



D3.5 Final Report on Prosumer Business Models, cross-sector scalability and IP Framework

Project ref. no.	957185
Project title	Möbius: The power of prosumers in publishing
Project duration	1st March 2021 – 30th of March 2023 (36 months)
Website	www.mobius-project.eu
Related WP/Task	WP3 / T3.3
Dissemination level	Public
Document due date	(M30)
Actual delivery date	01/12/2023
Deliverable leader	IMEC
Document status	Submitted

This document reflects only the author's view, and the Commission is not responsible for any use that may be made of the information it contains.



This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No. 957185

Revision History

Version	Date	Author	Document history/approvals
0.1	10.07.2023	IMEC	First draft
0.2	02.10.2023	IMEC	Insertion results Pilot 1: current practices and data needs
0.3	09.10.2023	KULeuven	Insert framework IP
0.4	16.10.2023	IMEC	Final remarks and lay-out
0.5	24.10.2023	EUT	Internal review comments
0.6	24.10.2023	IN2	Internal review comments
0.7	25.10.2023 - 01.12.2023	IMEC, KULeuven	Reworked review comments
0.8	01.12.2023	EUT	Final submission

Executive Summary

This defines the principal conditions for fair and sustainable cooperation with prosumer communities and cross-sectoral scalability analysis. It concludes the work done in T3.3 ‘Prosumer business models and cross-sectoral scalability’ and T3.4 ‘Application of IP framework to prosumer business models’ of the Möbius project. It builds upon the insights in D3.3 ‘Interim report on prosumer business models and IP framework’. The workshop reported in this deliverable was held in alignment with T6.2 ‘Möbius Roadmap or Long-Term Impact’ and as such the deliverable is closely related to D6.2.

The deliverable is structured as follows: first, it explains the business model scenarios as used for D3.3 (Introduction). In the next section (Prosumer business models in the book publishing

industry), we differentiate between revenue models and content control options for publishers. Then, we discuss the set-up of the pilot 1 activities and business model workshop conducted (Methodological framework), before getting into the results:

Current practices, Market insights and sales data, Feedback on Prosumer Intelligence Toolkit data, Feedback on business model innovations and **Error! Reference source not found.** The final section highlights possible copyright implications (Prosumer Business Models: A Concise Final Look into Copyright Implications).

Table of Contents

REVISION HISTORY	3
EXECUTIVE SUMMARY	3
TABLE OF CONTENTS	5
LIST OF FIGURES	7
LIST OF TABLES	8
1. INTRODUCTION	10
2. PROSUMER BUSINESS MODELS IN THE BOOK PUBLISHING INDUSTRY	11
2.1 THE RELATION BETWEEN CONTENT CONTROL AND REVENUE MODEL	12
2.2 DIFFERENT APPROACHES TO CONTENT CONTROL	12
2.3 BALANCING THE REVENUE MODEL WITH THE CONTENT CONTROL MODEL	12
2.4 BREAKING DOWN THE DIMENSIONS FOR PROSUMER BUSINESS MODEL DEFINITION	14
2.4.1 <i>Revenue model selection</i>	14
2.4.2 <i>Content control decisions</i>	15
2.4.3 <i>Scenarios combining revenue models and degree of content control</i>	15
2.4.4 <i>Customer ownership</i>	18
2.4.5 <i>Scenario selection: Revenue control and customer ownership</i>	19
3. METHODOLOGICAL FRAMEWORK	21
3.1 CO-CREATION SESSIONS AND INTERVIEWS	21
3.2 BUSINESS MODELLING WORKSHOP	24
4. CURRENT PRACTICES	26
4.1 MARKET INSIGHTS AND SALES DATA	28
4.1.1 <i>Current use and relevance</i>	28
4.1.2 <i>Current limitations</i>	28
4.2 CONSUMER DATA	29
4.2.1 <i>Current use and relevance</i>	29
4.2.2 <i>Limitations</i>	30
4.3 TOPICAL DATA	30
4.3.1 <i>Current use and relevance</i>	30
4.4 PRODUCTION DATA	30
4.4.1 <i>Current use and relevance</i>	30
4.4.2 <i>Limitations</i>	31
4.5 DISTRIBUTION DATA	31
4.5.1 <i>Current use and relevance</i>	31
4.5.2 <i>Limitations</i>	33
4.6 DATA GAPS AND NEEDS	33
5. FEEDBACK ON PROSUMER INTELLIGENCE TOOLKIT DATA	34
6. FEEDBACK ON BUSINESS MODEL INNOVATIONS	35
6.1 AD-BASED MODEL	35
6.2 FREEMIUM	35
6.3 SUBSCRIPTION BASED MODELS AND STREAMING MODELS	35
6.4 LENDING	37

6.5	PREMIUM CONTENT	37
6.6	BUNDLE SALES.....	37
6.7	CONCLUSION	38
7.	OPPORTUNITIES FOR PROSUMER BUSINESS MODELS	39
7.1	REVENUE MODEL.....	39
7.2	CONTENT CONTROL MODEL.....	39
7.3	MARKET POSITIONING.....	40
8.	RECOMMENDATIONS: PROSUMER BUSINESS MODELS FOR MÖBIUS	41
9.	PROSUMER BUSINESS MODELS: A CONCISE FINAL LOOK INTO COPYRIGHT IMPLICATIONS	43
9.1	INTRODUCTION.....	43
9.2	COPYRIGHT OWNERSHIP.....	43
9.3	COPYRIGHT EXPLOITATION.....	44
9.4	COPYRIGHT LIABILITY	44
9.5	PRACTICAL APPLICATIONS	46
9.5.1	<i>Practical Scenario 1: Copyright Liability of Not-For-Profit Online Fan Platforms</i>	<i>47</i>
10.	RECOMMENDATIONS FOR IMPLEMENTATION IN THE MÖBIUS PROJECT AND CROSS-SECTOR SCALABILITY	52
10.1	RECOMMENDATIONS.....	52
10.2	CROSS SECTOR SCALABILITY	53
11.	REFERENCES.....	54

List of Figures

Figure 1. Prosumer Business Model Scenarios by Olivier Braet of IMEC	10
Figure 2. Revenue models overview.....	14
Figure 3. Content control options.....	15
Figure 4. Scenarios content control and revenue models	15
Figure 5. Revenue and content control models	16
Figure 6. Prosumer business model opportunities	17
Figure 7. Models for platforms with or without customer ownership	19
Figure 8. Miro board template.....	22
Figure 9. Miro board creation.....	22
<i>Figure 10. Consortium panel questions part a</i>	<i>25</i>
Figure 11. Consortium panel questions part b	25
Figure 13. Drop-off insights: data needs.....	27

List of Tables

Table 1. Customer ownership and asset control dimensions	18
Table 2. List of participants to drop-off survey, co-creation session and interviews	24
Table 3. Drop-off survey: How do you collect data?.....	26
Table 4. Drop-off insights: attitude towards business model innovations	38
Table 5. Types of Prosumer Platforms and Their Copyright Liability.....	47
Table 6: Recommendations for implementation of prosumer business models in Möbius.....	52

Terminology and Acronyms

AO3	<i>Archives of Our Own</i>
CDSM Directive	<i>Digital Single Market Directive</i>
CJEU	<i>Court of Justice of the EU</i>
DoW	<i>Description of Work</i>
DSA	<i>Digital Service Act</i>
EC	<i>European Commission</i>
EU	<i>European Union</i>
EUT	<i>Fundació Eurecat</i>
FEP	<i>Federation des Editeurs Europeens</i>
FP	<i>Framework Programme</i>
IP	<i>Intellectual Property</i>
OCSSP	<i>Online Content-Sharing Service Provider</i>
PIT	<i>Prosumer Intelligence Toolkit</i>
PMP	<i>Project Management Plan</i>
STAB	<i>Scientific and Technical Advisory Board</i>
WP	<i>Work Package</i>

1. Introduction

Building on the findings reported in D3.3¹, prosumers can create and make available original works as well as fan-fiction content through online platforms. Regarding the possible outcomes of the creation and making available of literary content by prosumers, IMEC stressed that there are three dimensions which, when combined, create the permutations of scenarios shown in Figure 1: (1) whether the prosumer creates fan-fiction or original content through the online platform, (2) whether the prosumer receives exploitation rights, (3) whether the prosumer receives remuneration for the exploitation of the work.

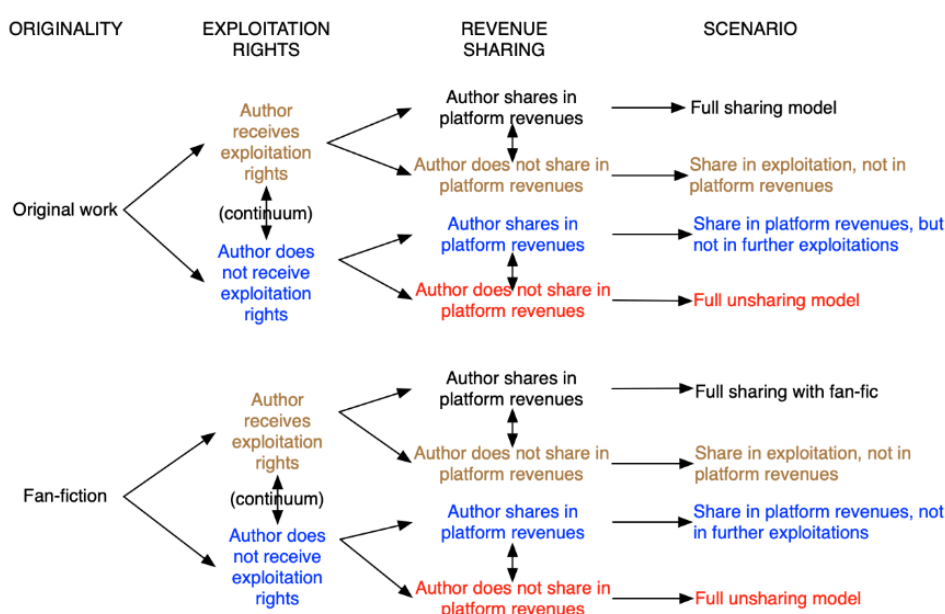


Figure 1. Prosumer Business Model Scenarios by Olivier Braet of IMEC

This deliverable moves beyond the possible scenarios and explores the current practices, business model innovations and prosumer models for the Möbius project, as well as the copyright implications thereof. As mentioned in the DoW, the aim of the tasks reported in this deliverable is to investigate exploitation strategies that ensure fair remuneration for all actors involved for creative output that is community-sourced. Therefore, this deliverable first

¹ See:

https://eurecatcloud.sharepoint.com/:w:/r/sites/MOBIUS/Shared%20Documents/WP3%20Prosumer%20intelligence%20and%20business%20models/T3.3%20Prosumer%20business%20models%20and%20cross-sectoral%20scalability/D3.3%20Citip%20MOBIUS_D3.3_%20final.docx?d=w25c7beff43d344418476594d6fa52500&csf=1&web=1&e=WtrC1c

introduces business models for the publishing industry, followed by an in-depth definition and description of the relevant dimensions: revenue models, content control decisions and customer ownership opportunities.

