

C4C's COMMENTS ON THE ACCC's DRAFT NEWS MEDIA AND DIGITAL PLATFORMS MANDATORY BARGAINING CODE

INTRODUCTION

The Copyright for Creativity ([C4C](#)) Coalition welcomes the opportunity to share the following statement on the ACCC's Draft News Media and Digital Platforms Mandatory Bargaining Code. For further questions on our submission, please do not hesitate to contact Caroline De Cock, C4C Coordinator, at cdc@n-square.eu.

ABOUT C4C

C4C is a broad-based coalition that seeks an informed debate on how copyright can more effectively promote innovation, access, and creativity. C4C brings together libraries, scientific and research institutions, digital rights groups, technology businesses, and educational and cultural heritage institutions that share a common view on copyright. Find a detailed overview of us and our members here: <http://copyright4creativity.eu/about-us/>.

STATEMENT

C4C welcomes the consultation by the Australian Competition and Consumer Commission on the [Draft News Media and Digital Platforms Mandatory Bargaining Code](#) (hereafter 'the Code').

As an organisation that participated actively in the adoption process of the Article 15 press publishers' right in the European Union's (EU) Copyright in the Digital Single Market Directive, we have spent a lot of time trying to understand how to best preserve and boost the plurality and quality in journalism, taking into consideration the rule of law and the fundamental rights of users.

Based on this experience, we would like to share the following concerns the proposed Code raise for us:

- Procedural concerns:** Whilst we are not necessarily enthusiastic about the result obtained through the EU's copyright reform, at least it went through a legislative democratic process. If this Code is trying to address a copyright issue, then copyright rules should be amended through a legislative process. If this Code is trying to remedy a competition problem, then antitrust rules should be used and/or amended.
- Media pluralism concerns:** Quality of journalism is not defined by the turnover of a media outlet. Specialised press, local outlets, investigative journalists all contribute to the news ecosystem in a manner that is often more valuable than the big consortiums. Having a centre page that increases your readership and hence your turnover does not look like a valid threshold to us. It raises the spectrum of this Code serving to facilitate commercial negotiations between big tech and big media, to the detriment of smaller players.
- Right to access and share information concerns:** Safeguards must be put in place to ensure users can continue to access and share information regardless of the outcome of the Code and the ensuing negotiations.

4. **Definition of the scope of the Registered News Businesses (RNB) concerns:** New online rules in one country create precedents that can be leveraged in others. Whilst businesses registered as RNBs could be completely legitimate in Australia, a similar approach in other geographies could lead to very different results, with platforms being forced to negotiate and give preferential treatment to state-controlled press, for example.
5. **Privacy concerns:** whilst press publishers and big tech seem to be in a continuous arms wrestling mode when it comes to remuneration issues for the content on platforms, their (lack of) approach towards the privacy of their users is usually surprisingly aligned. We consider that less sharing of data seems to be a much more appropriate approach than the one set out in the Code, including as regards metadata.