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# Print and Digital on a Fair Playing Field

Francine Cunningham

Executive Director

European Newspaper Publishers' Association



# Promoting newspapers on all platforms

## Introducing ENPA

- Non-profit association based in Brussels
- 29 Member associations
- Representing over 5,200 national, regional, local titles
- More than 150 million newspapers sold every day
- Read by more than 300 million people in Europe
- Newspaper websites receive tens of millions of visits daily

# Mission in Brussels

## Message to decision makers

- Industry driving innovation and change
- Multi-channel: working on all platforms
- Actively contributing to the creative economy
- Responding to and pre-empting consumer needs
- Essential to democratic debate and engaged citizenship

# EU Flagship Project

## The Digital Agenda

- Part of EU 2020 strategy for « Smart, sustainable and inclusive growth »
- EC Vice-President Neelie Kroes responsible for Digital Agenda
- Aim is « to deliver sustainable economic and social benefits from a digital single market based on fast and ultra fast internet and interoperable applications »
- Content **only** a driver of consumer demand for broadband etc?

# The real challenges

## News Aggregators

- Press content developed by others is used as an added value for the commercial services of tech companies
- Use content without permission and/or remuneration
- Access to content via news aggregators can result in users not directly accessing newspaper websites
- Reduced visits to newspaper websites means lower advertising revenues

# Copiepresse vs. Google

## News Aggregators

- 5 May 2011: Court of Appeal in Brussels confirmed 2007 judgement
- Copiepresse argued that Google News infringed copyright
- Copyrighted articles from French and German language press in Belgium
- Terms of use prohibit reuse and dissemination for commercial purposes
- Court found that Google used without right holders' prior authorisation
- American law (fair use) not applicable and no legal exception

# Google: competition issues

## EU anti-trust investigation

- Nov 2010: EC launched formal antitrust investigation into Google based on complaints by competing companies Ciao, Foundem and ejustice.fr
- Decision to be taken on:
  - Alleged unfavourable treatment by Google of competing vertical search service providers in **Google search**
  - Alleged imposition of exclusivity obligations on its advertising and distribution partners (**AdSense**)
  - Imposition of suspected restrictions on advertisers as to the portability of campaign data to competing advertising platforms (**AdSense**)

# Google: competition issues

## Italian investigation

- End 2010, Italian Antitrust Authority closed its investigation into Google's practices and made commitments received from Google binding.
- Google obliged for first time to substantially modify its commercial and editorial policies as a result of the actions of Italian publishers (FIEG).
- Antitrust Authority recommended to government to fix imbalance in copyright law that allows use of press content without remuneration.

# Google: competition issues

## French inquiry

- February 2010: French Minister of Economy asked the French Antitrust Authority to give opinion on the way the online market works.
- Results published in December 2010:
  - Dominant position of Google on search advertising market
  - Nevertheless no abuse of the dominant position
  - A “form of economic free-riding” by Google as news aggregator
  - Press publishers should be able to request and obtain exclusion
  - “Sapin law”, introducing transparency in advertising rates, should be transposed to the online advertising sector.

# News media on Tablets

## Apple's iPad

- Feb 2011: threat of restrictive conditions on Apple iPad
- Publishers contacted by Apple in a number of European countries
- New conditions for both online subscribers to newspapers and also for print subscribers, who had enjoyed access to their newspaper on iPad
- In future, consumers may only have access to the newspaper of their choice via the iTunes store
- Transaction would be subject to commission. (30% initially suggested)

# What publishers want

## Relationship with technology platforms

- To provide readers with a range of offers e.g. combining access to newspapers online and on tablets
- To provide offers for print subscribers that also allow access to digital formats.
- To know our readers: business model of newspapers is dependent on direct access to their subscribers.
- Freedom of choice of payment systems and the possibility to negotiate pricing for digital publications.

# What publishers want

## Relationship with technology platforms

- Ask prior authorisation and negotiate with publishers before using content
- Remunerate publishers for use of content
- Provide more transparency and search neutrality regarding ranking systems
- Ensure fair competition in the online advertising market which allows other players to provide alternative offers

# Fair playing field

## Getting the right legislative framework

- EU goal of allowing citizens to enjoy culture across borders cannot be achieved without placing value of content at the centre of Digital Agenda.