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### Academics Against Press Publishers' Right

*169 European academics warn against it*

Ricolfi, M.; Xalabarder, R. ; van Eechoud, M.

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## **Academics against Press Publishers' Right:**

### **169 European Academics warn against it**

We, the undersigned 169 scholars [of whom 100 are full professors] working in the fields of intellectual property, internet law, human rights law and journalism studies at universities all over Europe write to oppose the proposed press publishers' right.

Article 11 of the proposal for a Directive on Copyright in the Digital Single Market, as it currently stands following negotiations in the EU Council and Parliament, is a bad piece of legislation.

#### **Why?**

- The proposal would likely impede the free flow of information that is of vital importance to democracy. This is because it would create **very broad rights of ownership in news** and other information. These rights would be territorial – there would be one for each Member State. The rights would be owned by established institutional producers of news. And in each Member State, the new right would sit on top of all the other property rights that such publishers of news already enjoy: copyrights, database rights, broadcast rights and other related rights.
- This proliferation of different rights for established players would make it more expensive for other people to use news content. **Transaction costs** would be greatly increased, as permissions would need to be sought for virtually any use. Even using the smallest part of a press publication (except perhaps for strictly private use) would mean payment would be due to an institutional news publisher.
- That means, the proposal would be **likely to harm journalists**, photographers, citizen journalists and many other non-institutional creators and producers of news, especially the growing number of freelancers.
- The people most likely to benefit would be the big established news institutions. If they should benefit, this is likely to **exacerbate existing power asymmetries in media markets** that already suffer from worrying levels of concentration in many Member States. That said, it is not clear that even these big news institutions would benefit. Similar rights introduced in Germany and Spain were not effective.
- The proposed right would provide no protection **against 'fake news'**.
- There is **no sound economic case** for the introduction of such a right. An additional intellectual property right would not change the fundamental problems that news

institutions face. They would still have to compete with many other actors for consumer attention, advertisers and hence revenue.

### **Problems with the Initial EC Proposal**

The academic community is virtually unanimous in its opposition to the European Commission's proposal for a press publishers right. We commend to you the previous critical interventions from Bently *et al*, Danbury, the European Copyright Society, Geiger *et al*, the Max Planck Institute, Peukert, van Eechoud, and the Study conducted by Bently, Kretschmer *et al* for the JURI Committee in September 2017.

We agree with the supporters of this right about one thing: **journalism matters, and quality journalism matters even more**. As public watchdog and forum for public debate, the traditional print press plays a vital role in democratic societies, but so do newer online media. All actors in the media ecosystem enjoy freedom of expression, as guaranteed under the European Convention on Human Rights and the Charter of Fundamental Rights of the EU. This proposal will do nothing to help journalism, but seriously risks doing disproportionate harm to media creators, to smaller publishers, to SMEs seeking to innovate with online media services, to citizens and to society at large. Inventing new rights is not the solution.

In order to appreciate why the balance is so clearly against this proposal, it is important to understand that **press publishers already have very significant rights in their publications**. They own enforceable rights in much of the material in a publication by virtue of assigned copyright (or exclusive licences), through national rules on employer ownership or collective works, and through the EU wide *sui generis* right in databases (a term broad enough to cover all newspapers). This is already a formidable arsenal. Even without the introduction of the proposed right, it is unlawful (and when done knowingly and with a view to profit, often criminal) for third parties without licence (or a defence) to reproduce or make available copyright-protected material. The reproduction or making available of small parts of such material may also be unlawful, where those parts are themselves creative. The EU's *sui generis* right in databases not only gives investors in collections of material the right to prevent wholesale copying, but also to prevent the systematic extraction of insubstantial parts.

While press publishers are very well protected already, the Commission did identify particular problems for German press publishers in relying upon authors' rights in articles and photographs. As a result of German rules and procedure, it is administratively cumbersome and time-consuming for press publishers to rely on such rights. Documentation is required from authors in respect of the rights in each and every item in a publication. However, a German procedural problem deserves a German solution, not one at a European Union level. That is exactly what has occurred with the one year *Leistungsschutzrecht* introduced in Germany. There is no need for the other 27 Member States to swallow the German medicine, the efficacy of which is so far wholly unproven.

