

## "Licences for Europe" stakeholder dialogue

The "Licences for Europe" stakeholder dialogue was launched by the Commission in February 2013 following its 18 December 2012 Communication on "Content in the Digital Single Market". Its main purpose was to seek to deliver rapid progress in bringing content online through practical industry-led solutions. The dialogue was held under the joint responsibility of Internal Market Commissioner Michel Barnier, Digital Agenda Commissioner Neelie Kroes and Education, Culture, Multilingualism and Youth Commissioner Androulla Vassiliou.

It was organised into four thematic working groups:

- WG 1: Cross-border access and portability of services
- WG 2: User-generated content and Licensing for small-scale users of protected material
- WG 3: Audiovisual sector and Cultural heritage institutions
- WG 4: Text and Data Mining for scientific research purposes

[Pledges were made by stakeholders in all four working groups](#). They had either been agreed by copyright holders across different sectors, on a case-by-case basis with representatives as varied as Film Heritage Institutions, retailers, and broadcasters; or they constituted plurilateral commitments on the part of an industry sector. They covered, variously, the music, print and audio-visual sectors.

The objectives of each working group were set out as following:

### **WG1: Cross-border Access and the Portability of Services**

The Commission's objective was to foster cross-border on-line access and "portability" across borders of content. To benefit from new developments, like cloud-computing, cross-border legal access to cloud-stored content and services should also be facilitated. Service providers interested in providing their services to consumers across the EU need to ensure that they have secured all the necessary rights in the Member State in which they wish to provide services. Both multi-territory and single territory licensing is possible, depending on the sector, the service provider and the rights holder. However, distribution of content is often limited to one or a few Member States (e.g. using geo-blocking), with service providers (online platforms) or rights holders electing to impose cross-border sales restrictions.

### **WG2: User-generated Content and Licensing for Small-scale Users of Protected Material**

The Commission's objective was to foster transparency and ensure that end-users have greater clarity on legitimate and non-legitimate uses of protected material, and easier access to legitimate solutions. Content generated by users themselves is often covered by some form of licensing by rights holders, in partnership with certain platforms. However the scale and coverage of such licences is not transparent to the end user. Furthermore, such arrangements create rights and obligations for the

contractual partners, but do not necessarily provide legal certainty to the end-users. In parallel, small-scale users of content, such as small companies who wish to use some images or music in their websites, struggle to identify how to acquire licences for low value uses of protected content.

## **WG3: Audiovisual Sector and Cultural Heritage Institutions**

The Commission's objective was to facilitate the deposit and online accessibility of films in the EU both for commercial purposes and non-commercial cultural and educational uses. It remains difficult for online service providers to develop catalogues of European films for online availability, particularly those which are "out-of-distribution" i.e. works whose rights holders are unwilling or unable to exploit on an individual basis: it may be difficult to identify the existence of films, or the rights may be complex and time-consuming to clear.

## **WG4: Text and Data Mining for Scientific Research Purposes**

The Commission's objective was to promote the efficient use of text and data mining (TDM) for scientific research purposes. TDM currently requires contractual agreements between users (e.g. typically research institutions) and rights holders (e.g. publishers of scientific journals) to establish the modalities for technical access to the relevant data sets.

## **Final plenary meeting**

The Communication on "Content in the Digital Single Market" (18 December 2012) announced a final plenary meeting to conclude the "Licences for Europe" stakeholder dialogue. This meeting was held on 13 November 2013. It provided an opportunity for the Working Groups to report-back to the plenary on the conclusions they have reached as a result of their discussions, focusing on the practical solutions that were identified.

Two groups (User generated content and Text and data mining) did not reach consensus among stakeholders on either the problems to be addressed or the results. However the discussions provided useful insights into the issues at stake and some understanding of the positions of different stakeholders. At the same time, [concrete pledges](#), expected to make a difference in online users' life, were presented in these areas too.

## **Outcome of the stakeholder dialogue:**

1. Cross-border portability of subscription services: joint statement by the audio-visual industry - "[Joint Statement on Cross-border Portability of lawfully-acquired Audiovisual Content](#)" (ACT, CEPI, Europa Distribution, EUROVOD, FERA, FIAD, FIAPF, IFTA, IVF, MPA, SROC, SAA)
2. Improved availability of e-books across borders and across devices: a Roadmap by the e-book sector - "[Book sector's roadmap to enhance cross border access, interoperability and discoverability of ebooks in the Single Market](#)" (EWC, EBF, STM, FEP, EPC)
3. Easier licensing for music: commitments by the music sector - "[GESAC statement](#)", "IFPI announcement"
4. Easier access to print and images: a toolkit by the print industry - "[Toolkit for licensing, including micro-licensing in text and image works](#)" (EPC, EVA, EWC, FEP, IFRRO, IFJ, STM)
5. Enabling the identification of your work and rights online: an industry roadmap - "[Building the rights data network - enabling user access](#)" (LCC)
6. More active reader involvement in the online press: a declaration on improving the user experience - "[User-generated content, press publishers engaging with their readers](#)" (EMMA,

ENPA, EPC)

7. More heritage films online: an agreement on principles and procedures - "[Statement of Principles and Procedures for facilitating the digitisation of, access to and increased interest of European citizens in European cinematographic heritage works](#)" (ACE, FERA, FIAPF, SAA)
8. Freeing up TV footage archives through digitisation: discussions between public broadcasters and rightholders
9. Improving identification and discoverability of audio-visual content online: a declaration by the audio-visual industry - "[Declaration on Audiovisual Work Identifiers](#)" (Adami, BFI, CEPI, CineRegio, EIDR, Eurocinema, EuroCopya, EFP, FERA, FIAPF, INA, ISAN-IA, SAA)
10. Easier text and data mining of subscription-based material for non-commercial researchers: a commitment by scientific publishers - "[A Statement of Commitment by STM publishers to a roadmap to enable text and data mining \(TDM\) for non commercial scientific research in the European Union](#)" (American Chemical Society, British Medical Journal Publishing Group Ltd, Brill Publishers, Elsevier BV, Georg Thieme Verlag KG, Hogrefe Verlag GmbH & Co. KG, Institute of Physics / IOP Publishing Ltd, John Wiley & Sons Ltd, New England Journal of Medicine (Massachusetts Medical Society), Oxford University Press, Springer Science + Business Media Deutschland GmbH, Taylor and Francis Ltd, Wolters Kluwer Health (Medical Research) Ltd)

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