

Copyright, related rights and the news in the EU

The Spanish amendment of the Quotation exception

23 April 2016 – IVIR, Amsterdam Dra. Raquel Xalabarder rxalabarder@uoc.edu

• UOC www.uoc.edu

A limitation (disguised as a quotation)

Authorizing the making available to the public

by providers of <u>aggregation services</u> of (news) contents available online subject to:

an equitable compensation unwaiveable and mandatorily managed by CMOs

Also for search engines – but for free



Art.32.2 - The making available to the public by providers of digital services of contents aggregation of non-significant fragments of contents, available in periodical publications or in periodically updated websites and which have an informative purpose, of creation of public opinion or of entertainment, will not require any authorization, without prejudice of the right of the publisher or, as applicable, of other rights owners to receive an equitable compensation. This right will be unwaiveable and will be effective through the collective management organizations of intellectual property rights. In any case, the making available to the public of photographic works or ordinary photographs on periodical publications or on periodically updated websites will be subject to authorization.

www.uoc.edu



Art.32.2 - Without prejudice to what has been established in the previous paragraph, the making available to the public by the providers of services which facilitate search instruments of isolated words included in the contents referred to in the previous paragraph will not be subject to neither authorization nor equitable compensation provided that such making available to the public is done without its own commercial purpose and is strictly circumscribed to what is indispensable to offer the search results in reply of the search queries previously formulated by a user to the search engine and provided that the making available to the public includes a link to the page of origin of the contents.



Dangers

- ... What is says?
- ... What it does not say, but implies?
- ... What it does not even imply?

A limitation ... in disguise

- ancillary right imposed on press publishers?
- for the benefit of © owners? (not users)
- a hidden subsidy between businesses?

may se despoya del traje, tos sapasos, la cambia, la corbata policies las medios, quedando apenas en calconollos, lo que proposition and the le coorga una sensación de liberrad, como si, al densacion or an adieva del peso abramador que sentra sobre sue hon-Pipi Pun papana es prese l'a una breve patina intima que no le toma mis de me place the tagging on dis hora y de la que naclie se entera. Es lo que la lech MA SPORT MEMORY aborar tras quitarse la copo, ha encendido la radio cu su e creson preferida de música clauca y se ha echado en sucor cillos sobre un sillón de cuero de un oficina. Respira honda to sally amedia un Constitution of Cierra los ogos. Siente su cuerpo tenso, fangado. Procura o A Das moles horse. Procura no procue que ha recoherdo spactud de espárina. on a examinar m постоявляение ми ещеproperfeccio nes que pueda de una HOSE, ALC. et pern paditov o unfeculor AND MARKETE ST de sur o CHARLES .. April Distance in Land e rependence distant, Ignay TORRIGHT OF THE WAR p. 6 lie was de las pies, no es profundamer physicides. vergdenta emec unos pies que of a unaction for lethe suggester may de adrayaball ore hupregual adada a la peliqueria y deje el cuidado de seof this congress de france expertes de la pedicura, pero lemain se and the later to the street sur purior y prefiere ocupana, a white reduction **产品,数时间** po al hanco, de recentar las unas de sus pies. Tengo por-TO THE SECOND pieres. No le puedo cutar, l'amporta tergo la culpacounty Position somesis sieme plus man beautos que los sulos En general. ger un le pe time un mejeu cuerpo que el maio. Pero el cuerpo genique APPLICATE S of Howe to prouno la puesta megorar o embellecer dentas rela de aix ofice es un capricles de la saturalera, tres