The proposed right would not improve the economic position of press publishers elsewhere. There is no basis for the suggestion that an "EU wide right" (in fact, separate rights for each MS) would improve the bargaining position of press publishers vis- á-vis platforms: they already have authors' rights and the EU's *sui generis* right in databases. If it has any effect, the recognition of a press publishers right would strengthen their bargaining position with respect to authors and creators, a relationship which is hardly one of economic equivalence as it stands. However, such a right may well exacerbate existing media concentration problems, not least because media outlets would themselves have to seek permission from one another for the use of publications (and parts of publications), thus placing SMEs at a bargaining disadvantage.

There is also no basis for thinking this proposal will tackle "fake news": indeed, the opposite seems likely. If certain users of platforms such as Twitter are prohibited from circulating the links posted by subscribers to online, publicly accessible, quality news, the chances are that such users will circulate information derived from other sources. The creation of rights so as to restrict further the circulation of quality news would simply play into the hands of producers of "fake news". This will not, as Mr Voss's amendment to recital 32 implies "guarantee the availability of [re]liable information" so much as guarantee the dominance of fake news.

In contrast, one thing is clear: the proposed right will be harmful. Adding yet another layer of protection will create uncertainty, both as to coverage and as to scope. The proposed right is not subject to a requirement of investment (by contrast with the existing protection or databases) or an originality threshold (as applies to copyright). As a consequence, the proposed protection would extend to virtually any use, even of the smallest part of a news item or other content. It has been

suggested that the right will prevent the re-use of snippets from, and hyperlinks<sup>1</sup> to, publicly available websites. If these claims turn out to be true, the new right will also harm freedom of expression and freedom of art, and impede innovation. Even if they turn out to be unfounded, the duplication of protection will create congestion and make clearances more complicated. These harms are further exacerbated by the prospect that the new right would last for a full twenty years, that is, long after the publication has any value as ‘news.’

### **Rapporteur Voss’s Proposed Amendments Will Make Matters Even Worse**

As the legislative process reaches a crucial stage, various amendments have been tabled that make the proposed right even more harmful. In particular, the proposals of the JURI rapporteur, Axel Voss, are positively dangerous. These would:

- (i) Extend the right to “news agencies”;
- (ii) Extend the rights conferred beyond reproduction and making available to encompass rental, lending and other forms of distribution to the public (Articles 3 and 9 of Directive 2006/115/EEC);
- (iii) Create an unwaivable right for the benefit of press publishers to fair and equitable remuneration as a result of all uses of their publications – even licensed ones.

If it had not come from such an influential source, we would not take these three suggestions seriously.

The first proposal is fundamentally misconceived, because press agencies do not produce press publications (the subject of the rights recognised in Article 11(1)). If the effect of the proposal is to give rights in any item included within a press publication to both press publishers and news agencies, the result will be yet another layer of licensing. For example, even if a press publisher were to permit re-use of a publication, any content within the publication deriving from a news agency would need a distinct licence.

The second proposed change, which extends the press publishers’ rights to cover public lending, rental and distribution to the public, would seem to be designed to capture for press publishers a

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<sup>1</sup> Of note, the usefulness of a ‘naked’ link (mere URL) on the web, or in other applications like ftp, is very limited as it offers the reader little useful information on the resource to which the link directs. Hence, it is customary to use link descriptors, snippets or thumbnails to assist the user in determining whether the resource linked to is worth consulting. For example, without some additional information a user will not know that <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0593>> directs to the EC proposal on Copyright in the Digital Single Market, COM/2016/0593 final.

share of funds available for 'e-lending' by public libraries (following the *VOB* decision of the CJEU). This extension would either require the allocated funds to be increased to remunerate press publishers, or would inevitably leave authors and book publishers with a smaller slice of the cake.

