

## **PRESS PERFORMANCE RIGHT: FRENCH COMPETITION AUTHORITY DECIDES AGAINST GOOGLE**

### **Google undertakes to agree with French press publishers on compensation for press content within three months**

Paris/Berlin, 9. April 2020. The French competition authority (Autorité de la concurrence) has accepted a complaint from French press publishers and the AFP news agency today. The complaint was directed against attempts by Google to undermine the press protection law, which came into effect in France last year to implement the new EU copyright directive. The agency found that Google's practices are likely to be an abuse of a dominant position and are seriously and directly damaging to the press sector. In order to counter this danger, Google is obliged to negotiate with publishers and press agencies over the remuneration for the use of their protected press content within three months. Past use should also be taken into account, from the entry into force of the law on October 24, 2019.

The procedure before the competition authority was initiated in November 2019 by press publishers (Syndicat des éditeurs de la presse magazine, l'Alliance de la presse d'information générale) and the Agence France-Presse (AFP). With this rapid decision, the authority is responding to the immediate danger of irreparable damage that the applicants face from Google's anti-competitive behavior. Following the entry into force of the ancillary copyright law in France, Google had unilaterally decided to display excerpts from articles, photographs, computer graphics and videos about its services only to a very limited extent - unless the rightholders agreed to free use by Google.

A further decision by the competition authority on this matter has already been scheduled for autumn 2020.

VG Media supported the complaint from publishers and news agencies as much as was possible in this process, recognising publishers face the same challenges in Germany and in the EU as a whole. The new EU copyright directive means all other EU member states will also create an ancillary copyright for press publishers, which will have to be enforced against powerful digital companies like Google. In the EU, a largely unified antitrust law applies, on the basis of which VG Media is already taking action against Google for press publishers. The decision of the French competition authority is therefore of European importance.

**Markus Runde, Managing Director of VG Media:** *"Today's decision is a significant success for the resolute French press publishers, and owes thanks to the profound understanding of the realities in the press and platform markets and the positive attitude of the French government. The decision shows the way to successfully enforce the rights of press publishers across the European Union".*

VG Media is a German collective management organisation and manages copyrights and neighbouring rights for almost all private national broadcasters and for 200 Press Publishers.

#### **Contact**

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