



Kantar lose to PMG - Digital Copying by MMOs Must Be Licensed

Berlin courts ruled on 18th December that MMOs need permission for a mastercopy (as opposed to one copy per client) digital processing of press content and have rejected Kantar Germany's counterclaim that publisher owned PMG is abusing market power.

The case follows MMOs resistance to PMGs introduction of a licence covering digital production. In Germany MMOs use press content from online, epaper or scanned print editions for their production of press reviews in competition with PMGs direct client service Presse Monitor. Individual copying of an article for a specific client has been replaced by the use of one master copy for a multitude of clients. These master copies are held within searchable databases from which a range of additional services can be created. That process and whether a licence is required for mass digitisation was the central point of the case. The ruling suggests that German MMOs will require permission (a licence) from individual publishers or PMG as a one-stop-shop. This could have significant financial impact on service fees.

Kantar were ordered to pay PMGs costs in this action. They have until early February to decide whether to appeal the ruling.

Does Factiva – Meltwater deal undermine news licensing?

In October Dow Jones announced a tie up with Meltwater in which Meltwater would include news publishers content licensed to Dow Jones without express approval. This mirrors similar agreements Lexis Nexis have reached with Cision and other MMOs. The deals underline the lack of control publishers have over what Dow Jones – or other aggregators - choose to do with their content, the price they sell it at, and the notice they give. Additionally LexisNexis have been seen to include content scraped from publisher sites in their paid for services – without permission of payment.

Publishers can consider whether how they address that control issue, through contractual terms, delivery timing or other strategies. These are decisions for them.

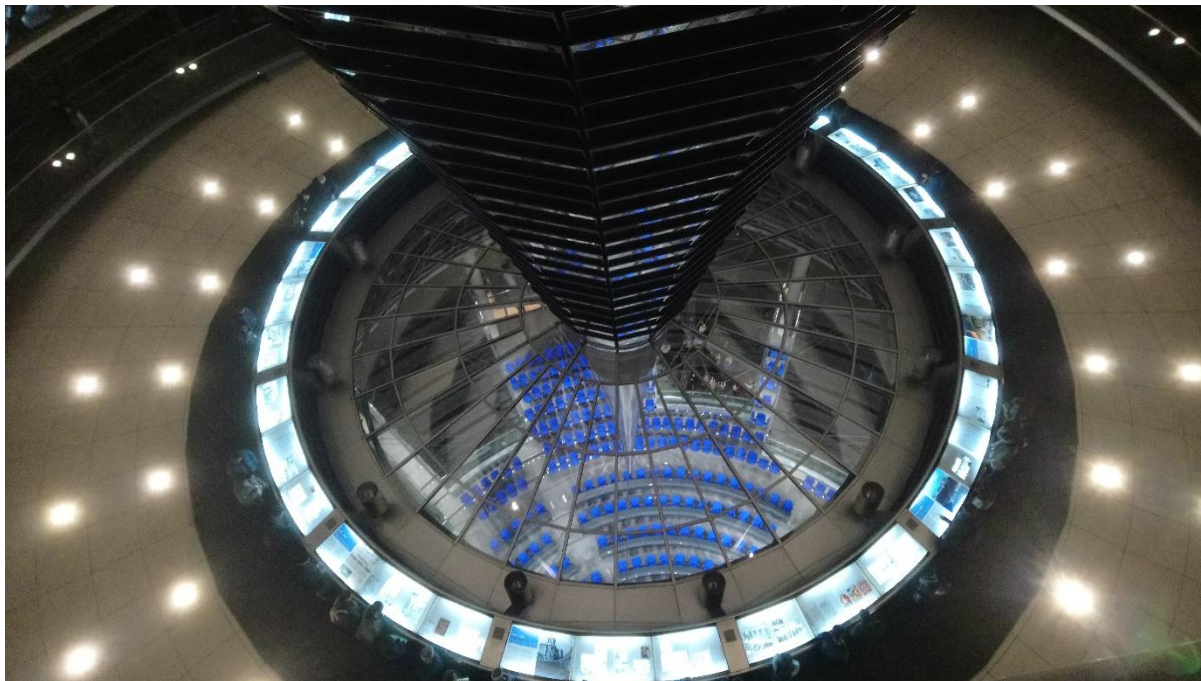
The deal suggest Dow Jones no longer feel they can reach smaller clients. It must reflect the overall weakness of their view of the Factiva service to hand the content to a former competitor.

Canada - hotter than you think

Following Cision's acquisition of French language specialist aggregator CEDROM and Meltwater's purchase of its competitor Informart, Cision have signed an exclusive agreement with Globe and Mail. Smaller MMOs are anxious that - as in some Nordic countries – exclusive deals mean users will face issues getting comprehensive coverage. The lack of a central licensing clearing house is – arguably – damaging rights holders interests.