After the theoretical explanation, we describe the methodological approach to the field research. This includes a description of:

- (1) the co-creation workshops with publishers in the first pilot phase of the Möbius project, with the aim to gather knowledge on the current practices related to business models, data usage and decision-making; and
- (2) the set-up of the expert panel conducted to obtain insights in the opportunities for prosumer business models.

In sections 4 to 9, we discuss the exploitation strategies for community-sourced creative output that ensure fair remuneration within the book industry that were deemed applicable by the respondents. Then, section 10 provides insights in the copyright implications for Möbius. The concluding section highlights the cross-sector scalability for the Möbius prosumer business models and clarifies the next steps and links to other work packages and deliverables.

2. Prosumer business models in the book publishing industry

Publishing is the process of producing and distributing books, periodicals, and other (text and image) materials. It involves the selection, editing, and arrangement of works to be published, as well as the production, marketing, and distribution of the resulting products. A **revenue model** is a plan for generating revenue from a business or product. It involves setting prices and discounts, identifying potential customers, and creating incentives for those customers to purchase. Content control is an important aspect of publishing, as it helps to ensure that the content being published is of high quality and meets certain standards.

There are different revenue models in publishing, including subscription-based models, advertising-based models, and affiliate-based models. Each of these models has different implications for content control. Publishers have to find a route to profitability while balancing the most appropriate revenue model with appropriate forms of content control.

2.1 The relation between content control and revenue model

A direct relationship between revenue model and content control can be assumed. In the media industry, all subscription-based revenue models require publishers to ensure that their content is of high quality to attract and retain subscribers. If the content is not up to standard, then subscribers may cancel their subscriptions or choose not to renew them. As such, subscription-based publishers must have stringent content control policies in place to maintain the quality of their content.

Advertising-based revenue models require publishers to attract a wide audience to generate ad revenue. As such, they tend to have less stringent content control policies than subscription-based publishers. They may still have some basic standards for content quality, but they do not need to be as strict as subscription-based publishers.

Affiliate-based revenue models require publishers to ensure that their content meets certain standards for it to be accepted into an affiliate program. For example, an affiliate program may require that all affiliate links are clearly visible in the content and that the content does not contain any offensive material. Publishers must adhere to these requirements for their content to be accepted into an affiliate program.

2.2 Different approaches to content control

Content monitoring and filtering is one approach used by many publishers to ensure that their content meets certain standards. This involves scanning all submitted content for inappropriate language or images and blocking any material that does not meet the publisher's standards. Quality control is another important aspect of content control and involves ensuring that all published material is accurate and up –to date. Fact-checking is also important to ensure that all published material is factual and reliable. Audience feedback can also be used as a form of content control by allowing readers to submit feedback or reviews about published material.

2.3 Balancing the revenue model with the content control model

Balancing different revenue models and content control can be challenging for publishers as there are often competing interests at play. However, there are some steps that publishers can

take to successfully balance these two aspects. First, it is important for publishers to identify what their primary revenue model will be and then develop a content control policy that aligns with it. Publishers should also consider other forms of revenue such as affiliate programs, which may require different levels of content control than other models. Second, it is important for publishers to monitor their content regularly and adjust their policies accordingly to ensure that their content meets all applicable standards.

2.4 Breaking down the dimensions for prosumer business model definition

Since different revenue models require different levels of control over the quality of published material; to successfully balance these two aspects, publishers should identify their primary revenue model and develop a corresponding set of content control policies that meet all applicable standards. Additionally, publishers should regularly monitor their content and adjust their policies accordingly if needed.

In the next section we provide more details about the dimensions of revenue, content control and customer ownership.

2.4.1 Revenue model selection

For the revenue model in the retail market, one can choose between following a **direct revenue model** (subscriptions or pay-per-item), or an **indirect revenue model** (e.g., advertising or public funds), or a hybrid mix of these two models.

In the direct revenue model, revenues come entirely from voluntary payments by retail consumers in a pay-per-item formula or subscription formula. In the indirect revenue model, revenues are provided by third parties such as advertisers, other sponsors, or government funds. Between these two extremes lies a range of mixed revenue models. All firms active in the retail market can be situated on this continuum.

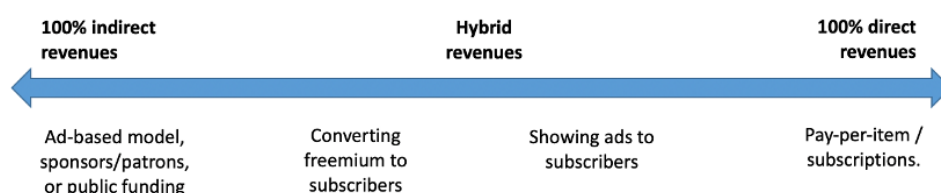


Figure 2. Revenue models overview

2.4.2 Content control decisions

Concerning editorial content control, all media firms active in the retail market must decide on how content that will be delivered to the retail consumers will be editorially selected.

Media goods can be offered in a **tightly editorially controlled content** model where the content offered to the audience is ex-ante approved by the selling media firm or platform, or a **completely open model** where all media content passes unfiltered to the audience. Most firms fall somewhere between these two extreme points. The strict ex-ante and centralized control of all content is the product-market model of traditional media firms. On the extreme opposite of this continuum lies the complete absence of content control such as in piracy models.

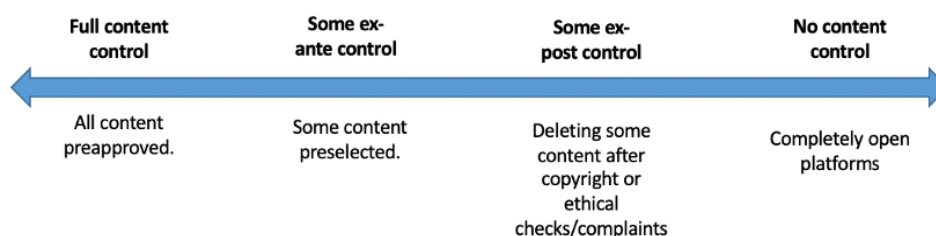


Figure 3. Content control options

2.4.3 Scenarios combining revenue models and degree of content control

When combining the two choices of the degree of content control and the kind of revenue model media firms follow, a basic scenario tree with four basic combinations emerges.

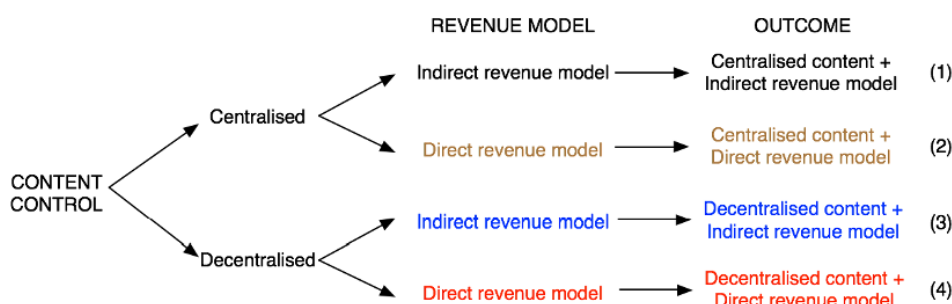


Figure 4. Scenarios content control and revenue models

This decision tree can be depicted visually as shown below. The visual depiction shows how these choices are not binary but form a continuum with a range of hybrid options in between. Each individual media firm can have a unique mix of revenues and a unique content control model and can be mapped in this field.

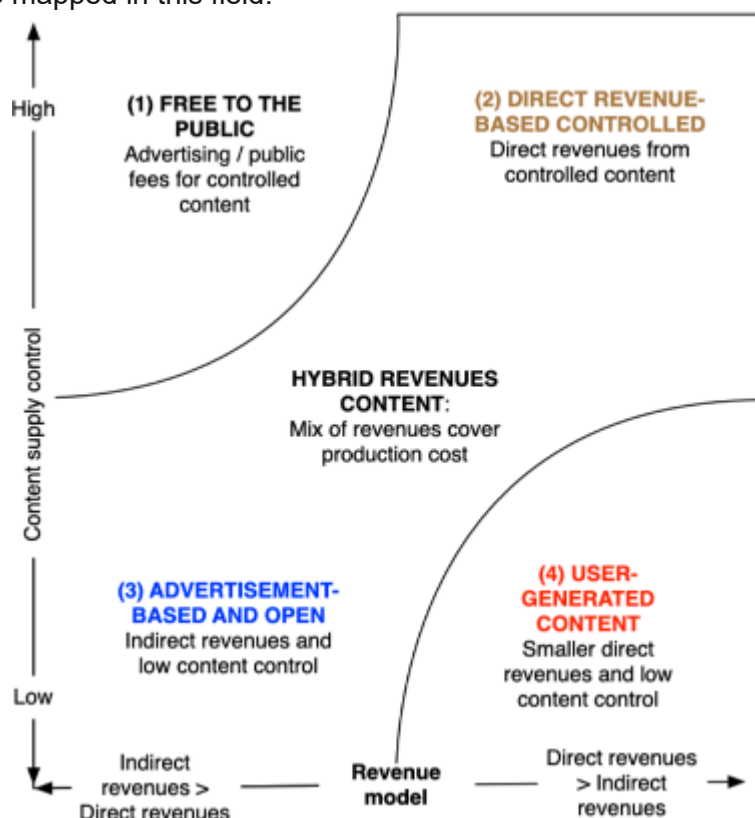


Figure 5. Revenue and content control models

The most important part of this exercise is that the bottom-right quadrant is where crowd-based authors (try to) earn direct revenues from ‘fans’ or ‘patrons’. Not only is this a new market in its own right, but it can also be a fishing pond for business in the other quadrants. The prosumer could move from the bottom right to the top right model if picked up for a publishing deal. Other prosumers may combine the ‘patron model’ with some ad-based revenues, in which case they shift towards the bottom left quadrant.

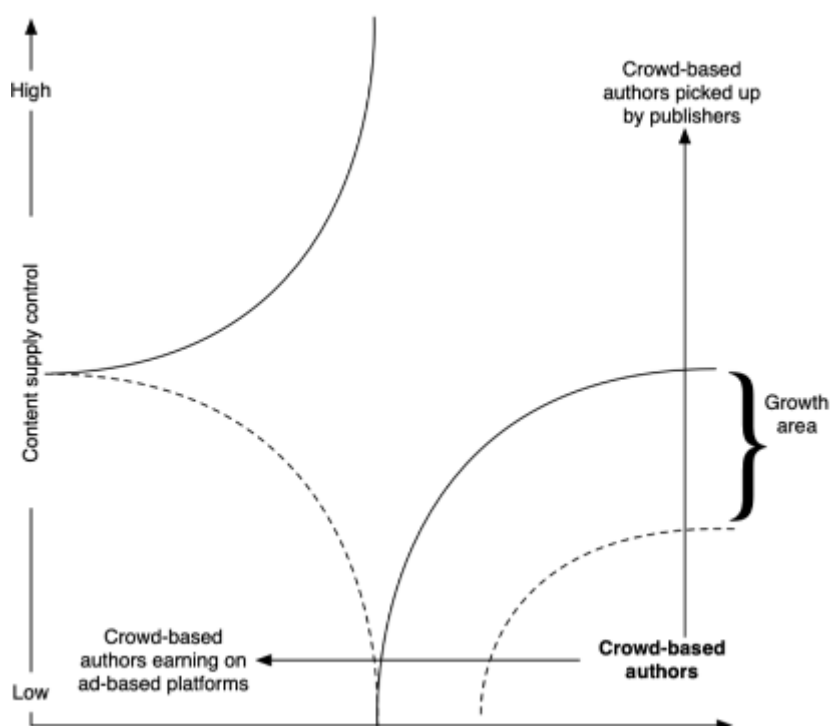


Figure 6. Prosumer business model opportunities

2.4.4 Customer ownership

Besides revenue model and content control model, there is a final dimension of customer ownership, defined as the degree in which firms have established direct relations with their end-users or customers, or whether they are dependent on third parties to reach the final customer. The following table² describes the four possibilities of being an integrator, a broker, an enabler, or a neutral platform.

