



EPC | European
Publishers
Council

Unit C1: Lisbon strategy and i2010
Directorate-General Information Society and Media
European Commission

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**Public consultation on post-i2010
Priorities for new strategy for European information society (2010-2015)
Response from the European Publishers Council
ID number : 4456380381-30**

The European Publishers Council (EPC) is a high level group of Chairmen and Chief Executives of leading European media corporations whose interests span newspapers, magazines, books, journals, online database and internet publishing as well as in many cases significant interests in private television and radio. A full list of the EPC's members is attached.

We are pleased that the European Commission is consulting stakeholders on the future direction of policy for the European Information Society in 2010 and beyond. We shall not however be responding to the questionnaire as we feel it is inappropriate to be consulted by way of multiple choice questions, with little room for reasonable contributions beyond these answers (by limiting strictly additional 'open' responses either to 200 or 600 characters). Furthermore, the questions are in many cases biased towards particular responses, which is, in our view, unfortunate. Nevertheless we have participated fully in the joint industry submission from the CMBA (Creative Media and Business Alliance) which is attached for reference.

We remain confident that a more open and fuller debate will ensue in order to develop a coherent and sustainable policy framework by bringing together the various strands of work undertaken by the Commission including: the follow up to the work of Content Online Platform; Commissioner Reding's stated vision for a Digital Europe as set out in several speeches; further work on Europeana; follow up to the Communication on the Green Paper on Copyright and the Knowledge Economy and the joint

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commitment of Commissioners McCreevy and Reding to tackle piracy and counterfeiting online. We offer our expertise to the Commission in helping to define suitable programmes to the benefit of businesses and consumers alike. In the meantime we wish to set out some key priorities to bear in mind when analysing the responses to your sections 4, 5 and 6 of the post i2010 consultation:

1. Access and respect for Intellectual Property Rights

The Commission's stated goal to facilitate access to quality content coincides with the overall goal of the copyright system, which is to give everyone the greatest possible access to the best possible content while respecting the rights of creators and their publishers and broadcasters.

It is clear from recent speeches by the President of the European Commission and Commissioner Reding that the Commission will put consumers at the heart of our digital future. We agree, but wish to point out that the business interests of those who serve consumers are of equal importance. We therefore welcomed the statement in the final report of the Content Online Platform that *"A broader debate therefore appears to be needed on the future of intellectual property rights in a single online market for consumers"* as our members feel that they are already at the core of this debate. On a daily basis, and often minute by minute, we are making available high quality, professional journalism and a wide range of entertaining services through the internet and mobile devices. A process of democratisation through sharing and distributing knowledge and creativity as far and wide as possible brings many benefits to consumers and society and it is through sound IPR that a culture of authorship based on the simple principle that the people who invest the time, intellectual effort, creativity and money in new works should benefit financially for their contribution.

In recognition of the importance of IPR to the creative process and to the future viability of quality journalism online, members of the EPC and the World Association of Newspapers (WAN-IFRA) together with many other publishers and some broadcasters throughout Europe and beyond have signed a Declaration on Intellectual Property Rights known as the Hamburg Declaration. The Hamburg Declaration Regarding Intellectual Property Rights stresses the fact that "universal access to publishers' services should be available but going forward we no longer wish to be forced to give away our property without having granted permission". As the Commission often acknowledges, it is clear that content is not cost-free - it is the outcome of strategic investment which brings added value to societies all over Europe.

Furthermore, freedom should not mean anarchy and this should be a principle to be preserved when we envisage the rules under which our



“new” online society should function (as stated in article 7 of the Hamburg Declaration: There should be no parts of the internet where rules do not apply[...]. Unauthorised use of Intellectual Property must remain prohibited whatever the means of distribution”). This principle of lawfulness extends to all aspects of content; what is illegal offline should be treated similarly online including respect for the laws of defamation and obscenity.

