

Copyright, related rights and the news in the EU

The Spanish amendment of the Quotation exception

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A limitation (disguised as a quotation)

Authorizing the making available to the public

**by providers of aggregation services
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.*

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?

