



CEPIC

Centre of the Picture Industry



Google Image Search

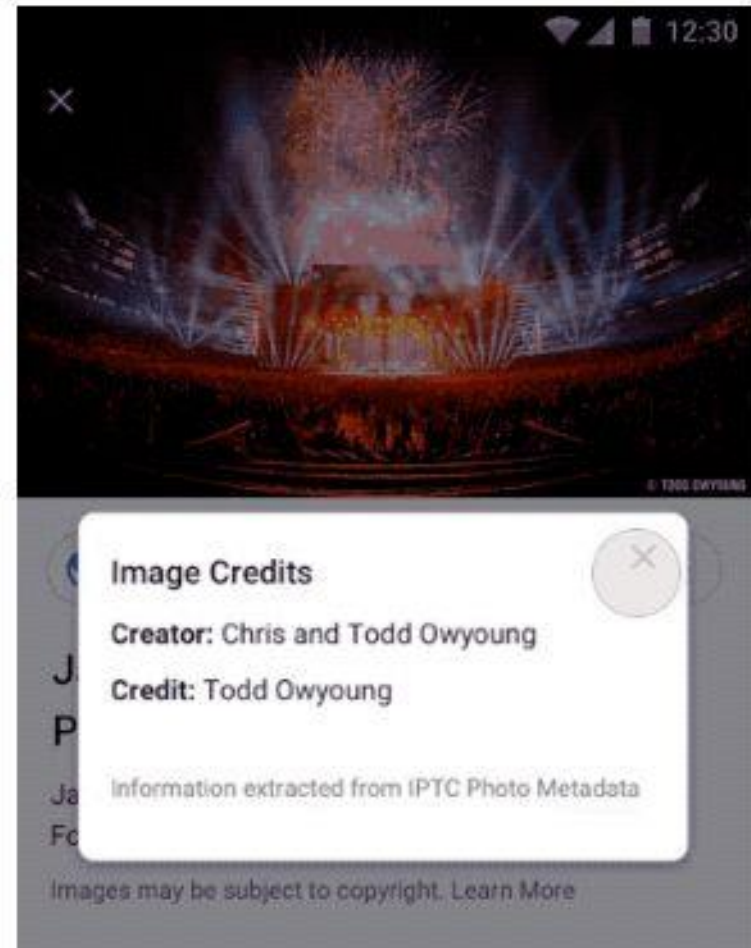
Do Google Do Better?

- **Art.13** introducing liability of platforms
- **Art.13 b)** on Image Search Engines


EU COPYRIGHT DIRECTIVE AND GOOGLE

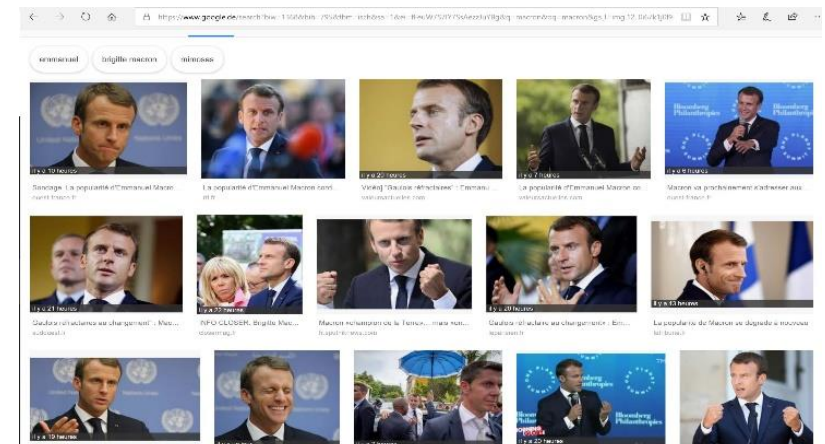
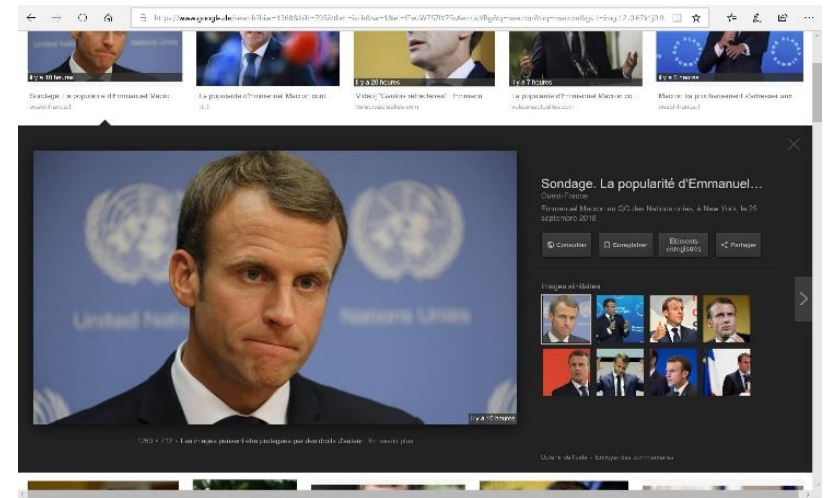
Art. 13 In practice: the use of technology