		Customer ownership	
		No control over customers	Control over customers
Asset control	Closed content control	Enabler Platform The platform owner controls many of the necessary assets to ensure the value proposition but does not control the customer relationship.	System Integrator Platform Platform owner controls many of the assets to ensure the value proposition and establishes a relationship with end-users. Entry by third-party service providers is actively encouraged.
	Open platforms	Neutral Platform The platform owner is strongly reliant on the assets of other actors to create the value proposition and does not control the customer relationship.	Broker Platform The platform owner is strongly reliant on the assets of other actors to create the value proposition but does control the customer relationship.

Table 1. Customer ownership and asset control dimensions

² Based on Ballon, Pieter, The Platformisation of the European Mobile Industry (September 1, 2009). Communications & Strategies, No. 75, p. 15, 3rd quarter 2009, Available at SSRN: <https://ssrn.com/abstract=1559101>

2.4.5 Scenario selection: Revenue control and customer ownership

Depending on whether you as a firm have customer ownership (**Error! Reference source not found.**, left side) or not (**Error! Reference source not found.**, right side) will split the four quadrants in two further options.

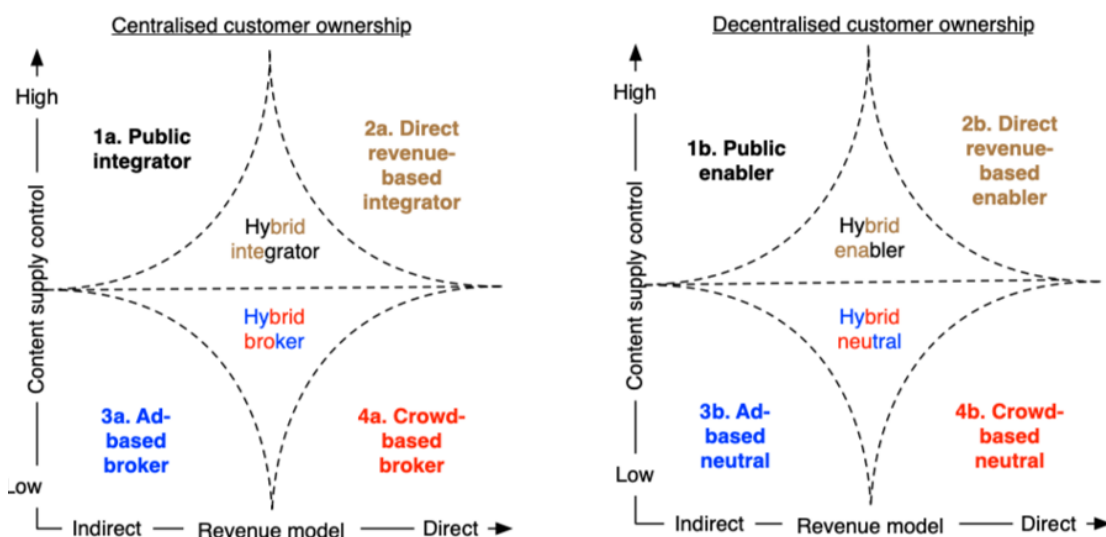


Figure 7. Models for platforms with or without customer ownership

As shown in **Error! Reference source not found.** on the left-hand side, combining the dimensions of revenue, control and customer ownership creates the following models for **platforms with customer ownership**:

- Public integrators (option 1a) are media firms that retain end-user customer ownership and earn indirect revenues from a collection of centrally controlled content.
- Direct revenue-based integrators (2a) earn direct revenues from the end-users, either in a pay-per-item or subscription formula and are considered to have customer ownership (albeit at varying rates depending on the national market considered).
- Ad-based brokers (3a) are the platform business model of Alphabet or Facebook. They have customer ownership and sell space to advertisers based on user profile information around openly sourced content.
- The crowd-based broker (4a) model contains platforms that retain direct customer ownership and offer a platform for crowd-based content producers.

There are also two hybrid options with the hybrid integrator combining elements from Public and Direct revenue-based integrators (1a and 2a) and the hybrid broker combining elements from Ad-based and crowd-based brokers (3a and 4a). The right-hand side of **Error! Reference source not found.** shows the models that can be defined for platforms without customer ownership:

- Public enablers (1b) do not control the customer ownership of the end-consumer. This is a better kind of platform for publishers who do not own their own sales platform.
- A direct revenue-based enabler (2b) does not have direct end-user customer ownership and earns revenues from a third party, usually through exclusive licensing of exploitation rights within a certain territory for a given time.
- Ad-based neutral platforms (3b) are open platforms that do not have end-user customer ownership.
- In the crowd-based neutral (4b) model very few direct revenues can be collected from the end-users because the content quality expectations lower as the editorial content control becomes weaker.

Here too, two hybrid options are possible, with the hybrid enabler combining elements from public and direct revenue-based enablers (1b and 2b) and the hybrid neutral combining elements from Ad-based and crowd-based neutrals (3b and 4b).

Based on this theoretical framework, we set up an expert panel to discuss the opportunities for prosumer business models in the publishing industry. Below, we first discuss the set-up of the business modelling expert panel before going into the details of the outcomes.

3. Methodological framework

In the first pilot phase of the Möbius project (M9-M12), the goal within WP3 was to gather insights into the current practices of European publishers, concerning data usage and business models and to gather feedback concerning the data insights generated for the Prosumer Intelligence Toolkit. imec-SMIT was responsible for coordinating the first co-creation session(s) aimed at European publishers. With the help of FEP, imec-SMIT organized two co-creation sessions and two in-depth interviews. Besides, imec-SMIT created an exploratory survey that was sent out by FEP. A total of 13 publishers participated in the co-creation sessions and in-depth interviews, and 20 publishers responded to the exploratory survey. Partner EUT presented the data scraped from fan fiction platform AO3 and the (potential) insights gathered from these data that would be integrated in the Prosumer Intelligence Toolkit.

Following the initial insights from the first pilot phase, a dedicated workshop was organized to address specific opportunities for business model innovation in the European publishing sector. This workshop was a joint workshop between WP3 and WP6 and a total of 15 participants joined.

3.1 Co-creation sessions and interviews

All the co-creation exercises are based on the interactive living lab method, but catered to an online format, due to the international character of the participant pool (European publishers) and the prevalent Covid-19 restrictions. The co-creation sessions followed the protocol written by imec-SMIT, which allowed the researchers to gather insights, test the first prototypes and present the early mock-ups.

During the co-creation sessions, participants were asked to engage in interactive discussions and co-creation exercises. The same practice was used during the interviews, yet tailored to fit the interview setting. Below, we specify the structure of the sessions:

- Drop-off: Before the start of the session, the participants were asked to fill out a drop off survey via Qualtrics.
- Informed Consent: the moderators explain the methods of data gathering, recording, data storage and sharing. Participants are asked to sign the online form before the session starts and is recorded.

- Discussion: the participants discuss current practices, current use of data to inform business decision making, gaps in data gathering and accessibility, and business model innovation. The output of the discussions was visualized in a Miro-board (see **Error! Reference source not found.** below) to ensure inclusion of all practices during the discussion.
- Co-creation: the participants were asked to develop their ideal data-dashboard using a miro-board with templates that they could personalize (see Figure 8 and Figure 9).

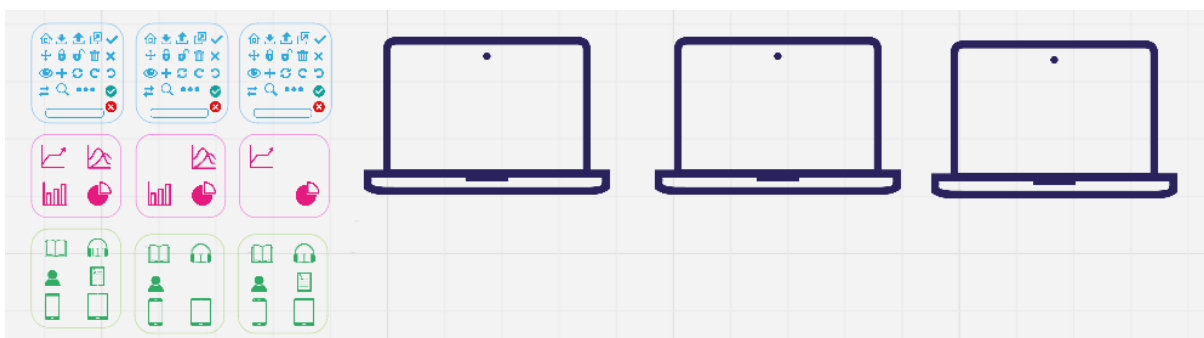


Figure 8. Miro board template

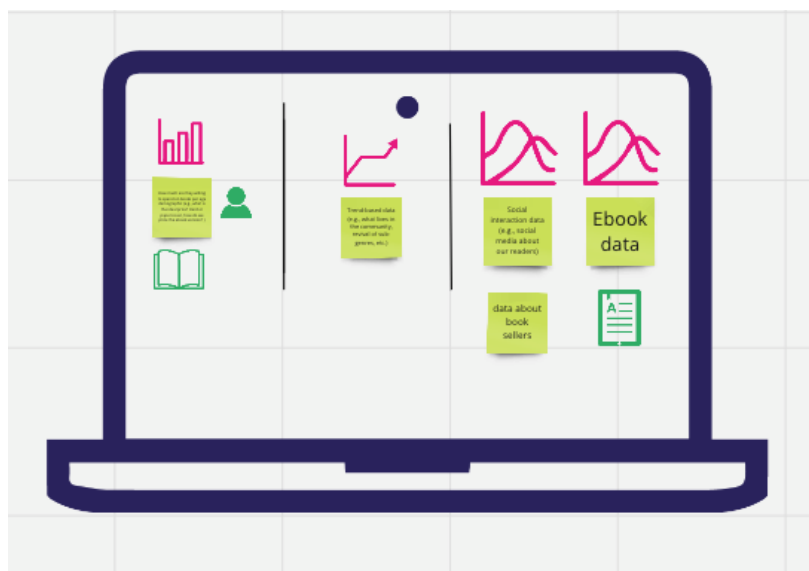


Figure 9. Miro board creation

Table 2 below specifies the profiles of the 20 publishers that filled in the drop off survey and clarifies which 13 participants joined the two co-creation sessions on 27th and 28th of January 2022 and the two in-depth interviews in February 2022.

