidenholzer, Catherine Stihler****Report****A8-0245/2018****Axel Voss**Copyright in the Digital Single Market  
COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)**Proposal for a directive****Article 13 – paragraph 1***Text proposed by the Commission**Amendment*

1. Information society service providers that store and provide to the public access to large amounts of works *or* other subject-matter uploaded by their users *shall, in cooperation with rightholders, take measures to ensure the functioning of* agreements *concluded* with rightholders for *the use* of their works *or other subject-matter or to prevent the availability on their services of* works *or other subject-matter identified by* rightholders through *the cooperation with* the service providers. *Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.*

1. Information society service providers that store and provide to the public access to large amounts of *protected* works *and* other subject-matter uploaded by their users *which the service providers organise and promote for profit-making purposes shall:*

*(a) Be obliged to enter into licensing agreements with requesting rightholders for uses of their protected works that conflict with the normal exploitation thereof.*

*(b) Provide requesting rightholders all information about user uploaded content made publicly accessible on the service through dedicated automated communication channels, so that the rightholders can inspect the uploaded content and, using the same channels,*

*directly claim recognised copyrighted works and request removal or de-listing as per paragraph 3.*

*The costs arising from the inspection are to be beard by the service providers.*

Or. en

**Amendment 3**

**Tiemo Wölken, Catherine Stihler, Josef Weidenholzer**

**Report**

**A8-0245/2018**

**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

**Proposal for a directive**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall ***ensure that*** the service ***providers referred to in paragraph 1 put in place complaints and redress mechanisms that are*** available to users ***in case of disputes over the application of the measures referred to in paragraph 1.***

2. Member States shall ***provide for an exception or limitation to Art 2 and 3 of directive 2001/29/EC for works uploaded by the users if these users do not act for commercial purposes and are not the rightholder or his representative. In this case of the absence of an agreement with a rightholder revenue generated from the availability of the work on the service after it has been made available shall be awarded to the confirmed rightholder through a licensing agreement with the respective collecting society representing that type of authors. Article 13 paragraph 2 sentence 1 does not apply, if the uploaded work is the original unmodified and unabridged version of the work.***

Or. en

**Amendment 4****Tiemo Wölken, Catherine Stihler, Josef Weidenholzer****Report****A8-0245/2018****Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

**Proposal for a directive****Article 13 – paragraph 3***Text proposed by the Commission*

3. Member States shall *facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.*

*Amendment*

3. *To ensure that the measures provided for in paragraph 1 are effective and proportionate and without prejudice to exceptions and limitations to copyright and to freedom of expression, complaints and redress mechanisms shall be put in place. These mechanism shall ensure that:*

*(a) rightholders are able to automatically report exact and complete matches of uses of protected works for monetisation or removal to the serviceproviders using web-based automated communication (application programming interfaces).*

*(b) rightholders furthermore have the right to request an expeditious de-listing from search results of uploads that are exact and complete matches of protected works available in wholesale, even during the removal dispute period.*

*(c) In case the rightholder requests the removal of copyrighted content, the uploader should have a fixed period of time, but no less than 48 hours, to respond to the request. During that period the content remains available online, notwithstanding potential delisting following lit. b above. The uploader must receive an explanation of the request and a list of possible defences that puts them*

*into a position where they can easily challenge their request if appropriate.*

*(d) Member States shall provide a mechanism to resolve disputes, e.g. by appointing an independent third party, that allows uploaders and rightholders to challenge the decision by the service provider.*

*(e) The service providers or the independent third party appointed by the Member State shall exclude from the reporting mechanisms described in paragraph (a), for a limited period of time, individual rightholders or their representatives who submit requests obviously abusively or in a high number of unsuccessful cases.*

Or. en



5.9.2018

A8-0245/5

**Amendment 5**

**Tiemo Wölken, Catherine Stihler, Josef Weidenholzer**

**Report**

**A8-0245/2018**

**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

**Proposal for a directive**

**Article 13 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 a. Member States shall facilitate, where appropriate, the operation between the information society service providers, rightholders and users' representatives through stakeholder dialogues to define best practices.***

Or. en

5.9.2018

A8-0245/6

**Amendment 6**

**Tiemo Wölken, Catherine Stihler, Josef Weidenholzer**

**Report**

**A8-0245/2018**

**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

**Proposal for a directive**

**Article 13 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3 b. The service providers and rightholders shall publish aggregated statistical data about their interaction, such as the number of removal requests and the number of complaints and redress referred to in paragraphs 2 and 3.***

Or. en