The third Voss amendment would give press publishers unwaivable rights that European Union law does not even recognise for individual authors, photographers or journalists (Indeed, Article 15 of the proposed Directive would not create anything close to this, only allowing authors to claim "appropriate" remuneration where their contractually-agreed remuneration was "disproportionately low"). It is absurd to suppose that press institutions are less able to look after their own bargaining interests than individual authors. If press publishers license their rights cheaply, it is not the legislature's task to save them from their own bargains. Indeed, it may well be in press publishers' best interests to license their rights for nothing, relying on other business models to profit from their investments. It is not for the EU legislature to dictate particular business models to economic entities. Indeed, the Spanish precursor of Mr Voss's initiative attracted widespread criticism on this basis.

However, Mr Voss does propose two useful amendments. First, the suggestion that the right "shall not prevent legitimate private and non-commercial use of press publications by individual users" is welcome because it is the first recognition that, **if there is to be a new EU right, there is no reason why exceptions to that right should not also be mandatory**. That said, like his other amendments, the proposal is flawed. In particular, the addition of the term "legitimate" to "private and non-commercial" leaves users with no certainty as to where they stand. Moreover, there is no sense as to how this "exception" relates to the optional private copying exceptions in Article 5(2) of Directive 2001/29. Second, Mr Voss's proposal **that journalists should receive a share of any remuneration raised** is consistent with the goals of article 15 of the proposed Directive, though it will be virtually impossible in practice to identify (i) whether remuneration results from rights in the content (for which the author has already received contractual remuneration) or from the rights in the press publication itself, and (ii) the "appropriate share" of any additional revenue.

## **Conclusion**

We call on all MEPs to oppose the Commission proposal, and with yet more determination, Mr Voss's amendments. It is time to reject, once and for all, this misguided legislative reform.

**Professor Marco Ricolfi**

Chair of Intellectual Property, Turin Law School, Italy

**Professor Raquel Xalabarder**

Chair on Intellectual Property, Universitat Oberta de Catalunya, Barcelona, Spain.

**Professor Mireille van Eechoud**

Professor of Information Law, University of Amsterdam, The Netherlands

First Signatories [as of 24.4.18 eob, consult <https://www.ivir.nl/academics-against-press-publishers-right/> for update]]

**Dr Zuzana Adamova**, Intellectual Property and Information Technologies Law Institute, Law Faculty, Trnava University

**Dr Christina Angelopoulos**, Faculty of Law, University of Cambridge, and Newnham College, Cambridge

**Professor Tanya Aplin**, Vice Dean (Research), Dickson Poon School of Law, King's College London

**Professor Eric Barendt**, Emeritus Professor of Media Law, University College of London

**Professor UG, Dr hb. Maciej Barczewski**, Head, Centre for Intellectual Property Law, University of Gdansk

**Professor Michele Bartani**, Chair of IP Law, Foggia University

**Dr Jose Bellido**, University of Kent

**Professor Lionel Bently**, Herchel Smith Professor of Intellectual Property Law, Co-director on the Centre for Intellectual Property and Information Law (CIPIL), University of Cambridge

**Dr Paul Bernal**, Senior Lecturer in IT, IP and Media Law, UEA Law School

**Dr Jennifer Birks**, Assistant Professor in Media, Nottingham University

**Dr Balazs Bódo**, Research Scientist, Institute for Information Law (IViR), University of Amsterdam

**Dr Enrico Bonadio**, Senior Lecturer, City, University of London

**Professor Maurizio Borghi**, Bournemouth University

**Daniele Bourcier**, Directrice de Recherche émérite au CNRS, Juriste, Université Paris 2

**Professor Abbe E. L. Brown**, Chair in Intellectual Property Law, University of Aberdeen

**Professor Maria Bottis**, Ionian University

**Adrien Bouvel**, Associate Professor at University of Strasbourg; Adjunct Professor, SciencesPo Law School

**Marion Briatta**, Researcher at SciencesPo Law School, Teaching Assistant at Université Paris Nanterre

**Professor Niklas Bruun**, IPR University Center, Helsinki

**Dr Shane Burke**, Lecturer in Intellectual Property Law, Cardiff University

**Professor Robert Burrell**, Professor of Law, University of Sheffield and Melbourne Law School

**Dr Robin Callender Smith**, Visiting Professor of Media Law, Centre for Commercial Law Studies at Queen Mary, University of London

