

French regulator orders Google pay copyright fees to media groups

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France wants Google to negotiate on neighbouring rights

France's competition regulator said Thursday that Google must start paying media groups for displaying their content, ordering it to begin negotiations after refusing for months to comply with Europe's new digital copyright law.

The agency said it "requires Google, within three months, to conduct negotiations in good faith with publishers and news agencies on the remuneration for the re-use of their protected contents".

"This injunction requires that the negotiations effectively result in a proposal for remuneration from Google" that must be applied retroactively to October 2019, when France became the first country to ratify the EU law.

The new rule on so-called "neighbouring rights" is designed to ensure news publishers are compensated when their work is shown on websites, search engines and social media platforms.

But Google, which effectively has a lock on internet searches in Europe, refused to comply, saying that articles, pictures and videos would be shown in search results only if media groups consent to let the tech giant use them at no cost.

If they refuse, only a headline and a bare link to the content will appear, Google said, almost certainly resulting in a loss of visibility and potential ad revenue for the publisher.

Media groups and news agency Agence France-Presse lodged a complaint with the competition regulator last November.

'Abuse of dominant position'

The regulator said Thursday that "Google's practices... were likely to constitute an abuse of a dominant position, and caused serious and immediate harm to the press sector".

Google said that since the new European copyright law came into force in France last year it had been "engaging with publishers to increase our

support and investment in news".

Google's Vice President for News, Richard Gingras, said in a statement seen by AFP: "We will comply with the (French competition regulator's) order while we review it and continue those negotiations".

Google had previously said that the neighbouring rights law does not impose a fee for posting links, and that European news publishers already derived significant value from the eight billion visits they receive each month from internet users who do searches on Google.

While the law does include the option of free licenses, the competition regulator questioned Google's position that generally no remuneration would be paid for the display of any protected content.

It said: "this choice seems difficult to reconcile with the purpose and scope of the law, which aimed to redefine the sharing of value in favour of press publishers vis-à-vis platforms, by assigning a neighbouring right which must give rise to remuneration..."

Discriminatory practices

Furthermore, the regulator said by imposing a principle of zero remuneration on all publishers without examining their respective situations and the protected content, Google may have engaged in discriminatory practices that would likely constitute an abuse of a dominant position.

The competition regulator said that the interim measures, which will require Google to publish material via methods chosen by publishers, will help provide for balanced negotiations and ensure neutrality for how information is indexed and classified for readers to find.

It added the interim measures would remain in force until it reaches a decision on the merits of the case, and that Google is required to submit monthly reports on procedures for implementing the injunction.

France's culture ministry, which subsidises much of the media sector, welcomed the injunction.

"Google now has to propose news publishers a fair remuneration commensurate with the value that the search engine derives from the content," Culture Minister Franck Riester said in a statement.

The European Newspaper Publishers' Association said the sector needs a swift implementation of the new EU copyright into local laws and the French injunction provides "a necessary precedent also for a European-wide discussion on Google's misuse of its market power in the field of neighbouring rights".

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