

June 18, 2018

European Parliament
Rue Wiertz
1047 Brussels
Belgium

Dear Member of the European Parliament,

I am writing on behalf of the News Media Alliance, which represents 2,000 news organizations across the United States and globally, to express news publishers' strong support for the compromise amendment on Article 11, suggested by rapporteur Axel Voss MEP, on a publishers' right within the proposed Directive on Copyright in the Digital Single Market (2016/0280 (COD)) that your Committee is due to vote on, on June 20.

News media organizations around the world are facing tremendous challenges in sustaining free and independent journalism in the digital ecosystem, where both the rules and advertising revenue are largely controlled by a few dominant platforms, and quality journalism is often drowned by unverified, sensationalist, and low-cost content. In their efforts to make this online landscape fairer and more equitable, American and European publishers are in wildly different negotiation positions. While our American members enjoy a Constitutional right to protect, distribute and disseminate their works to the public, our European members are left without any such protections beyond what some member states or contracts with individual authors may afford.

The proposal by the European Commission aims to address this problem by granting news publishers an undisputable legal status through a neighbouring right, which would improve their bargaining position in negotiating license agreements and protect news publishers against unauthorized digital reproduction and distribution of their press publications. Neighboring rights are not new in the European Copyright Directive – broadcasters as well as phonogram and film producers already enjoy such rights to protect their investments.

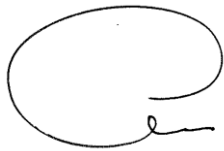
It is also important to note that this is not a “snippet tax” or a “link tax.” The compromise proposal suggested by the rapporteur ensures that hyperlinks are explicitly excluded from its scope. Indeed, publishers already actively encourage their readers to share hyperlinks to their articles on social media. Further, news aggregators are hardly the only online services using news publishers' content without their permission – indeed, many articles and long excerpts

are routinely copied and posted in full throughout the internet, and currently European news publishers are often powerless to do anything about it.

Neither will the Directive “destroy the internet.” The latest compromise clarifies that it only applies to uses by “information society service providers” and that it shall not prevent legitimate private and non-commercial use of press publications by individual users. This proposal simply grants news publishers the right to request compensation for the use of their content by others who aim to benefit from it, and whose use is not for private, non-commercial use or fall under one of the many exceptions already established in the Copyright Directive.

News publishers throughout the world are facing existential threats from physical intimidation to rampant online infringement and competition from fake news sources. Free, prosperous, and independent press is vital to the functioning of democracy, and while many of the challenges we face are complex and difficult to solve, protecting journalistic content is simple, achievable, and consequential. It is for that reason that we stand with our European members and partners in asking you to support the adoption of the latest JURI compromise amendment on Article 11. Any alternative solution, such as a presumption of representation, is strongly opposed by the entire press ecosystem, including journalists, and would provide insufficient protection for press publishers with regard to the digital use of their press publications.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Chavern', with a large, stylized initial 'D'.

David Chavern
President and CEO
News Media Alliance