Publisher	Country	Occupation	Session/interview
Publisher A	Slovenia	Writer, literary translator, journalist, editor, publisher	Not present
Publisher B	Latvia	Managing director of publishing house, president of professional association	Interview on 28/02/22
Publisher C	Italy	CEO	Not present
Publisher D	The Netherlands	Audio Publisher	Not present
Publisher E	Ireland	Publishing Operations Director	Co-creation session 28/01/22
Publisher F	Germany	Publisher	Co-creation session 27/01/22
Publisher G	Germany	CEO	Co-creation session 27/01/22
Publisher H	Ireland	Publishing manager	Co-creation session 28/01/22
Publisher I	Germany	Sales manager	Co-creation session 27/01/22
Publisher J	Germany	Publisher, IT-specialist	Co-creation session 27/01/22
Publisher K	Germany	Project manager & distribution	Co-creation session 27/01/22

Publisher L	Portugal	Brand manager	Co-creation session 28/01/22
Publisher M	Germany	Marketing	Co-creation session 27/01/22
Publisher N	Germany	CEO of an IT-related book publisher	Not present
Publisher O	Denmark	Key account manager	Interview on 21/02/22
Publisher P	Greece	Publisher	Co-creation session 28/01/22
Publisher Q	Germany	Publishing director	Not present
Publisher R	Italy	Trainer, Podcaster, Marketer and Growth Hacker	Not present
Publisher S	Italy	Marketing manager	Co-creation session 28/01/22
Publisher T	Bulgaria	Executive director	Not present

Table 2. List of participants to drop-off survey, co-creation session and interviews

For the analysis, imec-SMIT transcribed the recordings and did a qualitative analysis (using NVivo) to create an overview of current practices, data gaps and to formulate user requirements for the development of the PIT.

3.2 Business modelling workshop

Building on the insights from T3.3 and in alignment with work package 6, we conducted a dedicated workshop on prosumer business models for the publishing industry. The consortium workshop organised by WP6 took place on 13/12/2022. Below, we specify the content and exercise central to the workshop. The call for participation was shared via the consortium members. In total 15 people joined, all affiliated to the consortium partners.

This panel discussed a) the selection of the revenue model towards the retail consumer and b) the openness of the platform used towards the retail customer, in the context of integrating

the population of prosumers into the book value chain. We were focusing in this thought exercise on the **book retail market** and the revenues that could be obtained there from prosumer generated content, not on business-to-business revenues such as third-party licensing of IP. The questions represented in Figure 10 were used to guide the expert panel through the decision-making process. For the first part, the participants were guided through the overview of revenue and content control (see Figure 5. Revenue and content control models), and customer ownership models (see Figure 7. Models for platforms with or without customer ownership).

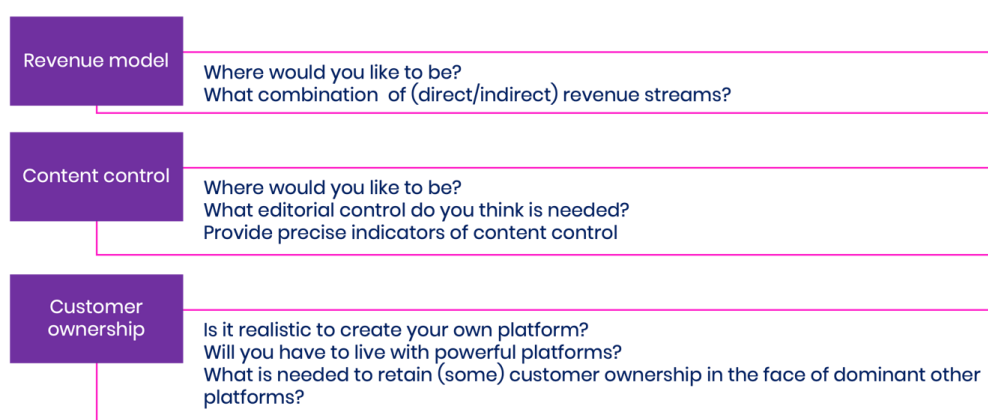


Figure 10. Consortium panel questions part a

After discussing the dimensions of revenue model, content control and customer ownership, participants were asked to also consider pricing strategies (in relation to market positioning). Figure 11 below illustrates the questions and options put before the expert panel.

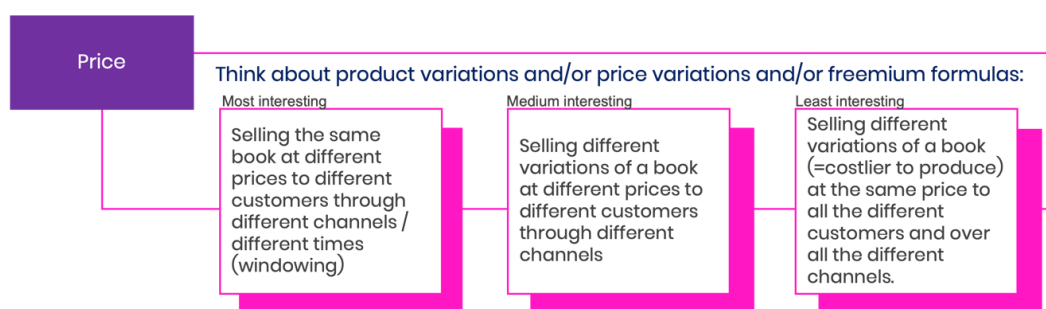


Figure 11. Consortium panel questions part b

4. Current practices

In the first part of the sessions held in January and February 2022, we discussed the current practices of the participants, based on five topics: production, distribution, market, sales, and other (for various topics). To visually support the discussion, the second moderator mapped participants' comments, ideas, and feedback to the Miro board and mapped them on five preset decision-making areas: 'production', 'distribution', 'market', 'sales', and 'other' (for decisions outside of the foreseen categories) (see here³ one of the visualisations made in Miro board). In this section, we put forward the insights from the discussion.

During this exercise, we identified similarities and differences between publishers. From the drop-off survey, we learned that most publishers in the sessions use both in-house and third-party data.

How do you collect data?	Reply N=20
In-house data collection	4
By external sources / third party	5
Both (in house and external)	11
Other	0

Table 3. Drop-off survey: How do you collect data?

The participants explained how data collection companies such as Nielsen and GfK provide market data as a paid service (for those who can afford their services). In addition, sales data from retailers were mentioned. This includes both physical (i.e., bookshops and stores) and digital (i.e., Amazon, Kindle) retailers. In terms of access to in-house data, participants mentioned sales data most often as an important source in their decision-making process. From the discussion, we found that most data was provided by external players (retailers), who control which data is available for the publishers.

³

https://miro.com/app/board/uXjVOSqTxJw=?share_link_id=790384132814

We also asked the publishers in the FEP survey to indicate the relevance of different types of data to their field and function. First, sales data are *crucial* for 65% of the participants. Second, reading data based on digital consumption (i.e., ebooks and audiobooks) is *crucial* for 40%, and *relevant* for 50% of the participants. Third, how many books' people read, or in other words: the rate of consumption on a yearly basis is *relevant* for 70%, and *crucial* for 25%. Fourth, general market data shares the same spot and spread as the rate of consumption. 70% perceive general market data as *relevant*, and 25% find it *crucial*. Additionally, demographic data about consumers is *relevant* for 80%, and *crucial* for 20% of the participants. Lastly, the survey had the option to select 'Other' with the possibility to specify (via a textbox) what type of data participants qualify as 'Other'. From the results three participants filled in the textbox giving the following insights: (i) *"where customers get info about the books"* (ii) *"sectors of read books"* (iii) *"bookstore data"*.

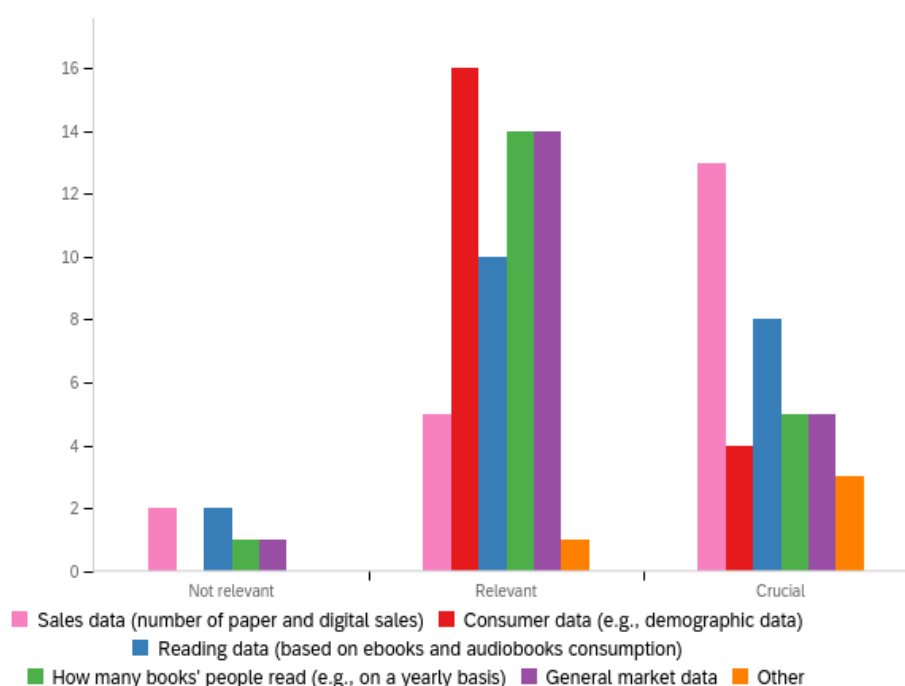


Figure 12. Drop-off insights: data needs

These insights were added to the insights gathered from the co-creation session where, via the Miro board, we identified the types of data relevant for the day-to-day activities of the participants. Below, we address the type of data used, the decisions the data are relevant for,

and the limitations to the available data. We also address the data gaps that the participating publishers experience. Finally, we discuss the current business models and business model innovations in the publishing sector.

4.1 Market insights and sales data

4.1.1 *Current use and relevance*

Currently, market insights play an important role for the publishers, and are mostly driven by the sales data of their products. Therefore, sales data influence various decisions related to the areas of production and distribution. Participants mentioned consulting sales data for decisions on which titles to publish, what topics are trending, and how many copies to print. The advantage for publishers is a clear view about the market they operate in. From the research, we understand that sales data is either gathered through data collection companies such as Nielsen and GFK or retailers such as bookshops, supermarkets and online platforms (i.e., Kindle, Tolino, webshops, etc.).

4.1.2 *Current limitations*

Participants indicated issues with data accessibility and complementarity. Due to the data being scattered over different sources, as discussed above, it complicates the decision process for the publishers. Although publishers pointed out that they value and trust the available data from data collection companies, it is hard creating an overview and there is a need for a one-stop-shop that collects and presents the numerous sales data. In addition, services offered by agencies such as Nielsen and GFK are costly, and therefore not affordable for smaller publishers. What is more, their research does not cover and is not available in every European member state.

