Draft agendas

Third and fourth meeting of the stakeholder dialogue under Article 17 of the Directive on Copyright in the Digital Single Market - (EU) 2019/790

25 November 2019 and 16 December 2019

At the meeting of 5 November, the Commission invited stakeholders to volunteer to make technical presentations as regards licensing and the application of content identification tools and technologies.

Following up on the proposals received from stakeholders, at the two upcoming stakeholder dialogue meetings the Commission would like to hold detailed discussions on current market practices based on these presentations, each followed by specific 'Questions and Answers' sessions.

The Commission would like to devote enough time to each presentation to go into sufficient detail and for an exchange of views to take place, also taking into account the significant number of proposals for technical presentations that we have received. For this reason, two meetings, on the 25 November and on the 16 December, will be dedicated to the technical presentations.

Getting deeper insights into existing practices and means for the management of copyright-protected content and into what they allow to do today will help to frame further discussions on how Article 17 could be applied in practice.

The Commission therefore asks stakeholders who have expressed their wish to make a technical presentation to focus on their practices with concrete examples and experiences, and to refrain from presenting policy and legal positions at this stage.

The Commission intends to divide the presentations between the 25 November and 16 December meetings to have a diverse representation of different market players and sectors at each occasion.

Steering questions to frame the presentations and the exchange of views are put forward in the attached annotated agendas for each of the two meetings (see below).

When making their presentations, either on the current content identification tools or on licensing practices, speakers are invited to base their presentations on the steering questions laid down in the agenda (please note that different sets of steering questions are proposed on tools and licencing respectively; for some presentations both sets of questions may be relevant, for example when content management tools are used both for licensing purposes and to prevent the availability of unauthorised content).

The Commission would also like to have presentations by users' organisations focusing on concrete examples of problems that end-users may face today with the upload of their content on content sharing services, as well as their experiences with available redress mechanisms when they want to challenge the blocking or removal of their content.

The presentations should be limited to <u>15-20 minutes</u> maximum to allow enough time for an exchange of views following the presentations.

Third meeting on 25 November

CHARLEMAGNE building of the European Commission, Room Sicco Mansholt

170, rue de la Loi - 1049 Brussels

10.00-18.30

1. *Introduction by the European Commission*

2. *TECHNICAL PRESENTATIONS ON*

    (i) *the tools/technologies used for content management and for avoiding unauthorised content on content sharing services - different tools and technologies used today, which may be used for licensing purposes and to avoid unauthorised content;*

    (ii) *current licensing practices - different licensing models used today for the use of content on content-sharing services and various tools used therefor.*

To the extent possible and relevant, we would like the presentations to touch upon the following questions:

(i) Questions related to the tools/technologies

Common questions for all stakeholders speaking about the tools/technologies used to manage content online:

> *- What tools/technologies do you use today to identify content (keyword search, metadata search, fingerprinting, other) and for which type of content? What do these tools/technologies allow to do and what are their limitations (e.g. what type of content do they allow to identify? what are your policies and technical capabilities as regards the minimum length/duration of the content that you identify)?*

> *- In the application of tools/technology, do you take into account, and if so how, situations where the use of content may not infringe copyright, including uses under exceptions and limitations?*

Questions for online content-sharing service providers:

> *- Who is permitted to use the tools that you provide (all rightholders, creators or only certain categories of rightholders/creators)? Are different options of tools available for rightholders and individual creators?*

> *- Are there any challenges related to the data provided by rightholders/creators for the application of the tools/technologies that you use (e.g. different fingerprints, rights not clear,*

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contradictory rights' claims)? Are there any specific requirements as to the data that you ask from rightholders/creators? Why?

- Can rightholders define the policy and parameters for the use of their content through the tools/technologies that you use?

- What type of information do you share today with rightholders/creators on the use of tools/technologies and the use of their content on your website?

- Do you have a redress mechanism available for end-users today and if yes, how do you deal with the end-user complaints and requests to restore their content (e.g. in which timeframe and how do you take the decision to restore or not the content that has been blocked or removed)?

Questions for rightholders/creators:

- What are the main practical challenges you face today with the use of the tools/technologies provided by content-sharing services or third-party technology providers?

- What type of information do you provide for the identification of your content?

(ii) Questions related to licensing practices

Common questions for all stakeholders speaking about licensing practices:

- Are the granted licences mainly of the type referred to as 'blanket licences' (covering entire catalogues of works) or do they cover individual works/other subject-matter? Are the payments made pursuant to the licences linked to the actual uses of works/other subject-matter?

- Are the uses by individual end-users for user-generated content covered by the licences concluded?

