

Evaluating legal responses to threats to news in a digital environment

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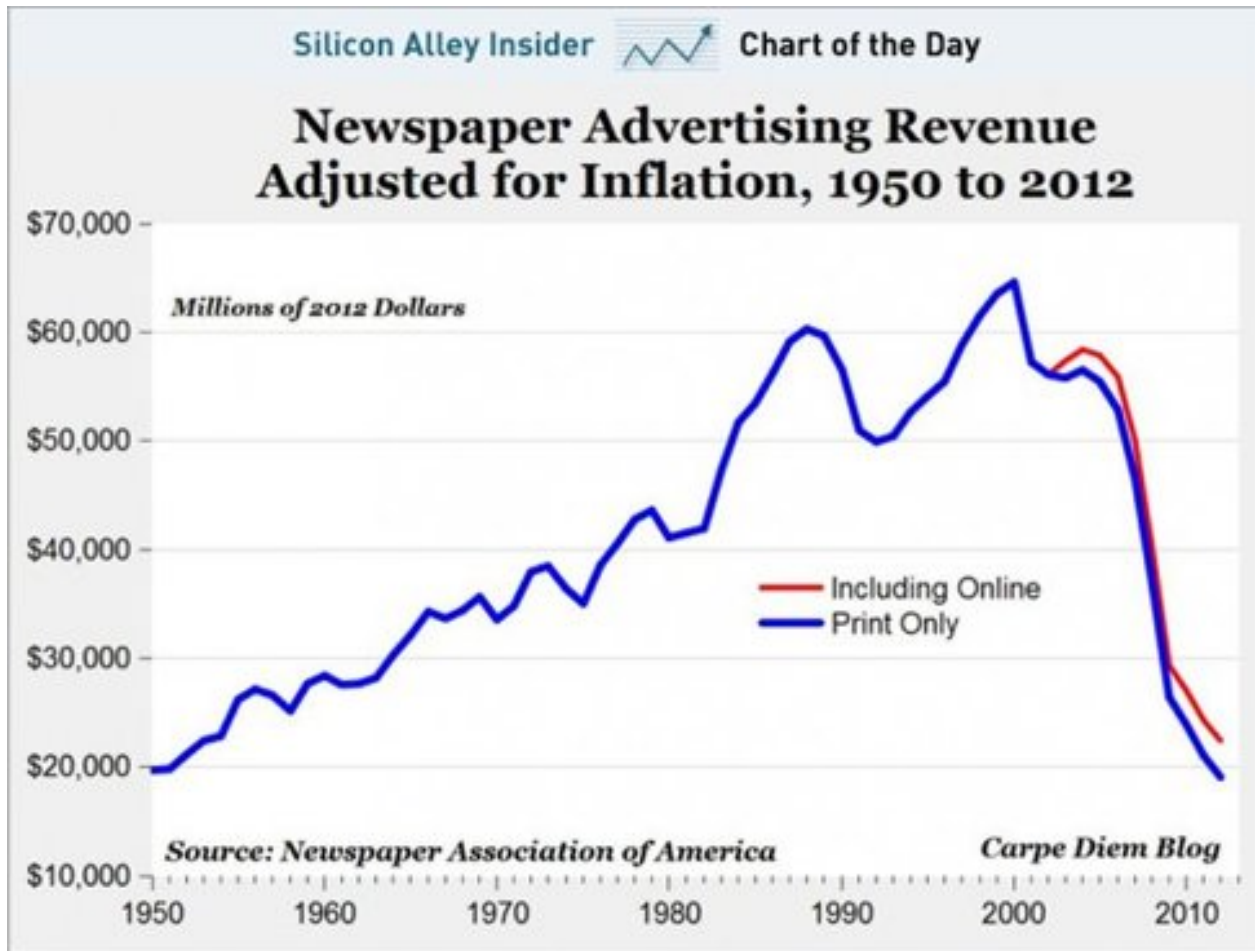
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The Problem



Indicative



Somewhat ironic

death of newspapers – Google Search

https://www.google.com/search?q=death+of+newspapers

Garmin Connect Fitnesspal BBC webmail Squire Law Library Melissa's printer Apple tech specs Keyboard shortcuts News