Publishers also referred to data from bookshops, supermarkets and other retailers as difficult to verify, and can lack specific sales data. Obviously, the physical retailers' data do not present the full picture of the market, which can be misleading. Both physical and digital retailers (e.g., Amazon Kindle and Tolino) will not necessarily share relevant data with the publishers. For example, Amazon's Kindle platform does grant publishers access to sales data of their intellectual property (IP), but Amazon prohibits publishers access to data of the consumers reading their IP. Therefore, publishers do not have any insights regarding the reading behavior of the readers. Lastly, as mentioned before, the data is scattered, which makes it even harder

to grasp the market. Therefore, publishers need to puzzle certain data points together to create a market overview, which is probably not 100% accurate.

4.2 Consumer data

4.2.1 *Current use and relevance*

From our research, we understand that consumer insights are important for the publishers' daily decisions process. Insights about *Consumers* is a frequent topic discussed by publishers. Currently, this type of data is mostly collected via consumer research, where surveys and diaries provide the necessary insights for publishers to shape their catalogue, build market segmentation, and ensure the fit to the current behaviour of the consumers. Yet, these insights are rather complex, and need to be distinguished, to present a truthful overview. Therefore, we divided consumer data into (i) behavioural data, and (ii) demographic data.

Insights about what consumers expect from content, and behavioural data that can help publishers understand their consumers' reading habits, are two important pieces of the puzzle. Due to the growth of digital consumption, behavioural data –i.e. the behaviour and reading practices of consumers- can be measured through the devices they use to read. Interesting datapoints for publishers would include – but are not limited to:

- what do consumers read (most);
- when do consumers read;
- where do consumers read;
- for how long do consumers read (time spent);
- how often do consumers read;
- when do they stop reading (at which points in the story);
- where do consumers prefer to buy books (brick-and-mortar stores; local stores; online webshops of local (small) retailers; international webshops such as Amazon)

In addition, demographic insights (i.e., age and location) can play in publishers' favour, and support their decisions regarding price-setting-strategies. The price for a certain book can differ depending on the age of the target demographic and the consumer's location. Both factors can help deciding the pricing of the product. Also, related to demographic data, willingness-to-pay is an important factor for the publishers: how much is a consumer willing to spend on a title,

and how much would he/she spend on the physical book compared to the digital version (ebook or audiobook).

4.2.2 Limitations

A major hurdle for the use of consumer data is that publishers do not have access to a lot of behavioural data. First, most publishers cannot collect behavioural data themselves because they do not own a digital platform such as Amazon's Kindle, which only shares limited sales data. Second, consumers research is costly and will lose relevance over time, compared to user data that is being monitored when users read via their Kindle, Kobo or other ebook device. The lack of behaviour insights keeps publishers in the dark when it comes to digital consumption. Also, we see that behavioural data can play a vital role in developing an accurate market overview.

4.3 Topical Data

4.3.1 Current use and relevance

Topics or genres are a decisive indicator for the publishers and give insight about current popular topics and can help predict upcoming trends. Currently, data collection related to genres is rather limited, but one of the main indicators is sales data (which is itself limited, see also previous section). During the workshops, publishers indicated it would be beneficial to understand what genres or topics will do well, to make informed decisions about their current and future catalogue. Also, from the interviews, we understand that some genres can be niche, and take numerous forms. For example, crime-fiction is a well-known genre, but crime-fiction that is set in a certain place in Scandinavia, is a specific niche of a broader genre. Therefore, data based on genre preferences can help publishers navigate through an enormous stream of niches.

4.4 Production data

4.4.1 Current use and relevance

Publishers rely on different data sources to make decisions on the production of books. Questions include 'Which books should be published?' and 'How many copies should be printed?'. For the latter, the participants stressed that precise printing equals greater revenue for the publishers so estimating the circulation correctly is paramount. Here, consumer insights and sales data play an important role in making an informed decision. If a title needs a re-print

due to its popularity, this is also based on sales data, which indicate how many copies are still available in stores.

In addition, data of similar titles and authors play an important role as a first benchmark: 'How well did title X / subject Y sell?', 'Is it financially viable to publish a similar title / invest in other authors writing about the same subject?'. Finally, publishers participating in the workshops emphasized the importance of '*gut feeling*', as an essential decision-making tool and a key competence of a good publisher.

4.4.2 Limitations

Currently, the prediction of the potential success of books is based on past sales data only. This is indicated as a limitation by the participants of the workshops, who claim behavioural data and trend analysis would help them make better decisions within the production process.

4.5 Distribution data

4.5.1 Current use and relevance

Distribution of books changed over the years due to the digitization of books. The traditional distribution chain was solely physical, shipping physical books to brick-and-mortar stores. Yet, due to the rise of e-commerce and digital formats, the distribution chain expanded. Books are available via webshop in both physical and digital format. In addition, ebooks and audiobooks also require distribution for consumers to purchase the content. For example, via a webshop or listing the content on existing platforms such as Kindle, Audible or Tolino. In the different sessions and interviews, it was also made apparent that the ratio between physical and digital distribution differs. For example, in Latvia, and in spite of a high internet adoption rate, most books are still sold through brick-and-mortar retailers, and big players such as Amazon are not present in the market. If we compare this with bigger markets, we see that distribution is different due to big platforms that are active in the market.

Two main distribution pathways are common for digital book distribution in Europe, according to Publisher O (Denmark, 21/02/22). First, a publisher can expand its IP via licensed content from other publishers and media companies. Second, a publisher can distribute content in the European market through local distributors and aggregators present in the different markets.

Due to the numerous aggregators, publishers can strategize different business models in different markets (i.e., streaming, credits, lending, etc.). For example, the French market is hesitant towards streaming models, compared to Denmark, where there is much more excitement about the streaming on-demand model. This is due to the terms of data usage, as in Denmark the publisher gets access to back-end data from their distributors and aggregators, which is not the case in France.

4.5.2 Limitations

Currently, the data insights are scattered across numerous actors, which makes it difficult to get a reliable overview. Publishers combine in-house data with the data from their partners and retailers. An important need from the participants' perspective is thus an automated process to collect data from all the aggregators into one tool, fully digital. According to the publishers, the lack of data is not necessarily the problem, but rather the oversight of how different studies complement each other. Therefore, publishers are looking for a tool that can integrate data from different sources (brick-and-mortar stores, online platforms...) in one overview.

4.6 Data gaps and needs

Publishers participating in the workshop identified five specific challenges:

- Cost for buying data from third parties
- Limited coverage of data gathering in some parts of the EU market
- Data from commercial parties such as retailers is not reliable, nor complete (in terms of coverage of the market)
- Access to sales and customer data from large platforms (such as Amazon) is limited
- Difficulties getting an accurate overview of the market and readers in general due to fragmented market data that cannot be compared or brought together

While defining these data gaps and needs, publishers indicated the need for a comprehensive dashboard that automatically brings together and visualizes data from different data points (see above).

Participants identified that one other data need is trend identification. Once a trend enters a market, it is those who anticipate the trend that will benefit the most. Therefore, publishers need to gain insights about trend development both on a global and a local scale (rather for bigger markets such as Germany). Prediction tools are an invaluable asset for every company but rely heavily on the quality of the data. The better the data, the better the prediction tool.

Being able to gather insights from other media platforms outside the publishing realm would also be appealing for the publishers.

5. Feedback on Prosumer Intelligence Toolkit data

In the second part of the workshops and interviews, the participants got to discover the insights gathered via data scraping the fan fiction platform AO3 (see also D3.1 Knowledge extraction models). The moderators explained what type of data was collected, from which platforms, how the data is analysed and which type of insights this resulted in. As such, the presentation introduced the professional end-users to a new data source, linked to online fan communities and fan fiction platforms. The discussion afterwards was specifically aimed to valorize the potential of the data and insights gathered.

The publishers had a clear view about Wattpad and were familiar with AO3, its content, and their users. They see Wattpad as a platform for teenagers/young adults looking for mostly romance and fantasy content. In general, they assume that the content is of low quality, and the rating system (hearts) is obscure because readers can rate each chapter. Consequently, the respondents were **uncertain about the relevance of the data** on the users on Wattpad and AO3. One of the arguments mentioned was that the fan fiction platform users do not represent the book buyers. For example, Wattpad is mostly fantasy, and the German market is mostly interested in crime. In contrast however, an interesting reflection was made that the young group of readers active on Wattpad and AO3 are the readers of tomorrow that will grow out of their Wattpad phase and consume (professional) books when they get older.

During the discussion it became clear that according to some respondents data from fanfic websites do not necessarily translate to valuable insights for (smaller) publishers. The following thresholds were mentioned:

- (i) fanfic content works with cycles, where one IP dominates the entire fanfic space (e.g., Harry Potter),
- (ii) most of the popular IP is owned by major media outlets, and therefore, the publishers do not see a direct relevance for the use of insights from fanfic data,
- (iii) when using the dashboard on their own communities, the publishers fear that they would need to organize these (fanfic) communities and offer maintenance, which they do not have the resources for,
- (iv) fanfic can push the original IP into an unwilling direction, there is no evidence that what is popular in fan fic will be liked by readers in general
- (v) fanfic is mostly English (UK and US), and the local EU publishers are looking for market specific insights.

One of the first questions that arose was: “is the data correct?”. In this discussion the question did not focus on if the data was valid, but rather how the fanfic data can be translated to the decision-making process of the publishers. How can this data drive sales or consumer

insights? The publishers also mentioned that they do not have experience with fanfic data, so it is normal that they do not immediately see the potential value. However, there was interest in a tool that allows users to see the relevance of the (fanfic) data.

6. Feedback on business model innovations

The last part of the sessions dealt with business modeling, discussing the different revenue models and how publishers approach the given models such as subscription-based models and streaming platforms. The moderators touched upon *innovative* business models, the experience of the participants with the given business models and their evaluation. In the following sections, we will cluster and present the main insights and feedback given by the participants.

6.1 Ad-based model

During the discussions, participants agreed that the ad model, like we know on social media and content platforms such as YouTube, will not work in the publishing industry, as it was not clear how advertisements would be integrated in books. Questions were raised on the practicalities of ad insertion and user friendliness: ‘How many ads would be integrated?’ and ‘how often would you be confronted with an ad?’. In general, the publishers did not see the appeal of including ads to be able to give away their content for free: *“All these models already exist for ebooks, even the advertising-based model, but this didn’t work.”* (Publisher F, Germany, 27/01/22)

6.2 Freemium

Offering free content – or certain segments of a book (e.g., a few chapters) – was not approved by the publishers participating in this study, similarly to the ad-based model. The reasoning being that the freemium model currently does not offer any new advantages for readers or publishers. Currently, major platforms such as Amazon and Apple Books already offer free samples for their catalog (i.e., a few chapters) – if the publisher approves, which is mostly the case.

6.3 Subscription based models and streaming models

From the co-creation sessions, we can conclude that publishers do have interest in models such as subscription- and streaming based models. Overall, both business models still play a relatively minor role within the industry. *“We are using all these models (i.e., subscription, streaming, etc.) daily and they are part of our business. They are very important for us, so subscription for example for ebooks is part of our income.”* (Publisher F, Germany, 27/01/22)

Also, streaming and subscription models are not necessarily identical and work differently. Subscription based models such as Amazon Kindle and Audible charge users on a monthly basis giving its users access to a vast library, where users can spend *tokens* they receive each month – in exchange for their subscription fee. Streaming models, however, operate on a

smaller scale and mostly on local platforms. For example, in Germany the platform Skoobe, offers +60,000 ebooks via a subscription model of €11.99 per month (Publisher F, Germany, 27/01/22). But also in Portugal, there is a relatively new platform that offers unlimited access to audiobooks and ebooks, which at the time of the interview was only six months old. The platform is a joint initiative with Kindle (Amazon), but due to its recent introduction, it is not sure how the service will perform.