- Licensing agreements
- *“Automatic blocking of content”* to be avoided
- Negotiations *“in good faith”*
- *“CEPIC looks forward to working with Google on further improvements in order to promote and protect images online and reduce image piracy.”*
- **Without legal pressure, by law or by court, it’s nearly impossible to reach agreement with a dominant or/and monopolistic player**



Art. 13 b) In practice

- Image Search engines are required to conclude fair licenses with “*any requesting rightholder*”
- “*May be managed by CMOs*”
-  Based on French law on image search engines (2016) Has not entered into force!
- Are **framed images** covered?

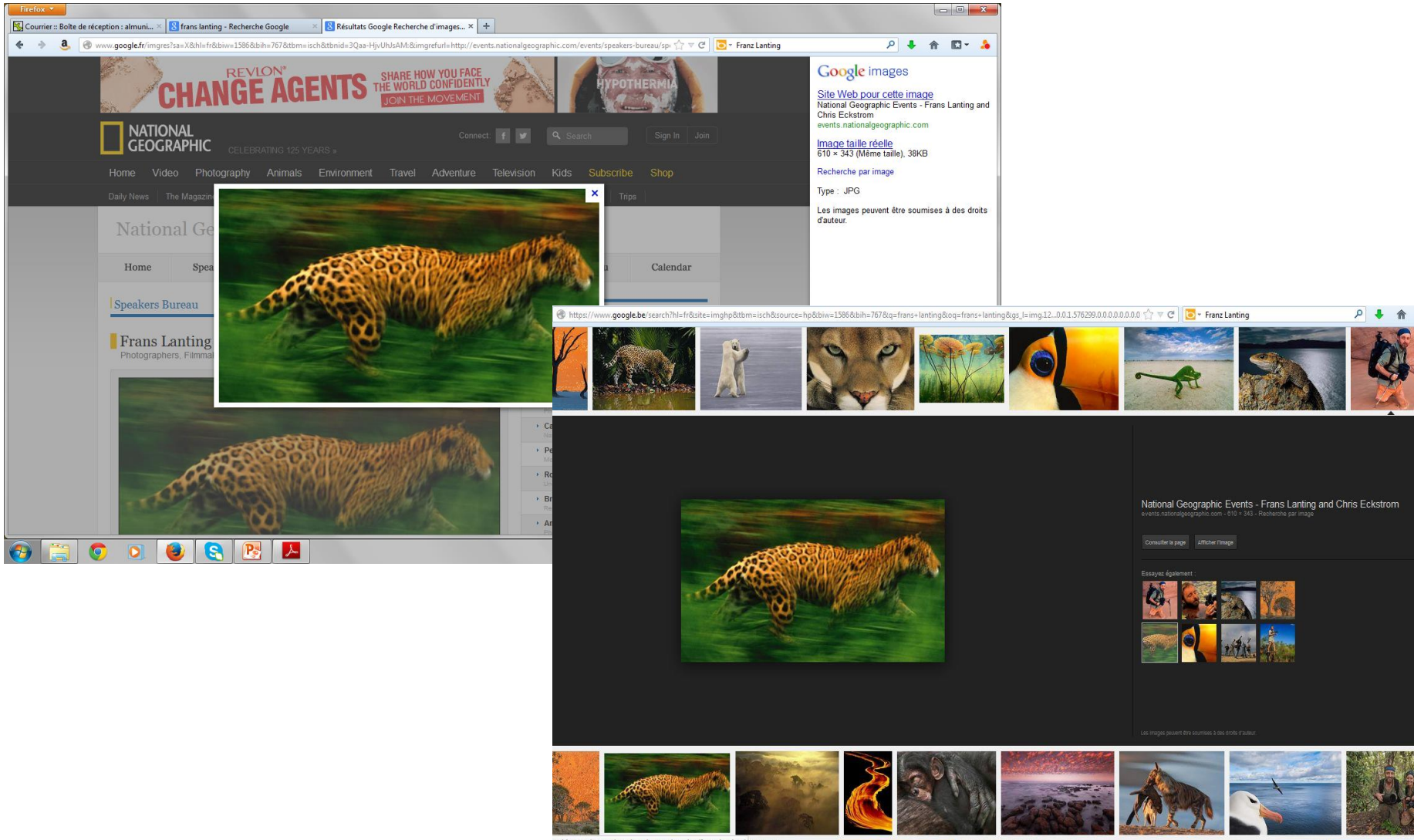


- Filed in **November 2013** at the European Commission (DG COMP)
- Supported by a Coalition of **20 organisations in the visual sector** in the EU and in the US
- Still pending ...
- Co-financed by Getty Images. In **April 2016** Getty filed their own additional complaint at DG COMP