We are enclosing a copy of this Declaration; the list of signatories is available at:

http://www.epceurope.org/issues/Hamburg_Declaration_on_Intellectual_Property_Rights-Signatures.pdf. The Declaration remains open for signature and through national events more and more publishers are signing up.

2. Strategic Investment in the Future

This theme was acknowledged in the Conclusions of the Education, Youth Affairs and Culture Council on 11-12 May 2009, where governments agreed that *“strategic investment in culture is vital for strengthening a dynamic creative economy and society, for creating jobs and enabling the fulfilment of the Lisbon goals”*.

And it is this strategic investment that is needed now more than ever in times of considerable challenge and change, of *“potential opportunities and potential losses”*, which for the publishing industry are imminent. EPC members are in the business of providing high quality content to their readers, their consumers. That is their raison d’être and why we must build sustainable, revenue-generating business models for the future enjoyment of consumers and which respect consumers’ developing needs and demands. The Commission recognises the tensions between all interests involved and suggests that the consumer should be part of the debates to deal with access, copying, rights management and remuneration systems which we would welcome as it is crucially important that a wider understanding of what is at stake is developed by all parties.

The Internet has created opportunities for new players as well as new routes to market for established players, all of which is to be welcomed. The press and search industries are part of the same ecosystem and share a common goal to make news, information and all other media content available to the public. Nevertheless it is vital that EU legislation should neither promote nor facilitate illicit Internet based “free-riding” services where publishers can suffer from loss of control of the copying process.

We believe that the future lies in innovative and collaborative solutions which embrace the way in which the internet works and we look forward to working with the Commission to ensure such solutions find the necessary

support. We welcome the Commission's commitment "*to promote pragmatic solutions enhancing the availability of creative content online*", as publishers are already developing such realistic solutions such the Automated Content Access Protocol¹ (ACAP) which has been acknowledged by the Commission and national governments as a "win-win solution" to copyright licensing online.

EPC has taken a leading role in 'ACAP' which is destined to become a universal permissions protocol on the Internet as an open, non-proprietary standard through which content owners can communicate permissions for access to and use of their content online to their intermediaries - without affecting consumers' interests. This is a prime example of using technology as an enabler, and not as barrier, to the accessing of content online. For further information visit www.the-acap.org

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¹ The Content Online staff working paper is referring several times to ACAP
http://ec.europa.eu/avpolicy/docs/other_actions/col_swp_en.pdf

MEMBERS OF THE EUROPEAN PUBLISHERS COUNCIL

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Mr Didier Quillot, Chairman and CEO, Lagardère Active, France

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Mr Ian Smith, Chief Executive, Reed Elsevier,

Mr Hannu Syrjanen, CEO, Sanoma Corporation, Finland

Mr Giorgio Valerio, CEO, RCS Quotidiani S.p.A Italy

Mr Christian Van Thillo, Chief Executive, De Persgroep, Belgium

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Executive Director: Angela Mills Wade

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Hamburg Declaration 2009 regarding intellectual property rights

The Internet offers immense opportunities to professional journalism – but only if the basis for profitability remains secure throughout the digital channels of distribution. This is currently not the case.

Numerous providers are using the work of authors, publishers and broadcasters without paying for it. Over the long term, this threatens the production of high-quality content and the existence of independent journalism.

For this reason, we advocate strongly urgent improvements in the protection of intellectual property on the Internet.

Universal access to websites does not necessarily mean access at no cost. We disagree with those who maintain that freedom of information is only established when everything is available at no cost.

Universal access to our services should be available, but going forward we no longer wish to be forced to give away property without having granted permission.

We therefore welcome the growing resolve of federal and state governments all over the world to continue to support the protection of the rights of authors, publishers and broadcasters on the Internet.

There should be no parts of the Internet where laws do not apply. Legislators and governments at the national and international level should protect more effectively the intellectual creation of value by authors, publishers and broadcasters. Unauthorized use of intellectual property must remain prohibited whatever the means of distribution.

Ultimately, the fundamental principle that no democracy can thrive without independent journalism must also apply to the World Wide Web.