Compared to other media industries both subscription-based models and streaming services have proven their worth. Also, the book industry evolves in a similar way to the television and film industry, where most sell their IP to services such as Netflix or Amazon Prime. However, in the publishing industry the model is not mature yet. So, the potential impact these models can have for the industry is still unknown.

6.4 Lending

In Germany, readers have the option to borrow ebooks via a digital shared library, where ebooks can be lent out endlessly. Yet, this led to additional issues regarding compensation for the publishers. Currently, the library services pay more per book title to be able to lend it out to third parties. Hereby, the publishers do earn more per book title they sell to digital lending platforms, yet they will not earn additional income whenever their titles are lent out.

6.5 Premium content

During the conversations it became clear that publishers see premium content as an accessory – mostly through physical books that are more exclusive and/or limited in the number of copies printed. Yet, these books do not always sell at a higher cost price and can cost more to produce. Second, these premium editions do not appeal to the mass audience, but rather cater to a niche audience, and therefore, the chance of these titles selling at high volumes is lower compared to the standard edition of the given title. It is seen as a marketing tool, but not an additional revenue stream.

Lastly, the participants stressed the importance of data that can indicate the *willingness to pay*, meaning how much consumers are willing to spend on physical- and/or digital books. If we link this to premium content, this does not necessarily translate into higher sales or revenue. The two quotes below give an insight perspective of the participants regarding premium content.

“It's just to make - I suppose another way of talking about the book, but it might have special and colored edges to the paper or extra finishes that the main edition doesn't have, so we have done that once or twice and with book shops here. But in that instance, we didn't charge more, even though it certainly costs more to produce. But I think if maybe there's a very clear difference between one print edition and the other, you could charge a little bit more.”
(Publisher E, Ireland, 28/01/22)

“But they're quite hard to sell, and they're not. They don't turn into a mass market appeal, it's really for collectors.” (Publisher H, Ireland, 28/01/22)

6.6 Bundle sales

This model can be linked to the premium model, where the publishers will offer an ebook either for free or for a minimal cost, when the consumer buys the physical copy of the book. Yet, according to the participants, this model is not very lucrative: if the ebook would be included, the consumer would expect it to be free. Here again the willingness-to-pay plays a role. In addition, the participants argue that those who purchase physical books do not tend to be interested in digital formats.

From the results of the drop-off survey, we see that offering a teaser/taster is perceived *interesting* to 60% and *very interesting* to 20%. Second, offering bonus chapters or similar premium benefits is *very interesting* for 30% and *interesting* to 60% of the participants. Third,

the creation of a social dimension for consumers to interact is *interesting* to 47% and *very interesting* for 37%. Fourth, unique - or customized content is perceived *very interesting* to 20% and *interesting* for 60% of the participants. Fifth, the experimentation of modular publishing is *interesting* for 45% and *very interesting* for 35%. Sixth, allow prosumers to use protected content to create fan fiction, which only 15% found *very interesting* and 45% *interesting*. Lastly, sharing revenues with fan communities if fan fiction leads to sales, is only *very interesting* to 20% and *interesting* to 25% of the participants.

Question	Not interesting	Interesting	Very interesting	Total
Offer 'teasers' or 'tasters' before publishing the full book	4	12	4	20
Offer bonus chapters or other premium benefits after publishing the book	2	12	6	20
Create a social dimension (more conversation in the fan community)	3	9	7	19
Allow unique/customized content (e.g., unique illustrations)	4	12	4	20
Experiment with modular publishing for some book (chapter per chapter releases)	4	9	7	20
Allow prosumers to use rights-protected intellectual property in fan fiction	8	9	3	20
Share revenues with fan community, if fan fiction leads to a sale	11	5	4	20

Table 4. Drop-off insights: attitude towards business model innovations

6.7 Conclusion

To conclude, we see that most of the publishers taking part in this phase of the research are rather conservative regarding the presented business model innovations. However, there is a lot of interest in the aspect of creating a social dimension around their IP as well as experimenting with modular publishing and offering bonus content after the publishing of the book. Lastly, it's important to mention that most of the suggested business models are aimed at digital formats (i.e., ebooks, audiobooks, subscription-based models, etc.) with less attention for physical print. *"The problem is that some of these models you can't do them with printed*

books." (Publisher F, Germany, 27/01/22) However, the perception of experimenting with fanfic and opening the copyright barrier, does not seem to resonate with most of the participants.

7. Opportunities for prosumer business models

The development of an online book platform that facilitates the creation and sharing of content is a complex challenge that requires a careful balance between varying revenue models and varying content control models. We explored different options for revenue and content control models and their advantages and disadvantages with a panel of industry experts from varying backgrounds: technological experts, legal experts, and business experts (see D6.2 Möbius roadmap for long-term impact).

7.1 Revenue model

All experts agree that obtaining direct payments from the reading public is the most straightforward option for revenue generation. Here, users pay for access to content or services. These can take the form of micro-payments, subscriptions, or transaction fees. One of the advantages of this model is that it provides a predictable and stable source of income for the platform. Another advantage is that it eliminates the potential for user distraction and annoyance from ads.

On the other hand, relying solely on direct revenues can limit the potential audience for the platform and make it more difficult to attract users. Moreover, the need for users to pay for content or services can also limit the potential for viral growth and distribution. For those reasons, the experts also brainstormed on how this model could be expanded in a more hybrid fashion, either combining direct revenues with ads, or creating a premium option alongside a freemium model.

A hybrid revenue model combines direct revenues with advertising. This model can provide a stable core source of income from direct revenues while also leveraging the reach and more viral audience potential of a free model supported with advertising revenues. However, it requires careful consideration of the types and frequency of ads, to avoid user annoyance and distraction. Also, it is doubtful whether advertising revenues will ever be sufficient to create viable model in the book market, as book content (whether fiction or non-fiction) does not enjoy the high frequency of visits that news media or social media websites enjoy.

A third option is a premium option with a freemium model, where basic access to content or services is provided for free, but users can pay for additional features or access to premium content. This model can incentivize users to upgrade to a paid subscription, while also providing a low-cost entry point for new users.

7.2 Content control model

In terms of content control, the strictest option is full content control, where the platform exercises complete control over the literary content that is shared and published on the platform. This option can ensure that the content is of high quality, free from harmful content, and compliant with copyright laws. However, it can also be seen as too restrictive, stifling creativity and freedom of expression.

An alternative to the full content control is ex ante control, where the platform exercises some moderating control over the content before it is published. This model can help to prevent the spread of harmful or illegal content, but it also requires significant resources and technology to implement and maintain.

A third and more affordable option would be an ex-post control model, where the platform mainly exercises control over the content after it has been published. This model can be less restrictive, allowing for greater freedom of expression, but it also requires a mechanism for responding to harmful or illegal content after it has been published.

Finally, another option is community control, where the platform allows the community to exercise control over the content by voting, flagging, or reporting content. This model can help to ensure that the content is of sufficiently high quality, while also reducing the cost of editorial content moderation. However, it also requires a mechanism for responding to harmful or illegal content and a process for resolving disputes.

Whatever the chosen content control model, the attending legal experts stress that since this platform will facilitate the creation and sharing of content, it will automatically be subject to the new copyright directive of the EU. Strong ex ante and ex post control mechanisms will have to be present to avoid judicial issues, particularly with regards to author rights. Some ex ante mechanisms will have to be implemented, most probably with automated content filters.

7.3 Market positioning

The digital book market has become increasingly competitive in recent years, with Amazon being the dominant player in the industry. However, in order to succeed, it is important to understand that it is not always necessary to directly compete with Amazon. By focusing on a specific niche and offering a unique experience that goes beyond just selling books, it is possible to position a new service in the market and compete with other players, such as Wattpad or other fanfiction sites. Our expert panel explored the strategies and steps that can be taken to successfully position a new digital book service in the market.

One of the key strategies for success in the digital book market the experts agree on is to **focus on a specific niche**. This can be done by identifying a gap in the market and offering something unique and different from what is already available. In the case of Amazon, their customer support, technology investments and extensive catalogue are all very hard to imitate. However, by finding a niche, it is possible to rely on the distinct characteristics of the service and make it top of mind among users for those niche services.

The new digital book service should aim to sell an experience that goes beyond just selling books. By offering a **unique and immersive experience**, the service can compete with fanfiction sites like Wattpad and provide something that is not available anywhere else. This can be achieved by creating tools that add an additional layer for publishers, or by making deals with certain publishers to create a fruitful cooperation in exchange for varying permissions. It is important to market the service as something new, such as "immersive books" or a new way of sharing very personal stories. This can help to create a clear and differentiated brand identity and make the service top of mind among users. However, this will require a significant investment in marketing and market positioning.

Finally, the success of the new digital book service will depend, besides the self-evident amount of money invested, on **partnerships**. By working with publishers and authors, it is possible to create a fruitful cooperation. Additionally, investments in marketing and market positioning will be critical in establishing the service in the market and building a strong brand identity.

8. Recommendations: Prosumer Business Models for Möbius

The research shows that there are thresholds to overcome when implementing prosumer business models within the publishing industry itself. First, considering the data and content on prosumer platforms, we found that (1) publishers consider it paramount for the success of leveraging prosumer power that the data and content gathered pertains the appropriate group of prosumers. This means that for publishers, the preferred prosumers are considered relevant to or representative of the book buying market. Also, (2) the prosumer generated content must be qualitative enough to be considered by publishers in terms of a) relevance for the market (prosumer data) and b) viability as a product.

Second, in relation to Business model innovations, several of the proposed models had been tested or considered by the publishers interviewed. However, there was a strong preference for direct revenue models such as subscription based and streaming models whereas ad-based and freemium models were not considered viable for the publishing industry.

Third, when considering prosumer business models, the choice of revenue and content control models will have a significant impact on the success and sustainability of an online book and fanfiction platforms that facilitate the creation and sharing of content. The optimal model will depend on a variety of factors, including (1) the target audience, (2) the types of content and services offered, and (3) the resources available for implementation and maintenance. The interviewed experts advise to adopt a hybrid approach, combining multiple revenue models coupled with a phased content control variation, to achieve the desired outcomes.

In terms of market positioning, the digital book market is highly competitive, with Amazon being the dominant player in the industry. However, by focusing on a specific niche and offering a

unique experience, it is possible to successfully position a new digital book service in the market. This requires a combination of strategies such as finding a niche, creating a unique user experience, and securing partnerships (possible enabling additional funding). By following these steps, the new digital book service can compete with other players in the market, such as Wattpad or fanfiction sites, and establish itself as a valuable and unique offering in the overall industry.