CEPIC COMPETITION COMPLAINT 2013

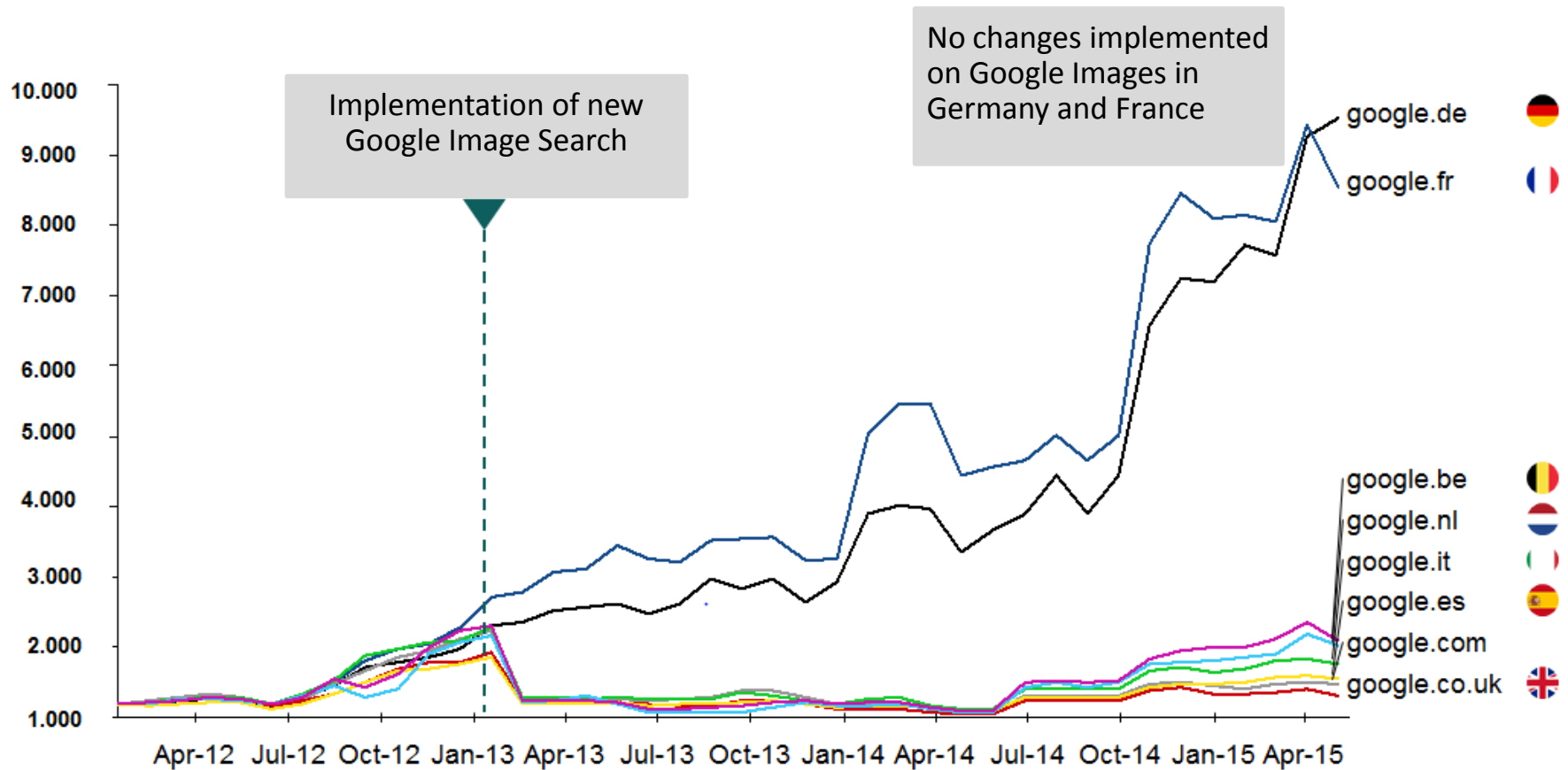
Google Images

The Case for Image Providers



The Value Gap

In particular: (New) Google Image Search Development of traffic to sources



Traffic from Google Image Search to websites of an image providers, by referring domain, Jan 2012 - Apr 2015

The « Coalition »

- American Photographic Artists (APA), USA
- American Society of Media Photographers (ASMP), USA
- Asociacion Empresarial de Agencias de Prensa y Archivos Fotograficos - Spain (AEAPAF)
- Bildleverantörernas Förening, Huddinge - Sweden/Denmark/Norway (BLF)
- British Association of Picture Agencies and Libraries - United Kingdom (BAPLA)
- Bundesverband der Pressebild-Agenturen and Bildarchive - Germany (BVPA)
- Digital Media Licensing Association (PACA), USA
- European Alliance of News Agencies - Europe
- Fédération Nationale des Agences de Presse Photo & Information - France (FNAPPI)
- Graphic Artists Guild (GAG), USA
- National Press Photographers Association (NPPA), USA
- NImage - Netherlands
- Professional Photographers of America (PPA), USA
- Schweizerische Arbeitsgemeinschaft der Bild-Agenturen und-Archive - Switzerland (SAB), USA
- Sdružení pro internetovou reklamu v ČR, z.s.p.o - Czech Republic (SPiR), Czech Republic
- Société des auteurs des arts visuels et de l'image fixe (SAIF), France
- SvenskBildbyråförening - Sweden (SBF)
- Syndicat des Agences de Presse Photographiques d'Information et de Reportage - France (SAPHIR)
- Syndicat National des Agences Photographiques d'Illustration Générales — France (SNAPIG)
- Union des Photographes Professionnels (UPP), France

- New features in Google Images since 2013
- Google increasingly sees the „**potential**“ of Images support to general search
- Meetings with German and French trade associations (pictures and press) from May 2017
- Getty Images withdraws their competition complaint in the framework of a **licensing agreement**, following which Google agrees to remove the **View Button** (early **2018**)
- Meeting with CEPIC in May 2018 (CEPIC Congress)
- From 26th September 2018, Google Images shows **IPTC metadata fields** next to images (when available)

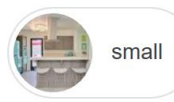
GOOGLE IMAGES IS AN EVOLUTIVE PRODUCT...