**Professor Alessandro Cogo**, Chair of Intellectual Property, Turin University

**Dr Richard Danbury**, De Montfort University, Leicester

**Professor Ronan Deazley**, School of Law, Queen's University, Belfast

**Professor Katharina de la Durantaye**, Chair of Private Law and Media Law at European University Viadrina, Frankfurt (Oder)

**Juan Carlos de Martin**, Co-director of the Nexa Center for Internet and Society, Polytechnic Turin

**Professor Vincenzo di Cataldo**, Chair of IP and Business Law, University of Catania

**Professor Estelle Derclaye**, Professor of Intellectual Property Law, University of Nottingham

**Javier Díaz Noci**, Professor of Communication, Universitat Pompeu Fabra - UPF, Barcelona

**Dr Paolo Dini**, Associate Professorial Research Fellow, Department of Media and Communications, London School of Economics and Political Science

**Professor Josef Drexler**, Director of the Max Planck Institute for Innovation and Competition Law, Munich

**Professor Thomas Dreier**, Institut für Informations- und Wirtschaftsrecht, Zentrum für angewandte Rechtswissenschaft (ZAR), Karlsruher Institut fuer Technologie (KIT), Karlsruhe

**Dr Melanie Dulong de Rosnay**, Associate Research Professor – Institute of Communication Sciences (CNRS – Sorbonne University)

**Professor Séverine Dusollier**, Professor at SciencesPo Law School

**Professor Graham Dutfield**, Professor of International governance, University of Leeds

**Professor Lilian Edwards**, Professor of e-Governance, Strathclyde University

**Natasha Estèves**, Researcher at SciencesPo Law School, Paris

**Pere Fabra Abat**, Law Professor of Philosophy of law, Universitat Oberta de Catalunya - UOC, Barcelona

**Dr Benjamin Farrand**, Associate Professor of Law, University of Warwick

**Professor Valeria Falce**, Chair of Law and Regulation, European University of Rome, Italy

**Professor Anne Flanagan**, Professor of Law, Centre of Commercial Law Studies, Queen Mary University of London



**Dr. Nikolaus Forgó**, Professor of technology and intellectual property law, University of Vienna

**Professor Des Freedman**, Professor of Media and Communication Studies, Goldsmiths, University of London

**Giancarlo F. Frosio**, Senior Lecturer and Researcher, CEIPI, Université de Strasbourg

**Dr Dev Gangjee**, University of Oxford and Director, Oxford IP Research Centre

**Dr Krzysztof Garstka**, Centre for Intellectual Property and Information Law, University of Cambridge

**Professor Christophe Geiger**, Directeur Général du CEIPI, Université de Strasbourg

**Dr Daria Gęsicka**, Faculty of Law and Administration, Nicolaus Copernicus University in Toruń

**Professor Johanna Gibson**, Herchel Smith Professor of Intellectual Property Law, School of Law, Queen Mary, University of London

**Professor Jonathan Griffiths**, Queen Mary University of London

**Professor. Dr iur. Christoph B. Graber**, Chair for Legal Sociology with particular focus on Media Law, Faculty of Law, University of Zurich

**Professor Gustavo Ghidini**, Professor of IP and Competition Law, Luiss University, Rome

**Professor F. Willem Grosheide**, Professor Emeritus of Intellectual Property Law, Utrecht University

**Professor Ian Hargreaves CBE**, Professor of Digital Economy, Cardiff University

**Professor Niko Härting**, Hochschule für Wirtschaft und Recht, Berlin

**Dr Henning Grosse Ruse-Khan**, Reader in International and European Intellectual Property Law, King's College – University of Cambridge

**Dr Andres Guadamuz**, Senior Lecturer in Intellectual Property, University of Sussex

**De Edina Harbinja**, Senior Lecturer in Law, University of Hertfordshire

**Ali Haynes**, Principal Lecturer in Journalism, De Montfort University

**Professor Reto Hilty**, Director, Max Planck Institute for Innovation and Competition Law, Munich

**Professor Dr Thomas Hoeren**, University of Münster

**Professor Bernt Hugenholtz**, Institute for Information Law, University of Amsterdam

**Martin Husovec**, Assistant Professor of Intellectual Property Law at the Tilburg University (Tilburg Institute for Law, Technology and Society (TILT) and Tilburg Law and Economic Center (TILEC))