9. Prosumer Business Models: A Concise Final Look into Copyright Implications

9.1 Introduction

In D3.3, "Interim Report on Prosumer Business Models and IP Framework," we embarked on a comprehensive exploration of three pivotal copyright dimensions tied to the online creation and sharing of literary works by prosumers through platforms like the Möbius Book. Our analysis provided a meticulous and thorough examination of copyright ownership, copyright exploitation, and copyright liability implications of online prosumer platforms from a variety of angles. In this deliverable, we will wrap up our findings in a concise and simplified way as well as provide practical examples regarding the copyright implications of online prosumer platforms that would ease navigating through the complexities of intricate and ever-evolving EU copyright regulatory framework.

9.2 Copyright ownership

The creation of a literary manuscript through an online platform by prosumers, first and foremost, gives rise to the question of copyright ownership. Prosumers will be able to create original as well as fan-fiction literary works by using the Möbius Book platform. Similar services are offered in today's world by online platforms such as AO3, Fanfiction.net, Wattpad, and Tumblr. With a blurring of traditional roles in the online environment, it becomes essential to determine which works are eligible for copyright protection and who is entitled to benefit from the exclusive rights granted by copyright. Copyright law protects original expressions of ideas, not the ideas themselves.⁴ In the EU, a work must be original to qualify for copyright protection, as established by the case law of the Court of Justice of the EU (CJEU,) particularly the Infopaq decision.⁵ Originality is defined as the author's own intellectual creation, emphasizing the unique elements that reflect the author's personality or personal touch.⁶ When it comes to allocation of authorship, international copyright law follows the "**creator doctrine**," which states that the author of an original work created on the internet is typically considered the first owner of the copyright, similar to the analogue world.⁷ However, international treaties lack clear guidance on the definition of authorship.⁸ The Berne Convention⁹ suggests that the author refers to the natural person who created the work.¹⁰ The EU directives, except for audio-visual

⁴ Monica Seeber and Richard Balkwill, 'Managing Intellectual Property in the Book Publishing Industry' (2007) Geneva: World Intellectual Property Organization, 12 <<https://www.wipo.int/publications/en/details.jsp?id=255&plang=EN> > accessed 1 October 2023.

⁵ Case C 5/08 Infopaq International A/S v Danske Dagblades Forening [2009] ECLI:EU:C:2009:465. Case C-393/09; Bezpečnostní softwarová asociace – Svaz softwarové ochrany v Ministerstvo kultury [2011] ECLI:EU:C:2010:816; Case C-145/10 Eva-Maria Painer v Standard Verlags GmbH [2012] ECLI:EU:C:2013:138.

⁶ Tatiana-Eleni Synodinou, Philippe Jougoux, Christiana Markou and Thalia Prastitou-Merdi, 'EU Internet Law in the Digital Single Market' (Springer Cham 2021), 183.

⁷ Paul Goldstein and Bernt Hugenholtz, 'International Copyright' (Oxford University Press 2019), 229.

⁸ *ibid* 228.

⁹ Berne Convention for the Protection of Literary and Artistic Works (adopted 14 July 1967, entered into force 29 January 1970) 828 UNTS 221.

¹⁰ *ibid*.

works and computer programs, do not extensively address authorship.¹¹ National approaches within the EU differ, with civil law countries considering the natural person as the author, while common law jurisdictions may recognize legal entities for cinematographic works or broadcasts.¹²

9.3 Copyright exploitation

Copyright exploitation is another key consideration in the online creation and sharing of literary content. The Möbius Book Platform, like Wattpad, AO3, and Fanfiction.net, will host user-generated content, including fan fiction, where prosumers create derivative works based on existing books, movies, or TV shows. This raises questions about copyright boundaries and the rights of original creators versus the creative freedom of prosumers. Creating fan fiction without rightsholders' consent is generally a copyright infringement in the EU, unless an exception applies. "Right clearance" involves obtaining permission through licenses or rights transfer to lawfully use copyrighted material.¹³ Prosumers must enter **into license or assignment agreements** with copyright holders to use their works. While rights clearance is the primary way to ensure the lawful creation of derivative works, limitations and exceptions to copyright provide flexibility for prosumers on online platforms.¹⁴ The parody exception, provided by the Digital Single Market Directive (CDSM Directive)¹⁵ and the Information Society Directive,¹⁶ is particularly relevant for fan fiction. In *Deckmyn*, the CJEU defined parody as humorously evoking an existing work while noticeably differing from it, ensuring uniform interpretation throughout the EU.¹⁷ The quotation exception is another significant exception for using pre-existing works in fan fiction. According to the Berne Convention and EU member states' national laws, making quotations from lawfully available works is permissible if they comply with fair practice and their extent is justified by the purpose. This exception applies to various sources, including press summaries of newspaper articles and periodicals. Fan-fiction literary works may benefit from the quotation exception depending on the fulfilment of the conditions outlined by CJEU and compliance with the national laws of the member states on moral rights on a case-by-case analysis.¹⁸

9.4 Copyright liability

¹¹ Antoon Quaedvlieg, 'Part III: The Gaps in European Copyright Harmonization, Chapter 10: Authorship and Ownership: Authors, Entrepreneurs, and Rights', in Tatiana-Eleni Synodinou, *Codification of European Copyright Law*, Information Law Series (29) (© Kluwer Law International; Kluwer Law International 2012) 195, 200.

¹² Scollo Lavizzari C and Viljoen R, 'Cross-Border Copyright Licensing: Law and Practice' (Cheltenham : Edward Elgar Publishing 2018), 71.

¹³ Alain Strowel and Bernard Vanbrabant, 'Copyright Licensing - a European view' In *Research Handbook on Intellectual Property Licensing* by J. de Werra (Edward Elgar 2013) 29, 34.

¹⁴ Ruth L. Okediji, 'Copyright Law in an Age of Limitations and Exceptions' (Cambridge University Press 2017), 278.

¹⁵ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC [2019] OJ L 130/92.

¹⁶ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society [2001] OJ L 167/10.

¹⁷ Case C-201/13 *Deckmyn v Vandersteen* ECLI:EU:C:2014:2132, para 14.

¹⁸ Giacomo Bonetto, 'Internet memes as derivative works: copyright issues under EU law' (2018) 13 *Journal of Intellectual Property Law & Practice* 989,994.

The third consideration revolves around the online creation and sharing of literary works is copyright liability. The unauthorized use of copyright-protected works on online platforms can result in copyright infringement, raising questions about the copyright liability of platforms. Major online platforms like Fanfiction.net, Tumblr, and Wattpad frequently face legal disputes over copyright liability claims. Until the adoption of the CDSM Directive, online platforms in the EU were subject to a knowledge-centric secondary liability regime which is shaped by the rules of the Information Society and E-Commerce Directives¹⁹ (soon to be complemented by the Digital Service Act (DSA)²⁰), the case law of the CJEU (the recent case law signals a major change),²¹ as well as the national laws of the Member States.²² Following the adoption of the CDSM Directive in 2019, the copyright liability of certain online platforms is currently governed according to a multi-level approach in the EU.²³ Aimed at addressing the so-called value gap, Article 17 of the CDSM Directive introduced strict liability rules on online platforms that qualify as an online content-sharing service provider (OCSSP) for the copyright infringements committed by platform users.²⁴ Hence, online platforms that qualify as an OCSSP under Article 2(6) of the CDSM Directive and accompanying recitals are now subject to the direct liability of Article 17 of the CDSM Directive, which also involves the controversial upload filtering obligations. The definition of OCSSPs in Article 2(6) of the CDSM Directive includes platforms whose primary purpose is to store and provide public access to a large amount of copyright-protected works uploaded by users, organized and promoted for profit-making purposes. Hence, platforms like Möbius Book, Fanfiction.net, Tumblr, and Wattpad may fall in the scope of this definition.

Although online platforms that do not qualify as OCSSPs remain unaffected by the direct liability regime introduced by Article 17 of the CDSM Directive, the scope of their copyright liability might still be significantly widened by the recent case law of the CJEU. The new approach endorsed by the CJEU in its recent case law shows substantial similarity with the *lex specialis* primary liability regime introduced by Article 17 (1) of the CDSM Directive for OCSSPs, which considers providing an online content sharing platform within the meaning of Article 2 (6) of the CDSM Directive an act of communication to the public of all the contents shared on that platform. In accordance with the recent case law of the CJEU, providers of online fan platforms may now be held primarily liable for the copyright infringements committed by users even though they do not qualify as OCSSPs within the meaning of Article 2(6) of the

¹⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2010 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market [2010] OJ L 178/1.

²⁰ Council of the European Union, Proposal for a Digital Services Act and amending Directive 2000/31/EC – General approach, 18.11.2021, Council Document 13203/21.

²¹ The new approach endorsed by the CJEU in its recent case law shows substantial similarity with the *lex specialis* primary liability regime introduced by Article 17 (1) of the CDSM Directive for OCSSPs, which considers providing an online content sharing platform within the meaning of Article 2 (6) of the CDSM Directive an act of communication to the public of all the contents shared on that platform. This approach will be analyzed extensively in Section 2.5.1.

²² Alexander Peukert, Martin Husovec, Martin Kretschmer, Peter Mezei, João Pedro Quintais, 'European Copyright Society-Comment on Copyright and the Digital Services Act Proposal' (2022) IIC 53(3) 358, 361.

²³ Alexander Peukert, Martin Husovec, Martin Kretschmer, Peter Mezei, João Pedro Quintais, 'European Copyright Society-Comment on Copyright and the Digital Services Act Proposal' (2022) IIC 53(3) 358, 361.

²⁴ Tatiana-Eleni Synodinou, Philippe Jouglaux, Christiana Markou and Thalia Prastitou-Merdi, 'EU Internet Law in the Digital Single Market' (Springer Cham 2021), 196.

CDSM Directive. Therefore, it would be practically impossible for online fan platform providers to rely on the liability exemption mechanism provided in Article 14 of the E-Commerce Directive. To avoid liability for the copyright infringing activities committed by users, online fan platform providers must make sure that their involvement in the copyright infringing activities happening on their platforms does not exceed the mere act of making that platform available in accordance with the reasoning provided by the court in *Youtube*.²⁵

9.5 Practical Applications

Of the facets analysed above, copyright liability proves especially nuanced, largely due to the intricate and continually evolving copyright regulatory landscape of the EU. Below, we aim to illuminate and simplify the intricacies of copyright liability, providing a simplified information table as well as drawing upon hypothetical real-life scenarios.