‘Creative Destruction’ PDLN Annual Conference - Berlin

PMG will host the 2019 PDLN conference in Berlin May 26th- 28th. The venue is the historic Oderberger Hotel. The conference website <http://pdln-conference2019.strikingly.com/> is now live and the first delegates are already booked. The main dinner on the Monday at its prestigious Bertelsmann offices at 1, Unter den Linden.



Is it a UFO? No it's the Reichstag



PDLN Seminar on web licensing - Barcelona – November 27th

CEDRO hosted a PDLN seminar in November to explore the challenges and opportunities for web licensing, web content delivery, and how web scraping can be improved on through direct delivery and also techniques to protect web content. The event focused on the wider themes and possibilities for managing these processes, using experience of web scraping and direct web content delivery, rather than technology. Presentations from CFC on web scraper blocking, NLA on its eClips web solutions, and CEDRO and PMG on their licensing approaches were received with interest.

Attendees included PDLN members from Spain, Portugal, Poland, France, Ireland and Germany, with a special shout to Virginia Morrison, who made it from Australia, European Publishers Council, and the Spanish newspaper attendees. Presentations and audio are available to members on the PDLN website.



The future of web licensing? Staff from NLA, CFC, EPC and CAL working hard

Google targeted by Australian Competition Regulator

A draft report from Australia's competition regulator (ACCC) into the market power of digital search engines, social media platforms, and digital content aggregators has been published.

The ACCC makes a number of policy recommendations including strengthen our merger laws, preventing mobile operators installing default search settings (e.g. for Google), setting up a new regulatory authority to monitor, investigate and report on the behaviour of such entities (with over \$100 million turn over in revenue).

“The regulatory authority could have the power to investigate complaints, initiate its own investigations, make referrals to other government agencies and to publish reports and make recommendations.”

The ACCC finds that Google has a substantial degree of market power in a number of markets including the -on-line search market (94% of searches in Australia are through Google), the supply of on-line search advertising and the supply of news media and referral services. They also find Facebook has a substantial degree of market power in the market for social media services, display advertising and the supply of news referral services.

The ACCC also says that they both act like media companies (compiling content etc.) but are not subject to traditional media regulation (which does impose costs, such as Australian content quotas, on news media organisations).

<https://www.accc.gov.au/focus-areas/inquiries/digital-platforms-inquiry/preliminary-report>

EU update

PDLN member IFRRO report that the EC Parliaments DSM review was logjammed as we went to press. It is reported that it is now now up to Germany and France to agree on a compromise, which they are working on at the moment. The big fanfare around the cooperation between the two countries is considered as an additional motivation for them to find an agreement. We heard that getting Germany on side would in effect provide the majority needed for it to go through (assuming that no other country switches sides). The NL, which sided with Germany and others in the last meeting, has given its opinion on Arts. 11 and 13 via twitter (see [here](#)).

New Zealand - UK Partnership Announced

NLA licensees will now be able to copy most New Zealand newspapers under the terms of their NLA licences, following an agreement reached between NLA media access and PMCA, New Zealand's newspaper licensing agency. NLA and PMCA are PDLN members, making this one of many licensing advances PDLN has helped create.

This new agreement further simplifies licensing of international content, and builds on the growing range of agreements NLA has reached with its peers abroad. NLA users can now copy content from over 20 major countries using their UK NLA agreement.

The agreement is reciprocal, and allows PMCA licensees to use UK content. This covers print and web content, and includes rights for media monitoring companies as well as businesses and PR users.

NLA and PMCA are focused on making copyright compliance easy. They know that international content is increasingly important to businesses. Andrew Hughes of NLA said ""We will continue to work to make it easier for UK plc to access and use international news, and to support use of UK content in other territories "".

New team at AMEC

AMEC with new CEO Johna Burke and Chairman Richard Bagnall in place has announced the composition of its most international AMEC Board yet following the Elections.

The new Board, which takes office from 1st January, will have 10 different nationalities represented.

New members are:

- Ann-Sofie Krol, CEO & Founding partner By Brick Insight, Sweden.
- Francois van Dyk, Head of Operations, Ornico Group (Pty) Ltd, South Africa.
- Gerard McNamara, VP EMEA, TrendKite, UK.
- Jerry Ward, Managing Director, Press Data, UK.
- Maya Koleva, Head of Research & Insight, Commetric, Bulgaria

Full announcement <https://amecorg.com/2018/12/new-board-announced-most-international-yet/>

Back to the Future

Cision have recruited two of the directors who sold UK leading MMO Precise to Kantar three years ago. Peter Low joins as CEO, EMEA and Keir Fawcus and UK MD. Having two senior figures at the other large UK MMO may add to pressure on the Kantar business.

Future dates;

AMEC annual conference	May 21-23 rd
PDLN conference, Berlin	May 27 th -29
IFRRO Spring meeting (provisional)	June 5-7 th
WAN IFRA, Glasgow	June 1-3 rd
FIBEP Congress, Lima, Peru	November 5-7 th