**Dr Marta Iljadica**, University of Aberdeen

**The Rt. Hon. Professor Sir Robin Jacob**, Hugh Laddie Professor of Intellectual Property Law, UCL Laws, University College London

**Dr Sabine Jacques**, Lecturer in IP/IT/Media Law, University of East Anglia

**Professor Thomas Jaeger**, Chair for European Law, University of Vienna

**Professor Marie-Christine Janssens**, Professor of Intellectual Property Law, University of Leuven

**Professor Phillip Johnson**, Professor of Commercial Law, Cardiff Law School

**Nicolas Jondet**, SCRIPT Research Centre in IP and IT Law, University of Edinburgh

**Dr Bernd Justin Jütte**, Research Fellow, University of Nottingham

**Dr Nikos Koutras**, University of Antwerp

**Professor Martin Kretschmer**, Director, CREATE, University of Glasgow

**Professor Dr Rainer Kuhlen**, Department of Computer and Information Science, University of Konstanz

**Dr Paul Lashmar**, School of Arts and Social Sciences, Department of Journalism, City University, London

**Dr Yin Harn Lee**, University of Sheffield

**Professor Dr iur. Matthias Leistner**, Lehrstuhl für Bürgerliches Recht und Recht des Geisigen Eigentums mit Informations- und IT-Recht, Ludwig-Maximilians-Universität, Munich

**Dr Ewa Laskowska-Litak**, Assistant Professor, Faculty of Law and Administration, Jagiellonian University, Krakow

**Professor Nari Lee**, Professor of Intellectual Property Law, Dept of Accounting and Commercial Law, HANKEN School of Economics, Helsinki

**Professor Arno Lodder**, Professor of Internet Law, Centre for Law and the Internet (CLI), Vrije Universiteit Amsterdam

**Professor Fiona Macmillan**, Birkbeck College, University of London

**Professor Frank Macrez**, Associate Professor, CEIPI, University of Strasbourg

**Professor Hector MacQueen**, Professor of Private Law, University of Edinburgh Law School

**Dr Luke McDonagh**, Senior Lecturer, Law School, City, University of London

**Professor Daithí Mac Síthigh**, Professor of Law and innovation, Queens University, Belfast

**Professor Spyros M. Maniatis**, Institut director, British Institute of International and Comparative Law, London

**Professor Luigi Mansani**, Chair of Intellectual Property Law, Department of Economics and Management, University of Parma

**Dr Thomas Margoni**, Senior Lecturer in Intellectual Property and Internet Law, University of Glasgow

**Professor Christopher Marsden**, Sussex Law School, University of Sussex

**Professor Duncan Matthews**, Chair in Intellectual Property Law, Centre of Commercial Law Studies, Queen Mary University of London

**Carlo Emanuele Mayr**, Business and IP Law, University of Ferrara

**Dr Giuseppe Mazziotti**, Assistant Professor in Intellectual Property Law, Trinity College, Dublin

**Mr Bartolomeo Meletti**, Copyright Education Creative Director, CREATE, University of Glasgow

**Professor Dinusha Mendis**, Co-Director CIPPM, Professor of Intellectual Property & Innovation Law, Bournemouth University

**Professor Dr Axel Metzger**, Juristische Fakultät, Humboldt-Universität zu Berlin

**Dr habil. Péter Mezei**, Associate Professor of Law, Faculty of Law, University of Szeged Adjunct Professor (dosentti), Faculty of Law University of Turku

**Dr Sally Broughton Micova**, Lecturer in Communications Policy and Politics, School of Politics, Philosophy, Language and Communication Studies, University of East Anglia

**Professor Lucian Mihai**, Professor of Intellectual Property Law, Chair of the Private Law Department, University of Bucharest Faculty of Law

**Dr Marc Mimler**, Lecturer in Law, Department of Law, Bournemouth University

**Professor Dr Vytautas Mizaras**, Head of the Scientific Center of European Private Law and Intellectual Property Law, Vilnius University