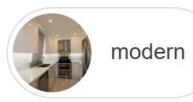
kitchen design



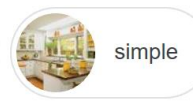
All **Images** Videos Maps News More Settings Tools



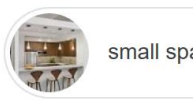
small



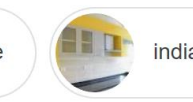
modern



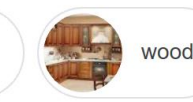
simple



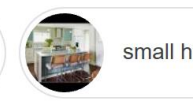
small space



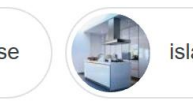
indian



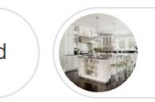
wood



small house



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Body Language: Hand Shakes | Lon...

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Evolution of Google Images since 2013

- Share Image Button
- Bookmark Image possibility (for further search)
- View Image Button



Does a handshake form a legally
Business Advice

Consulter

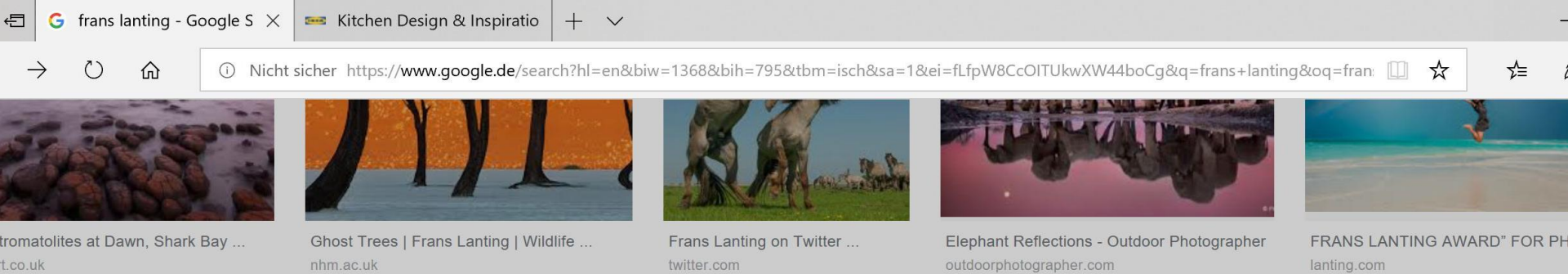
Partager

Images similaires

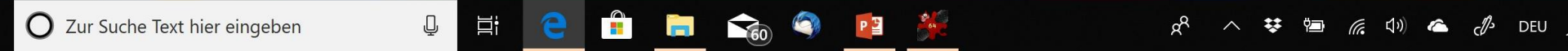


Since February 2018

- View Image Button is gone
- Clicking on image leads to source website (where picture is published)
- SEO agencies report of increased traffic on source website



