

Press release

# Facebook declares press protection law inapplicable to itself and considers payment claims “completely unfounded”

Jean-Marie Cavada, Chairman of the French collecting society DVP, and former Member of the European Parliament, sees contradictory behaviour of Meta/Facebook: paying in France and refusing applicability of the law in Germany - this is deliberately illegal

**Berlin, 8 April 2022.** The company Meta, to which the world's largest social network Facebook belongs, rejects the application of press publishers' law. Accordingly, payment to publishers for the use of press content is not possible. Corint Media had repeatedly offered Meta negotiations on a licence agreement or an interim agreement since September 2021. This should at least put an end to the unlawful use of press publishers' rights by Facebook and other Meta services, which have been in force since June 2021.

Meta has now stated that the law does not apply to its services because, in its view, **"content posted by users is either exempt from protection or covered by authorizations provided by the relevant rightsholders"**. And further: "We have been unable to verify the basis for the claims you are making".

This position is surprising. For one thing, all arguments have been addressed in the legislative process. For another, Meta has already made payments for the use of press content after protracted disputes and high public pressure in France. The company agreed in October 2021 with the publishers' organisation Alliance de la Presse to make payments to press publishers explicitly for rights uses in its Facebook service.

**Jean-Marie Cavada, President of the French collecting society Société des Droits Voisins de la Presse (DVP) and former Vice-Chairman of the Legal Affairs Committee in the European Parliament, said:** *"I am pleased that Facebook in France has started to remunerate the press, regardless of whether the content is uploaded by the rights holders, the press publishers themselves or by third parties. Now I learn that Facebook in Germany has stated in a completely contradictory way that in Germany the use of content under the same conditions as in France would not trigger any obligation or remuneration for publishers. This position is not only contradictory but also contra legem and contrary to the wording, meaning and spirit of Articles 15 as well as 17 of the EU Copyright Directive. Facebook's behaviour contradicts the legal text that we as the European Parliament have adopted and that has been implemented in Germany under the same conditions as in France."*

Meta's claim that it does not use press content quite obviously also contradicts German law. According to this, Meta falls under the definition of a "service provider" (§ 2 (1) UrhDaG). This clarifies that Meta itself uses protected content, even if it is uploaded by users on Facebook (§ 1 (1) UrhDaG).

**Markus Runde and Christoph Schwennicke, Managing Directors of Corint Media:** *"The clear legal situation is simply being ignored. The intention is quite clear, to avoid overdue payments to press publishers. However, it is unacceptable neither for the publishers as rights holders nor for the state, that Facebook has been evading the applicable legal system for almost a year. The German legislator created the law on the press publishers' rights and declared it applicable to Facebook in order to keep the free press financially viable and to compensate for the use of press content that has been created in an elaborate and costly manner, especially by market-dominant platforms. Now the law must be enforced, also with the newly created means of anti-trust law. We expect no more and no less than application of the law for the press."*

## **About Corint Media**

Corint Media, based in Berlin, is a European company in the private media industry. It represents the copyrights and neighbouring rights of almost all German and several international private television and radio stations as well as numerous press publishers.

The media companies represented by Corint Media include TV stations such as Sat.1, ProSieben, RTL, WELT, SPORT1, CNBC, Eurosport, VOX and CNN, radio stations such as ANTENNE BAYERN, radio ffn, Klassik Radio, Radio Hamburg, Hit Radio-FFH, RADIO PSR, R.SH, RPR1 and RTL RADIO, as well as press publishers such as Axel Springer, Verlagsgesellschaft Madsack, Mediengruppe Pressedruck, Aschendorff Mediengruppe, Rheinische Post Mediengruppe, sh:z Schleswig-Holsteinischer Zeitungsverlag and Badischer Verlag.

Corint Media is one of 13 collecting societies authorised in Germany and is under the supervision of the German Patent and Trade Mark Office (DPMA).