**Maria Lillà Montagnani**, Associate Professor of Commercial Law, Bocconi University of Milan

**Professor Andrew Murray**, Professor of Law, London School of Economics and Political Science

**Professor Dr Alberto Musso**, Full Professor of intellectual Property Law, School of Law, Department of Legal Studies, Università di Bologna

**Professor Tuomas Mylly**, Professor of Commercial Law, Faculty of Law, University of Turku

**Ulla-Maija Mylly**, Postdoctoral researcher, TIAS, Faculty of Law, University of Turku

**Dr Matěj Myška**, Assistant Professor, Institute of Law and Technology, Faculty of Law, Masaryk University

**Professor Eoin O'Dell**, Faculty of Law, Trinity College, Dublin

**Professor Dr Ansgar Ohly**, Ludwig Maximilian University Munich

**Dr Claudy Op den Kamp**, Lecturer in Film, Faculty Member CIPPM, Bournemouth University

**Dr Eberhard Ortland**, Philosophisches Seminar, Westfälische Wilhelms-Universität Münster (WWU Münster)

**Professor Andrea Ottolia**, Chair of IP Law, Genova University

**Miquel Peguera Poch**, Professor of Commercial law, Universitat Oberta de Catalunya - UOC, Barcelona

**Professor Dr Alexander Peukert**, Goethe-Universität Frankfurt am Main – Exzellenzcluster Normative Ordnungen, Frankfurt am Main

**Dr Justine Pila**, Faculty of Law, University of Oxford

**Antoni Rubí Puig**, Associate Professor (int.) of Civil law, Universitat Pompeu Fabra - UPF, Barcelona

**Doc. JUDr Radim Polčák**, Head of the Institute of Law and Technology, Faculty of Law, Masaryk University, Brno

**Professor Dusan V. Popovic**, Chair in IP Law, Faculty of Law, University of Belgrade

**Professor Yves Poulet**, Professeur honoraire à la faculté de droit, Université de Namur, Associate Professor at the Catholic University of Lille

**Professor Stuart Price**, Professor of Media and Political Discourse, Leicester Media School, De Montfort University, Leicester

**Professor André Puttemans**, IP Law Professor, Université Libre de Bruxelles and KU Leuven

**Dr João Pedro Quintais**, Postdoctoral Researcher, Institute for Information Law (IViR), University of Amsterdam

**Professor Andreas Rahmatian**, Professor of Commercial Law, School of Law, University of Glasgow

**Dr Ana Ramalho**, Assistant Professor in Intellectual Property Law, Maastricht University

**Professor Giovanni Ramello**, Chair of Law and Economics, Università del Piemonte Orientale

**Professor Chris Reed**, Professor of Electronic Commerce Law, Centre for Commercial Law studies, Queen Mary University of London

**Tito Rendas**, Lecturer in Copyright Law, Universidade Católica Portuguesa, Lisbon

**Professor Thomas Riis**, Center for Information and Innovation Law (CIIR), University of Copenhagen

**Professor Dr Kristoff Ritlewski**, Professor of Intellectual Property Law at Hochschule Osnabrück, Counsel at IP Center, Bucerius Law School, Hamburg

**Professor Ole-Andreas Rognstad**, Professor of Law, Department of Private Law, University of Oslo

**Dr Eleonora Rosati**, Associate Professor in Intellectual Property Law, University of Southampton, UK

**Concepción Saiz García**, Professor of Civil law, Universitat de València

**Professor Richard Sambrook**, Professor of Journalism and Director of the Centre for Journalism, Cardiff University

**Professor Davide Sarti**, Chair of IP Law, Ferrara University

**Andrej Savin**, Associate Professor, Copenhagen Business School (CBS), Copenhagen

**Professor Dr Reinold Schmücker**, Department of Philosophy, Westfälische Wilhelms-Universität Münster (WWU Münster)

**Professor Jens Schovsbo**, Center for Information and Innovation Law (CIIR), University of Copenhagen

**Sebastian Felix Schwemer**, Center for Information and Innovation Law (CIIR), University of Copenhagen

**Professor Martin Senftleben**, Professor of Internet Law, Centre for Law and the Internet (CLI), Vrije Universiteit Amsterdam