Richard Danbury death of newspapers – Google Search Google News and Copyright

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Web Images News Videos Shopping More Search tools

About 145,000,000 results (0.32 seconds)

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Decline of newspapers - Wikipedia, the free encyclopedia
en.wikipedia.org/wiki/Decline_of_newspapers
The **decline of newspapers** has been widely debated as the industry has faced down soaring newsprint prices, slumping ad sales, the loss of much classified ...
[Causes for decline](#) - [Performance in the market](#) ... - [Technological change](#)

Death of Newspapers - Huffington Post
www.huffingtonpost.co.uk/news/death-of-newspapers/
As journalists are finding, fewer and fewer people interested anymore in real journalism. Nowadays, it's damn near impossible to get hits on a print article from ...

Newspaper Death Watch
newspaperdeathwatch.com/
Lists US metropolitan dailies that have closed since March 2007. Chronicling the **decline of newspapers** and the rebirth of journalism.

Images for death of newspapers [Report images](#)

More images for death of newspapers

Andrew Miller: The death of newspapers has been ...
www.independent.co.uk > News > Business > Business Analysis & Features
9 Jul 2014 - Guardian News & Media (GNM), the owner of the left-leaning **newspapers**, still made a loss of £30.6m in the year to March – barely down on ...

Death of Newspapers - Huffington Post



Making sense of the newspaper crisis: A critical assessment of existing research and an agenda for future work

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Abstract

This article analyzes recent research on the newspaper crisis. It discusses how authors have examined the sources, manifestations, and implications of this crisis, and the proposals to resolve it. In addition, the essay critically examines this body of work by assessing the main spatial and temporal contexts that researchers have studied, the theories and methods that authors employ, and the analytical tropes they have deployed to make sense of the crisis. Building on this assessment of existing research, the article outlines an agenda for future work that fosters an analysis of the process, history, comparative development, and manifold implications of this crisis, and advances various empirical strategies to examine some of its most under-theorized dimensions.

Keywords

advertising, audiences, business models, crisis, journalism, media transition, news circulation, news consumption, newspaper economics, newspapers, online news

Throughout their history, newspapers have accomplished important functions in democratic societies (Anderson, 1991; Habermas, 1989). They have provided valuable knowledge about various affairs that help individuals to make informed political decisions, offered a space of deliberation among citizens, and investigated the concentration of power by various institutions (Schudson, 2008). However, in recent years the newspaper industry in certain countries has experienced significant decreases of revenue from

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The focus of our study



Always the starting point





What's Hegel got to do with this?





Do we look at this?

The image shows the Pinterest logo, which consists of the word "Pinterest" in a red, cursive, script font. The logo is centered on a light gray rectangular background.

Arbitrary?



What copyright is.

- Subject matter,
- Criteria for protection,
- Authorship and first ownership,
- Nature of the rights,
- Duration of copyright,
- Infringement,
- Defences,
- Moral rights,
- Exploitation and use of copyright,
- Limits on exploitation, and
- Related other rights

What news is – possibly. Probably.

- Gathering of news,
- Its selection and editing (also sometimes called curating)
- Its writing,
- Publication and
- Dissemination.



Copyrighting the news



(!)

