

Kluwer Copyright Blog

Thus bad begins and worse remains behind: Google News closes to Spanish media

Pedro Letai (IE University (Segovia, Spain)) · Monday, December 22nd, 2014



On December 16, search engine giant Google started excluding stories from Spanish news media on its Google News service. The Californian internet company has taken the decision in the wake of the so-called ‘Google tax’, which forms part of the Spanish government’s [new Copyright Act](#), due to go into force on January 1, 2015. The legislation requires Google and other news aggregators to start paying ‘fair compensation’ to publishers for the reproduction of their content.

Spain has thus become the first country in the world in which Google has closed its news service to media outlets. As a consequence of the measure, links to all Spanish media articles will be removed from the service globally.

The head of Google News, Richard Gringras, [explains the measure on his blog](#): ‘*Sadly, as a result of a new Spanish law, we’ll shortly have to close Google News in Spain. [...] As Google News itself makes no money (we do not show any advertising on the site) this new approach is simply not sustainable.*’

“Google has taken the decision in the wake of the ‘Google tax’, which forms part of the new Spanish Copyright Act.”

The new Copyright Act, which was approved in Congress in October with votes from the governing Popular Party, does not set the amount of ‘fair compensation’ that Google will have to pay publishers to be able to reproduce their articles, but the search engine argues that whatever the amount, its decision is final, given that the service does not generate income for the company.

Article 32.2 of the law, which establishes the Google tax (or the AEDE canon as it is also known, named after the Association of Spanish Daily Publishers, which originally proposed the legislation), states that news aggregators such as Google News will have to pay ‘fair compensation’ to editors for reproducing ‘*fragments of content, circulated via periodical publications or on webpages that are periodically updated and that are aimed at informing, creating public opinion or entertaining.*’

After seeing the draft legislation for the law, the AEDE (which groups together the main media groups in Spain), celebrated the modification, calling it *'the most important step that a government in Spain has taken toward the protection of the press.'*

"The exclusion from the service will not affect the way that news stories from Spanish media appear on the main search site."

Spain is not the first country to impose a Google tax. Germany, France and Belgium have approved similar laws, but the key difference is that in Spain the charge is 'unavoidable' for publishers. That's to say, media groups cannot choose not to charge the tax and thus appear in the news aggregator service.

That is what happened in Germany, where the majority of news groups authorized the search engine to continue using its content for free. In France, Google arrived at an agreement with publishers in 2013, which saw the US firm commit to paying them €60 million as part of a *'fund to assist the digital transition'* – a kind of armistice in the conflict in which they were immersed. Something similar happened in Belgium, where the search engine was stopped from reproducing images and texts from Belgian newspapers. After six years of court cases, at the end of 2012 the papers returned to Google News. Both sides had signed a number of agreements to collaborate.

The effects of the decision taken by Google for Spanish media are difficult to quantify, but Google has stated that the Google News service generates 10 billion clicks a month around the world. *'Google News creates real value for these publications by driving people to their websites, which in turn helps generate advertising revenues,'* Richard Gringras writes on his blog.

The exclusion from the service will not, however, affect the way that news stories from Spanish media appear on the main search site at Google. The company's News service works on a different basis, using a different algorithm that prioritizes news stories based on the location of users.

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