Google won’t pay French publishers copyright fees, will limit content in search results instead

Last year, after an extended public debate, the European Parliament passed a controversial and sweeping new Copyright Directive. In part, it was intended to harmonize and modernize EU copyright law. However, it was also intended to generate licensing revenue for authors and publishers from big internet companies such as Google and Facebook. France was the first country in the EU to implement the new rules domestically.

Google won’t pay. Google now says it will not pay French publishers the expected copyright licensing fees. Instead, the company will show links and “very short” extracts of news content, which don’t run afoul of the law (Article 15, formerly Article 11). The law seeks to capture licensing fees when more than links and a few words are shown by third party news aggregators.

Google defended itself in a blog post and pointed out the benefits it provides to publishers and its support of journalism. Google News VP Richard Gingras said, “[W]e don’t accept payment from anyone to be included in search results. We sell ads, not search results, and every ad on Google is clearly marked. That’s also why we don’t pay publishers when people click on their links in a search result.” He added, “To operate in any other way would reduce the choice and relevance to our users—and would ultimately result in the loss of their trust in our services.”

Publishers will need to opt-in. In a related French-language post (also by Gingras) the company said, “When the French law

comes into force, we will no longer display an overview of the content in France for European press publishers unless the publisher has made the arrangements to indicate that it is his wish. This will be the case for search results from all Google services." (Translated by Google.)

In other words, Google will giving publishers the ability to explicitly opt-in to have more content presented on the SERP. It has created a set of webmaster guidelines that French and ultimately all European publishers can use to communicate how much of their news content to show in the SERP. This will effectively function as a waiver of their licensing rights under the Copyright Directive.

History repeating itself. We've seen this drama before. It already played out in Germany and Spain roughly five years ago. Following the passage of a similarly restrictive German copyright law, publisher Axel Springer saw a massive decline in search traffic through the loss of snippets on its articles, which Google was no longer showing to avoid paying fees. Springer and other German publishers came back to Google humbled and said they wanted their snippets back.

Earlier this year Google showed what EU news SERPs might look like under the new Copyright Directive. The stripped-down pages had links but no copy or images, incomplete story titles and site titles without any context.

Why we should care. Despite the German and Spanish experiences, it's amazing that French lawmakers and publishers might have expected Google to do anything different than in the past. The company will circumvent the law by requiring explicit permission to publish more content. And publishers that don't give permission will likely cede their traffic to those that are giving Google the ability to publish more content.

There will probably be an outcry and even legal action by some

of the major publishers. But they’re faced with a relatively stark choice: demand licensing fees, see only skeletal content in search and watch their traffic dwindle. Or they can cooperate with Google and give up any hope of getting copyright revenue. A better approach might be to build or rebuild their brands to drive direct navigation and focus on mobile user acquisition.

About The Author

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