**Dr Noam Shemtov**, Senior Lecturer in Intellectual Property and Technology Law, Queen Mary University of London

**Dr Daniele Simone**, University College London

**Dr Will Slauter**, Associate Professor, Université Paris Diderot – Institut Iniversitaire de France

**Professor Dr Olaf Sosnitzer**, Juristische Fakultät Universität Würzburg

**Nuno Sousa e Silva**, Assistant Lecturer at the Porto Faculty of Law, Universidade Católica Portuguesa

**Professor Dr Gerald Spindler**, Department of Corporate Law, Civil Law – Internet Law, Copyright and Telecommunications Law, Faculty of Law, University of Goettingen

**Professor Marco Saverio Spolidoro, Chair of Intellectual Property Law, Catholic University of Milan**

**Sophie Stalla-Bourdillon**, Associate Professor in Information Technology Law, University of Southampton

**Professor Dr Rafał Sikorski**, Professor of Law, Faculty of Law and Administration at Adam Mickiewicz University

**Professor Alain Strowel**, Professor, Faculties of Law of the University Saint-Louis in Brussels and of the Catholic University of Louvain

**Professor Uma Suthersanen**, Professor of International Intellectual Property Law, Queen Mary University of London

**Gavin Sutter**, Senior Lecturer in Media Law, CCLS, School of Law, Queen Mary University of London

**Professor Eleni-Tatiana Synodinou**, University of Cyprus

**Dr Hab. Anna Tischner, Intellectual Property Chair, Jagiellonian University Krakow, Poland**

**Professor Dr Paul Torremans**, Professor of Intellectual Property Law, School of Law, University of Nottingham

**Dr Judith Townend**, Lecturer in Media and Information Law, University of Sussex

**Professor Dr N.A.N.M. van Eijk**, Institute for Information Law (IViR) Director, University of Amsterdam

**Dr Stef van Gompel**, Institute for Information Law (IViR), University of Amsterdam

**Professor Dr Joris van Hoboken**, Professor of Law, Vrije Universiteit Brussels & Senior Researcher, University of Amsterdam

**Professor Bruno van Pottelsberghe**, Professor, Solvay Brussels, School of Economics and Management, Université Libre de Bruxelles

**Professor em. Dirk Voorhoof**, Human Rights Centre, Ghent University/ Legal Human Academy

**Professor Ian Walden**, Professor of Information and Communication Law, Centre of Commercial Law Studies, Queen Mary, University of London

**Professor Charlotte Waelde**, Chair in Intellectual Property Law, Centre for Dance Research, Coventry University

**Professor Dr Guido Westkamp**, Chair in Intellectual Property and Comparative Law, Centre for Commercial Law Studies, Queen Mary University of London

**Esther Vilalta Nicuesa**, Professor of Civil law, Universitat Oberta de Catalunya - UOC, Barcelona

**Professor Michel Vivant**, SciencesPo, Paris

**Łukasz Żelechowski**, Assistant Professor, Faculty of Law and Administration, University of Warsaw

## Addendum

### Previous Academic Statements Opposing the Proposed Press Publishers' Rights

**L Bently** et al, Letter from 37 Professors to the United Kingdom's IPO

<https://www.iposgoode.ca/wp-content/uploads/2016/12/IPOModernisingIPProfResponsePressPublishers.pdf>

**L. Bently, M. Kretschmer**, *Strengthening the Position of Press Publishers and Authors and Performers in the Copyright Directive*, September 2017: PE 596.810

[http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596810/IPOL\\_STU\(2017\)596810\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596810/IPOL_STU(2017)596810_EN.pdf)

**CEIPI**: Christophe Geiger, Oleksandr Bulayenko and Giancarlo Frosio, Opinion of the CEIPI on the European Commission's copyright reform proposal, with a focus on the introduction of neighbouring rights for press publishers in EU law

[http://www.ceipi.edu/fileadmin/upload/DUN/CEIPI/Documents/CEIPI\\_Opinion\\_on\\_the\\_introduction\\_of\\_neighbouring\\_rights\\_for\\_press\\_publishers\\_in\\_EU\\_final.pdf](http://www.ceipi.edu/fileadmin/upload/DUN/CEIPI/Documents/CEIPI_Opinion_on_the_introduction_of_neighbouring_rights_for_press_publishers_in_EU_final.pdf)

