

NEWS

Statement by Initiative Urheberrecht and the German Collective Management Organisations on the key points surrounding the implementation of Article 17 of the DSM Directive of 17 April 2019

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Joint Statement

Initiative Urheberrecht and the **three German Collective Management Organisations GEMA, VG WORT and VG Bild-Kunst** have recently drawn up a joint statement regarding the implementation of Article 17 of the Directive on Copyright in the Digital Single Market (DSM Directive), which has been sent to political decision makers. **The statement emphasises that a great advantage of the new regulation is that it clarifies service providers' responsibility for the content that has been made available.** In the joint declaration, the above-named organisations call on the Federal Government to implement the “platform article” 17 of the DSM Directive more rapidly.

Licensing agreements and collective licences with expanded effect

The organisations see the solution primarily in the conclusion of licensing agreements which the Collective Management Organisations could enter into with online service providers, provided this is in accordance with the wishes of the affected rights-holders. For VG WORT this would primarily be a matter of granting rights for partial use of material on platforms. Art. 12 of the new DSM Directive, which enables so-called “outsiders” to manage collective rights, will provide significant support for the management of rights by Collective Management Organisations. For this reason, Art. 12 of the DSM Directive should also be incorporated into German law. Licensing solutions could also help ensure that legal permissions for quotations, caricatures, parodies etc., which are mandatory under the DSM Directive, are better guaranteed.

Entitlement to direct remuneration in the audiovisual sector

An appropriate remuneration for the use of audiovisual material on platforms could be made possible by a so-called direct remuneration claim against the platform that would be managed by Collective Management Organisations. Remuneration claims of this kind already exist in some European countries; most recently such a regulation was introduced in Switzerland. The above-named organisations are in favour of introducing a right to such remuneration for the audiovisual sector in connection with the implementation of the DSM Directive in Germany as well.

The Collective Management Organisation VG WORT manages copyright usage rights and remuneration claims in a fiduciary capacity for more than 240,000 writers and over 8,000 publishing houses in Germany. www.vgwort.de