Questions for online content-sharing service providers:

- Do you provide tools to obtain a licence from individual creators? If yes, which ones?

- What are the main practical challenges you face when you seek to obtain a licence with relevant rightholders/creators?

Questions for rightholders/creators:

- What are the main practical challenges you face when granting licences to content sharing services?

- Do you provide tools for content-sharing services that facilitate licensing? If yes, which ones?

- Do you differentiate between content-sharing services of different sizes in your licensing practices (e.g. easier tools to use, different pricing for start-ups/small companies)?

After each presentation, we will have a short 'Questions and Answers' session and an exchange of views based on the steering questions outlined above.

3. **_Lunch break (sandwich lunch provided)_**

4. **_Continuation of the presentations_**

5. **_Concluding remarks by the European Commission_**

Fourth meeting on 16 December

CHARLEMAGNE building of the European Commission, Room Sicco Mansholt

170, rue de la Loi-1049 Brussels

10.00-18.30

1. *Introduction by the European Commission*

2. *CONTINUATION OF TECHNICAL PRESENTATIONS ON*

   (i) <u>*the tools/ technologies used for content management and to avoid unauthorised content on online content sharing services*</u> *- different tools and technologies used today, which may be used for licensing purposes and to avoid unauthorised content;*

   (ii) <u>*current licensing practices*</u> *- different licensing models used today for the use of content on content-sharing services and various tools used therefor..*

<u>*We will continue with the presentations started on the 25th of November.*</u> *In the same way as for the meeting of 25 November,* <u>*to the extent possible and relevant,*</u> *we would like the presentations to touch upon the following questions:*

(i) Questions related to the tools/technologies

<u>*Common questions for all stakeholders speaking about the tools/technologies used to manage content online:*</u>

- What tools/technologies do you use today to identify content (keyword search, metadata search, fingerprinting, other) and for which type of content? What do these tools/technologies allow to do and what are their limitations (e.g. what type of content do they allow to identify? What are your policies and technical capabilities as regards the minimum length/duration of the content that you identify)?

- In the application of tools/technology, do you take into account, and if so how, situations where the use of content may not infringe copyright, including uses under exceptions and limitations?

<u>*Questions for online content-sharing service providers:*</u>

- Who is permitted to use the tools that you provide (all rightholders, creators or only certain categories of rightholders/creators)? Are different options of tools available for rightholders and individual creators?

- Are there any challenges related to the data provided by rightholdes/creators for the application of the tools/technologies that you use (e.g. different fingerprints, rights not clear,

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contradictory rights' claims)? Are there any specific requirements as to the data that you ask from rightholders/creators? Why?

- Can rightholders define the policy and parameters for the use of their content through the tools/technologies that you use?

- What type of information do you share today with rightholders/creators on the use of tools/technologies and the use of their content on your website?

- Do you have a redress mechanism available for end-users today and if yes, how do you deal with the end-user complaints and requests to restore their content (e.g. in which timeframe and how do you take the decision to restore or not the content that has been blocked or removed)?

Questions for rightholders/creators:

-What are the main practical challenges you face today with the use of the tools/technologies provided by content sharing services or third party technology providers?

- What type of information do you provide for the identification of your content?

(ii) Questions related to licensing practices

Common questions for all stakeholders speaking about licensing practices:

- Are the granted licences mainly of the type referred to as 'blanket licences' (covering entire catalogues of works) or do they cover individual works/other subject-matter? Are the payments made pursuant to the licences linked to the actual uses of works/other subject-matter?

- Are the uses by individual end-users for user-generated content covered by the licences concluded?

Questions for online content-sharing service providers:

- Do you provide tools to obtain a licence from individual creators? If yes, which ones?

- What are the main practical challenges you face when you seek to obtain a licence with relevant rightholders/creators?

Questions for rightholders/creators:

- What are the main practical challenges you face when granting licences to content sharing services?

- Do you provide tools for content-sharing services that facilitate licensing? If yes, which ones?

- Do you differentiate between content-sharing services of different sizes in your licensing practices (e.g. easier tools to use, different pricing for start-ups/small companies)?

After each presentation, we will have a short 'Questions and Answers' session and an exchange of views based on the steering questions outlined above.

3. *Lunch break (sandwich lunch provided)*

4. *Continuation of the presentations*

5. *Presentations by users' organisations*

The Commission would like to have presentations by users' organisations focusing on (i) concrete examples of issues that end-users face today when they upload their content on OCSSPs and (ii) on their experiences with available redress mechanisms to challenge blocking or removal of their content.

6. *Concluding remarks by the European Commission*