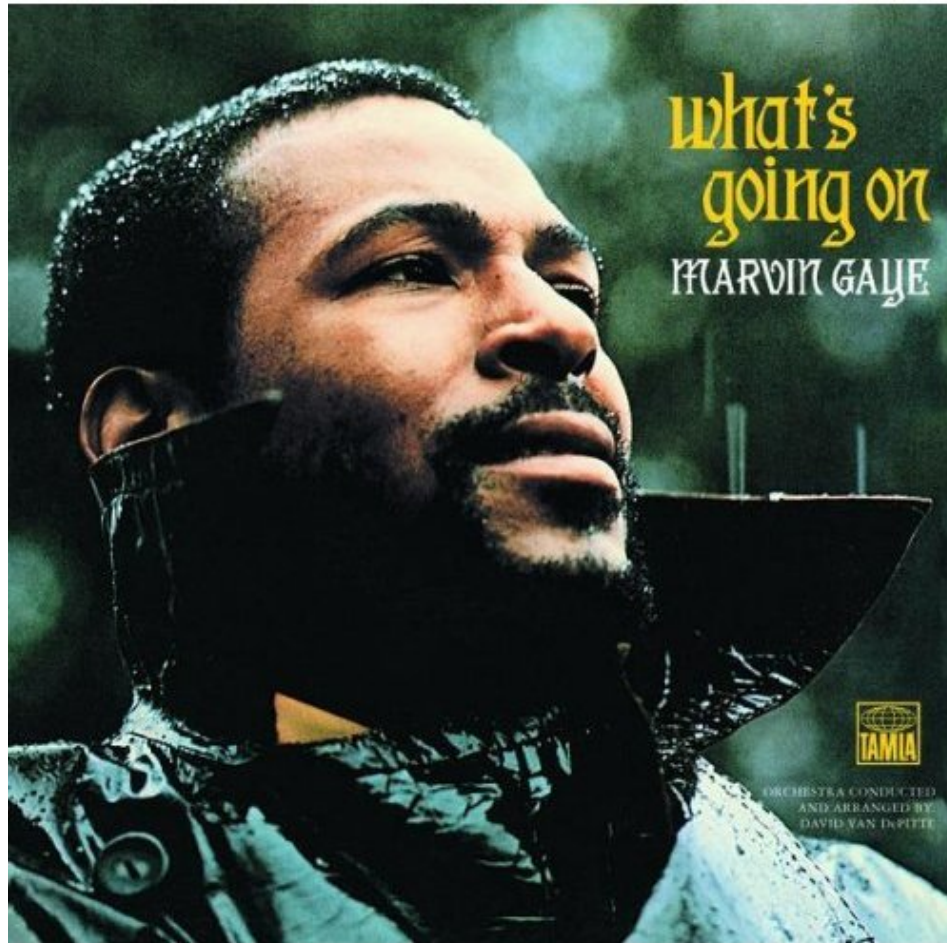
One particular problem for publishers



Why?

- Subject matter
 - News exempt
 - Idea / expression dichotomy
 - Words
 - Originality
- Authorship and first ownership
 - The German problems
- Infringement
 - Substantial taking - snippets
- Defences
 - Fair dealing for the purpose of reporting current events
- Limits on exploitation
 - Implied licences.

Marvin.



What's happened

- **UK**
 - *Public Relations Consultants Association v Newspaper Licencing Agency (Meltwater)* [2013] UKSC 18
- **Germany**
 - "*Paperboy*" Judgment of 17 July 2003 (BGH I ZR 259/00), BGH [2001] GRUR 958 (German Federal Supreme Court)
 - German Copyright Act §87 f: publishers' ancillary right. Leistungsschutzrecht für Presseverleger.
- **Denmark**
 - *Infopaq v Danske Dagblades Forening* C-5/08, [2009] All ER (D) 212 (Aug)
 - *Infopaq v Danske Dagblades Forening* C-302/10, [2012] EUECJ
- **Belgium**
 - *Google v Copiepresse* 13 February 2007; No 06/10/928/C of the general roll (Court of First Instance, Brussels)
 - *Google v Copiepresse* Presented 11/5/2011, Cause List No: 2007/AR/1730 (Court of Appeal of Brussels, 9th Chamber)

What's happened (con't)

- **France**
 - Proposed litigation/ legislation
 - February 2013 Google's €60m (£52m) settlement with French Government
- **USA**
 - Hot News: *Barclays Capital Inc v Theflyonthewall.com Inc* 650 F.3d 876, 2011 Copr.L.Dec. P 20,117, 99 U.S.P.Q.2d 1247, 39 Media L. Rep. 2009, 77 A.L.R.6th 793
 - Copyright: *Associated Press v Meltwater* 931 F.Supp.2d 537, S.D.N.Y. Mar. 21, 2013 (US District Court for Southern District of New York)
- **EU**
 - Database right
 - *Svensson v Retriever Sverige AB* C-466/12, [2014] Bus LR 259, [2014] ECDR 9
- **Australia**
 - Fairfax Media Publications Pty Ltd. v. Reed International Books Australia Pty Ltd." [2010] FCA 984, 7 Sept. 2010.