Since 26 September 2018



report VOSS A8-0245/2018

Commission proposal

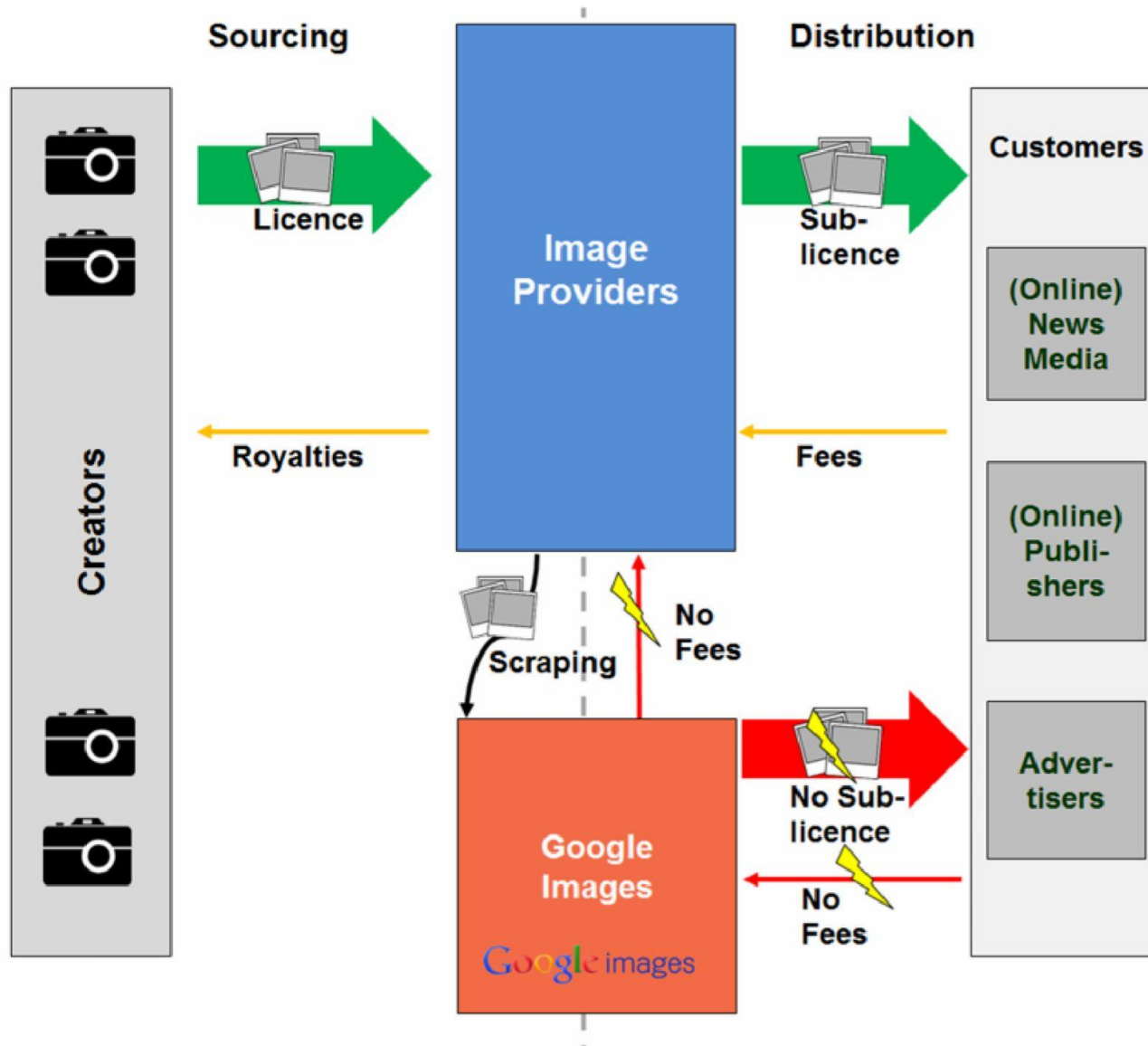
Is Article Art. 13 b) in the way of further „product change“?

- „Monetization“ or „Product Change“?
- What is Google's motivation to change their product to lower piracy online if they have to pay licenses to a Collective Management Organisation?



Sylvie Fodor (s.fodor@cepik.org), CEPIC, Nordic Conference 15 November 2018

Interference in the Value Chain



Google Images: harm to Image Providers



Vertical	Image Search Traffic, % Decrease
Fashion & Lifestyle Site	-78%
Entertainment Site	-78%
Fashion & Lifestyle Site	-78%
Fashion & Lifestyle Site	-77%
Entertainment Site	-77%
Entertainment Site	-76%
Fashion & Lifestyle Site	-76%
Photo Site	-74%
News Site	-74%

Source: <http://www.definemg.com/how-googles-image-search-update-killed-image-seo/>

Main points ...

- Diversion of traffic from websites
- Scraping of third-party content
- Less choice results in less (quality) content for consumers
- New features encourage the « free economy » and piracy online
- Insufficiency of « exclusion robots » or other technical means
- Google is becoming the largest picture source in the world – using third-party content

All these issues are problematic considering the market dominance of Google in search: 95% in Europe

Legislation is ineffective as long as the competition issue is not solved: Google is in a position to impose its conditions!

Google Images

France and Germany are the only EU countries where the « new » Google Images features have not rolled out



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Google.com

Google.com domain is available all over the world, also in countries like France and Germany (and in French and German)



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