



Public Consultation on Content Online in the Single Market

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EADP submission

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Founded in 1966, the EADP (European Association of Directory and Database Publishers) represents publishers of telephone directories, classified directories and business-to-business databases that create information products for both the business-to-consumer and business-to-business markets. The EADP has 124 corporate members and 5 national member associations from 30 countries worldwide, including companies based in 23 of the EU Member States as well as in the Eastern European countries (Bulgaria, Romania and Russia), Switzerland and Norway. In 2005, European directory and database publishers generated an estimated turnover of at least 9 billion euro and employed roughly 38 000 people. They create products and provide information services which are used daily by most EU citizens. They are in constant commercial contact with more than four million advertisers. Our member companies publish both paper and on-line products.

Types of online content and services

Directory and database products have been made available as digital services for more than 20 years, starting with the Minitel in 1981; they are online since 1984 with the publication of the first online business-to-business database. Directory and database publishers invest in the creation of new products made available on the internet and mobile devices, while printed products and voice services remain a substantial part of their business. They provide tailor-made services through enhanced search capabilities, internet integrated services, additional and interactive features such as mapping and geo-localisation, telecommunication facilities, creation of websites...

EADP members rely on different business models to secure a return on the investment made in providing digital content online including subscription payments, pay-as-you-go services and free access to products supported by advertising revenues. In each case the publisher relies on the protection of his content through the application of intellectual property rights and appropriate technical measures to protect against unauthorised re-use and copying to protect investment in the digital environment for the benefit of the information society.

What the European Commission could do

We understand that through this initiative the Commission attempts to define a wide strategy aiming at fostering the diffusion of content online by the creation of legal conditions which will reinforce the competitiveness of the European content and related industries.

With this document, the EADP intention is not to call for new regulation. On the contrary, the European Commission should first improve the enforcement of existing EU legislation while taking into account business interests.



As the questions raised by the EC are quite general we – as an industry representative body – will only answer to the issues in general terms and leave it to our members to bring their own contribution and experience to the specific questions.

Payment systems

Directory and database publishers are users of online payment systems, through various models such as subscriptions or single-sales. One barrier they face in this regard concerns micro-payments. The fact that transaction costs are higher than the price of the product itself hinders the sale of products such as database extracts and is therefore an obstacle to the development of new business segments.

Legal and regulatory barriers

- Privacy rules – The current European regulatory framework is sufficient to protect privacy. Stricter privacy rules could prevent the development of new products and new content.

Reverse search (i.e. looking up a name by telephone number) is a good example of the consequences of too strict privacy rules on innovation. In some EU countries, reverse search is not allowed. While directory publishers are deprived of a business opportunity, privacy infringements have not ceased.

- Access to Public Sector Information – The opening up of public information to the commercial sector is a real business opportunity that a unsatisfactory implementation of the Public Sector Information directive has missed. It is still time to modify this situation by a better enforcement of existing EU legislation. Accessibility to public sector information as a basis for the creation of new content and new services should be guaranteed in order to avoid information being locked up by public bodies. The current state of implementation, on the contrary, prevents competition between data providers and limits the competitiveness of the European industry compared with its US counterpart.

- Access to basic subscribers' data, particularly to mobile and VoIP numbers, is very difficult in some countries because of the lack of or inappropriate enforcement of the Universal Service Obligation. According to this obligation, telecommunication operators have to provide all the basic data of subscribers who opted for being included in a publicly available directory, to the directory publishers who ask for it, at fair, cost-oriented and non-discriminatory prices. The Commission should ensure that this obligation is efficiently implemented.

- Competition law – The approach of EU legislation in respect of application of competition law is very legalistic. For instance, when assessing abuses of dominant position, the economic impact of the action taken by a company in a dominant position is not suitably taken into account. Even if the action taken has no real economic impact, EU competition law qualifies it as abuse. This creates a disadvantage for the European industry in comparison with the US, since such a strict legalistic approach does not apply on the other side of the Atlantic.



- Generally, in the online environment, directory and database products are challenged by new players such as search engines – they compete on the online search market. Products such as Google Local or Google Maps offer similar services as directory products, based on search facilities, advertising and mapping. However, search engines, as an international phenomenon, frequently escape the application of national or European legislation, simply because it is difficult to identify their legal place of residence, to make them appear before national courts and to enforce judicial decisions, whereas publishers are clearly identifiable with a market, therefore under real threat of national regulation. Search engines benefit from an unfair advantage. Since search engines are under less regulatory pressure, they are able to develop new business opportunities, invest in innovation, and are more competitive.

Piracy of copyright protected works

Directory and database products are subject to piracy, which is made even easier in the online environment. In this regard, as underlined at the time of the debate initiated by the Commission on the legal protection of databases and the sui generis right, this latter protection is essential to secure investment in high quality products, and has to be maintained.

Complementing commercial offers with non-commercial services

Public Private Partnerships are potential business opportunities for database publishers, particularly in terms of collaboration for the diffusion of public sector information online.

Equipment and software

We are in favour of open and technology-neutral devices which leave the choice of the technology to the publisher in accordance with business requirements.

Besides, greater broadband penetration contributes to the development of online products and to the transformation of the internet in a truly multimedia environment, making interactive features more widely and easily usable. In the same way, the development of new mobile devices and mobile internet usage opens up new possibilities.