

Kluwer Copyright Blog

Google: “We made history in a very good way for the citizens of France.”

Christina Angelopoulos (CIPIL, University of Cambridge) · Thursday, February 21st, 2013



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A while back [we reported](#) on the clash between search giant Google and media organisations in, among other countries, France over the former’s news aggregating service [Google News](#). French publishing associations have been demanding the introduction of a ‘snippeting right’ in France which would oblige content aggregators to obtain a license, and thus share revenue, for the privilege of display links to their articles. The underlying idea is that those who profit from the distribution of content should financially contribute to its creation. Predictably, Google did not find the proposal particularly appealing and reacted by threatening to stop indexing French news sites. Unfazed, French Minister of Culture Aurèlie Filippetti stated in [an interview](#) last November that if an agreement was not reached by the end of 2012, France would go forward with the discussed measures in January 2013.

After three months of tense negotiations overseen by a government-appointed mediator, a compromise was finally reached. Google Executive Chairman Eric Schimdt announced on the company’s official [blog](#) in early February the adoption of two initiatives to help stimulate innovation and increase revenues for French publishers: first, Google has agreed to create a €60 million Digital Publishing Innovation Fund to help French news media transition to digital publishing. “The object of this fund is not to finance ailing newspapers, but to help them migrate better to the digital world as fast as possible,” [explained](#) Nathalie Collin, head of the news-media coalition that negotiated on behalf of the papers. In addition, Google will deepen its partnership with French publishers to help increase their online revenues using Google’s advertising technology at a reduced cost.

Google has optimistically opined that “these agreements show that through business and technology partnerships we can help stimulate digital innovation for the benefit of

consumers, our partners and the wider web.” “We made history in a very good way for the citizens of France,” said Mr. Schmidt. For its part, the office of French president François Hollande tweeted jubilantly that “France is proud to have reached this agreement with Google, the first of its kind in the world,” leading analysts to suggest that the agreement might have opened the door to similar settlements with other countries’ newspapers. Indeed, Google News’s legal troubles seem to be coming to a head, as a few weeks earlier and after years of fraught litigation, Google concluded a similar, although much smaller, [settlement](#) with Belgian newspapers.

Yet, in contrast to the legislative measures that had been previously contemplated, this deal is only of a stand-alone character and will not affect the situation of smaller aggregators. Such businesses might do well to keep a close tab on the Curia website: as [already reported](#) in this blog, the case du jour in this area is [Case C-466/12 Svensson and Others](#). This involves a claim brought against news aggregator Retriever Sverige AB for ‘equitable remuneration’, suggesting that Retriever infringed a journalist’s copyright by making an article he penned available to its subscribers. The referring Swedish Court of Appeal has requested a preliminary ruling by the European Court of Justice on whether or not putting a hyperlink on a website can constitute a communication to the public under the EU’s Copyright Directive. The ECJ’s ruling will be an important one for the evolution of European copyright: this blogger for one eagerly anticipates finding out whether or not she just violated others’ copyright 8 times.

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