What might be happening

- **Spain**

- Summer 2014: Artículo 32. Citas y reseñas e ilustración con fines educativos o de investigación científica.

- **Italy**

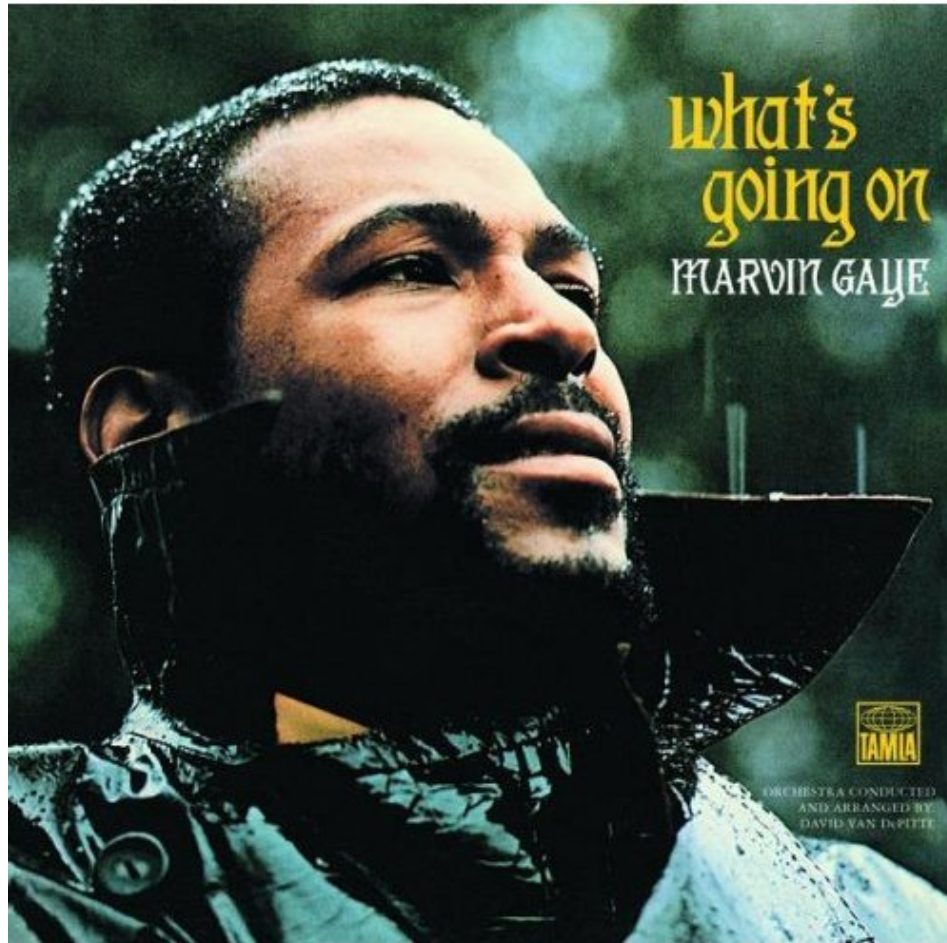
- Proposed amendment to quotation exemption
Autumn 2013

... and by news activity

		News gathering	News editing		News writing		News publishing		News distribution
					Heads	Snippets			
Uk	Ticker cases	x							
	Meltwater					x	x		
	CA 1911 s5 / 1956 s 4 / CDPA 1988							x	
Germany	Paperboy	N							
	Hegemann's munich case							N	
	Publishers' Ancillary right	x						x	
Spain	Proposed publishers' ancillary right	x						x	
Italy	Proposed amendment to quotation								
	art 101 Hot News	x						x	
Denmark	Infopaq					x	x		
Belgium	Coplepresse					x	x		
France	Proposed litigation/ legislation								
	Settlement							x	
USA	Theflyonthewall: hot news	N							
	AP v Meltwater: Copyright					x	x		
EU	Database right		x						
	Svennson							N	
Canada	?								
Australia	Fairfax	N				N			



What should be going on?



- Will it work?
 - News robots
- Who would it work for?
 - Gatherers, editors, writers, publishers
distributors?

Part 2...

- Does it matter?
 - Why?
- Is it right?
 - Free expression: article 10 European Convention on Human Rights
 - etc