**R Danbury**, Is an EU publishers' right a good idea? Final report on the AHRC project: Evaluating potential legal responses to threats to the production of news in a digital era

[https://www.cipil.law.cam.ac.uk/sites/www.law.cam.ac.uk/files/images/www.cipil.law.cam.ac.uk/documents/copyright\\_and\\_news/danbury\\_publishers\\_right\\_report.pdf](https://www.cipil.law.cam.ac.uk/sites/www.law.cam.ac.uk/files/images/www.cipil.law.cam.ac.uk/documents/copyright_and_news/danbury_publishers_right_report.pdf)

**European Copyright Society**, Answer to the EC Consultation on the role of publishers in the copyright value chain, 15 June 2016,

<https://europeancopyrightsocietydotorg.files.wordpress.com/2016/06/ecs-answer-to-ec-consultation-publishers-role-june16.pdf>

**IViR-CIPIL Conference**, Copyright, related rights and the news in the EU: Assessing potential new laws, (April 2016),

<https://www.ivir.nl/newsconference2016/>

**The Max Planck Institute**. Reto M. Hilty, Kaya Köklü, Valentina Moscon, Position Statement of the Max Planck Institute for Innovation and Competition on the "Public consultation on the role of publishers in the copyright value chain" at

[https://www.ip.mpg.de/fileadmin/ipmpg/content/aktuelles/MPI\\_Position\\_statement\\_15\\_6\\_2016\\_def.pdf](https://www.ip.mpg.de/fileadmin/ipmpg/content/aktuelles/MPI_Position_statement_15_6_2016_def.pdf)

**A Peukert**, *An EU Related Right for Press Publishers Concerning Digital Uses. A Legal Analysis* Research Paper of the Faculty of Law, Goethe University Frankfurt am Main No. 22/2016

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2888040](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2888040)

**E Rosati**, 'The Proposed Press Publishers Right: An Actual Solution?', in *Better Regulation for Copyright: Academics meet Policy Makers* (2017) at [https://juliareda.eu/wp-content/uploads/2017/09/2017-09-06\\_Better-Regulation-for-Copyright-Academics-meet-Policy-Makers\\_Proceedings.pdf](https://juliareda.eu/wp-content/uploads/2017/09/2017-09-06_Better-Regulation-for-Copyright-Academics-meet-Policy-Makers_Proceedings.pdf)

**M van Eechoud**, *A publisher's intellectual property right: Implications for freedom of expression, authors and open content policies* (January 2017)

[https://www.ivir.nl/publicaties/download/OFE\\_Implications\\_of\\_publishers\\_right.pdf](https://www.ivir.nl/publicaties/download/OFE_Implications_of_publishers_right.pdf)

**S van Gompel**, 'The Proposed Publishers' Right in Press Publications: An Evidential Mistake,' in *Better Regulation for Copyright: Academics meet Policy Makers* (2017) at [https://juliareda.eu/wp-content/uploads/2017/09/2017-09-06\\_Better-Regulation-for-Copyright-Academics-meet-Policy-Makers\\_Proceedings.pdf](https://juliareda.eu/wp-content/uploads/2017/09/2017-09-06_Better-Regulation-for-Copyright-Academics-meet-Policy-Makers_Proceedings.pdf)

[https://juliareda.eu/wp-content/uploads/2017/09/2017-09-06\\_Better-Regulation-for-Copyright-Academics-meet-Policy-Makers\\_Proceedings.pdf](https://juliareda.eu/wp-content/uploads/2017/09/2017-09-06_Better-Regulation-for-Copyright-Academics-meet-Policy-Makers_Proceedings.pdf)

**R Xalabarder**, CREATE Public Lecture: Press publisher rights in the proposed Directive on Copyright in the Digital Single Market, (also E.I.P.R. 2017 39(10) pp.607-622)

<http://www.create.ac.uk/events/press-publisher-rights-in-the-proposed-directive-on-copyright-in-the-digital-single-market-resources/>