Types of online prosumer platforms	Definition	Examples	Liability implications
For-profit	These platforms host vast amounts of user-generated content (UGC) and have monetization strategies intertwined with the content they host.	<p>Fanfiction.net: A platform that hosts thousands of user-submitted stories across various genres and fandoms.</p> <p>Tumblr: While not exclusively a fan platform, it's a microblogging site where fan communities thrive, sharing art, stories, and other creative works.</p> <p>Wattpad: An online community for writers and readers, where many fan fiction stories are published alongside original content.</p> <p>DeviantArt: An art platform that showcases both original and fan-created art pieces.</p>	<p>Online platforms that qualify as an OCSSP under Article 2(6) of the CDSM Directive and accompanying recitals are now subject to the direct liability of Article 17 of the CDSM Directive.</p> <p>Platforms like Möbius Book, Fanfiction.net, Tumblr, and Wattpad may fall in the scope of this definition as their primary purpose is to store and provide public access to a large amount of copyright-protected works uploaded by users, organized and promoted for profit-making purposes.</p>
Not-for-profit	These platforms operate primarily to serve their user community rather than for profit through the content itself. Because of	AO3 (Archive of Our Own): An online platform allowing users to publish fan fiction. It operates on a not-for-profit model,	As per Article 2(6) of the CDSM Directive and its recitals, such platforms are not directly impacted

²⁵ Cases C-682/18 and C-683/18 *Frank Peterson v Google LLC and Others and Elsevier Inc. v Cyando AG* (2021) ECLI:EU: C:2021:503.

	their nature, they have specific protections under EU copyright law.	prioritizing community contributions. Wikipedia: A well-known online encyclopedia, Wikipedia is driven by volunteer editors and operates without profiting from the content.	by the new liability regime presented in Article 17. However, they are still subject to older EU regulations, like the E-Commerce and Information Society Directives. Their liability largely hinges on their responsiveness to known copyright infringements and their proactive mechanisms to counter such infringements.
--	--	---	--

Table 5. Types of Prosumer Platforms and Their Copyright Liability

9.5.1 Practical Scenario 1: Copyright Liability of Not-For-Profit Online Fan Platforms

The Story of "Harry Potter: The Lost Heir" on Möbius Book

Setting: The Möbius Book is an innovative online (for profit?) platform that enables prosumers to transform their narratives into immersive reading experiences. Similar to platforms like Wattpad or Fanfiction.net, Möbius thrives on user-generated content, yet it offers a multi-dimensional approach, including the Möbius Creator for crafting stories, the Möbius Player for reading, and the Prosumer Intelligence Toolkit (PIT) for insights.

The Original Content: The "Harry Potter" series by J.K. Rowling, with its spellbinding tales of magic and friendship, has enchanted readers worldwide. Copyrighted and protected, the intricate world of Hogwarts, its spells, and its characters remain exclusive to Rowling and her designated publishers.

The Fan Creation: Amelia, an ardent Potterhead, crafts a narrative titled "Harry Potter: The Lost Heir". Set in the Hogwarts universe, her story unveils a previously unknown heir of a Hogwarts founder. Though Amelia weaves in fresh characters and plots, her tale inevitably borrows elements from Rowling's magical universe.

The Platform's Role: To engage readers and spotlight trending tales, the Möbius Book Platform features popular stories on its homepage. Amelia's creation becomes a sensation, accumulating vast readership and possibly being monetized through in-app promotions or ads. The platform reaps benefits from the story's popularity.

The Copyright Conundrum: Rowling's legal team soon stumbles upon "Harry Potter: The Lost Heir". Identifying familiar characters, settings, and lore, they highlight a potential copyright infringement.

Legal Implications:

1. Direct & Indirect Infringements: By incorporating established "Harry Potter" elements into her story without explicit authorization, Amelia might have directly infringed upon the copyright. Möbius Book Platform, while not the originator, indirectly benefited from Amelia's narrative, positioning them in a situation where, according to EU copyright law, they might be held liable for this infringement.

2. Platform Liability under the CDSM Directive:

- **OCSSP Classification:** Under Article 2(6) of the CDSM Directive, Möbius Book Platform, operating as a for-profit venue that stores and facilitates public access to vast volumes of user-uploaded copyright-protected content, may be classified as an OCSSP. This identification puts a heightened responsibility on the platform to guarantee copyrighted works are not unlawfully disseminated by its users.
- **Direct Liability Mechanism:** Article 17(1) of the CDSM Directive interprets the act of providing an online content-sharing platform as a form of communication to the public. This suggests that if Möbius offers access to copyrighted material without the necessary permissions, it can be directly accountable for such communication, irrespective of its awareness or intention of these infringements.
- Möbius Book may avoid copyright liability for the copyright infringements committed by users if it satisfies the conditions in Article 17 (4) of the CDSM Directive:
 1. Made best efforts to obtain authorization from the rightsholders.
 2. Made best efforts to ensure the unavailability of specific works for which rightsholders provided the necessary and relevant information.
 3. Acted expeditiously, upon receiving a notice, to remove from their services the notified works and made best efforts to prevent their future uploads.
- Under Article 17 (6) of the CDSM Directive, Möbius can be exempt from the preventive filtering obligations laid out in Article 17 (4) (b) and (c) of the CDSM Directive if the service has been available to the public in the Union for less than three years and it has an annual turnover below EUR 10 million. As such, Möbius may avoid liability by acting expeditiously, upon receiving a sufficiently substantiated notice, to disable access to the notified works or other subject matter or to remove those works or other subject matter from their websites in accordance with Article 17 (4) (a) of the CDSM Directive.

[The Story of "Middle Earth Chronicles: The Return of the Silvan Elves"](#)

The Story of "Middle-Earth Chronicles: The Return of the Silvan Elves"

Setting: Picture an online platform named "StorySphere," a not-for-profit hub where enthusiasts from all corners of the globe share their literary creations. Rooted in values of community, sharing, and a deep passion for storytelling, it has become a beacon for budding writers.

The Original Content: J.R.R. Tolkien's "The Lord of the Rings" series has mesmerized readers for generations. The journey of Frodo Baggins and his fellowship to Mount Doom is protected by copyright, safeguarding the unique characters, races, lore, and landscapes of Middle-Earth.

The Fan Creation: Amelia, a passionate Tolkienite, crafts her own spin on a sequel. In her tale, "Middle-Earth Chronicles: The Return of the Silvan Elves," she depicts the resurgence of a long-forgotten elvish tribe in the woods of Middle-Earth. Although her narrative offers fresh plots and characters, it inherently draws from the established universe, landscapes, and creatures Tolkien introduced.

The Platform's Role: StorySphere, despite being a not-for-profit venture, showcases trending narratives to fuel the zeal of its member base. Amelia's novel swiftly gathers popularity. Contrary to profit-driven platforms, StorySphere does not capitalize on content via ads but thrives on donations and community contributions.

The Copyright Conundrum: Legal representatives of the Tolkien estate, upon stumbling upon Amelia's creation, identify copyrighted elements within, subsequently raising a flag for potential infringement.

Legal Implications:

- 1. Direct & Indirect Infringements:** Amelia's opus can be considered a direct infringement. StorySphere's position, however, is more nuanced. Being a not-for-profit platform, it does not financially gain from the creation of Amelia. But its act of spotlighting copyrighted narratives can raise eyebrows.
- 2. Platform Liability under the CDSM Directive:** Under the CDSM Directive, non-profit platforms like StorySphere are not burdened with the same direct liability standard as their for-profit peers. The CDSM Directive specifically excludes not-for-profit platforms from the direct liability regime of Article 17.
- 3. Recent CJEU Interpretations Regarding Online Platforms:** In the ever-evolving digital landscape, the recent case law of the CJEU has provided more profound insights into platform liabilities beyond the stipulations of the CDSM Directive. Particularly, the

rulings in notable cases such as Youtube²⁶ and *Stitching Brein*²⁷ have signposted a potentially broader horizon for platform liability. Even if a platform like StorySphere does not squarely fit into the definition of an OCSSP under the CDSM Directive, these CJEU decisions intimate that its liability might not be as circumscribed as previously thought. Specifically:

- In the Youtube case, the CJEU expressed that platforms could be deemed to be performing acts of "communication to the public," as per Article 3(1) of the Information Society Directive, if their role transcends just being a passive intermediary.²⁸ A platform may tread into this territory if it possesses explicit knowledge of copyright infringements occurring on its site, yet does not act promptly to rectify them, or if it neglects to deploy adequate technological safeguards to pre-emptively halt such breaches.
- Similarly, the *Stitching Brein* ruling articulated that platforms such as The Pirate Bay, which facilitate access to copyrighted materials, might be treated as communicating those materials to the public, irrespective of whether they directly host or upload the content themselves.²⁹ It underscored the importance of the platform's role – if deemed indispensable in granting users access to protected works, the platform could bear a heightened liability.
- Given these interpretations, the crucial lesson for StorySphere and similar platforms lies in keenly assessing their operational mechanics and involvements. If they play an active role in content sharing or display cognizance of infringements without taking rectifying actions, they could potentially be ensnared in the net of wider copyright liabilities, even if they do not technically qualify as OCSSPs.
- **Active Involvement:** StorySphere's recommendation algorithms and "Editor's Picks" could be viewed as "participating in curating protected content." This, coupled with the acknowledged presence of copyrighted tales like Amelia's, could place StorySphere in the direct line of fire.
- **Preventive Measures:** The latest legal interpretations accentuate proactive stances rather than mere reactive ones. For StorySphere, this could translate to harnessing tech to pinpoint probable copyright breaches or rethinking features that might appear to endorse particular content.
- **The Outcome:** Reflecting on the CJEU's recent stands, StorySphere may need to overhaul its modus operandi. Prioritizing copyright-awareness and potentially revising its promotional methods might be in order. Amelia's beloved piece, despite its acclaim,

²⁶ Cases C-682/18 and C-683/18 *Frank Peterson v Google LLC and Others and Elsevier Inc. v Cyando AG* (2021) ECLI:EU: C: 2021:503.

²⁷ Case C610/15 *Stichting Brein v Ziggo BV and XS4ALL Internet BV (The Pirate Bay)* (2017) ECLI:EU:C: 2017: 456.

²⁸ Cases C-682/18 and C-683/18 *Frank Peterson v Google LLC and Others and Elsevier Inc. v Cyando AG* (2021) ECLI:EU: C:2021:503, para. 102.

²⁹ Case C610/15 *Stichting Brein v Ziggo BV and XS4ALL Internet BV (The Pirate Bay)* (2017) ECLI:EU:C: 2017: 456, paragraph,

might be flagged not just for its inherent infringement but to ensure the platform is not seen as an accomplice by its promotional actions.

10. Recommendations for implementation in the Möbius project and cross-sector scalability

In this section, we formulate recommendations for the implementation of prosumer business models in the Möbius project and address the cross-sector scalability of the Möbius project.

10.1 Recommendations

Table 6 presents the recommendations for the implementation of the prosumer business models as based on the empirical research presented in this deliverable.

Table 6: Recommendations for implementation of prosumer business models in Möbius

Topic	Recommendation
Relevance prosumer data and insights	Implement data analysis on communities of relevant prosumer groups that are representative for the publishers' core market.
Quality prosumer generated content	When considering prosumer content for publication, quality of the content is key. Depending on the quality, there might be a high cost to moderation and editing of the content. Implement phased content control variations to balance user-generated content freedom while ensuring compliance with quality standards and legal requirements.
Revenue models and content control	Strong ex ante and ex post control mechanisms will have to be present to avoid judicial issues, particularly with regards to author rights.
Market positioning	<p>The new digital book service should aim to sell a unique and immersive experience that goes beyond just selling books.</p> <p>It is important to market the service as something new, such as "immersive books" or a new way of sharing very personal stories.</p> <p>The success of the new digital book service will depend, besides the self-evident amount</p>

	of money invested, on the partnerships between publishers and authors.
--	--

10.2 Cross sector scalability

As the aforementioned recommendations show, there are a number of challenges for leveraging the power of the prosumers for the book publishing industry. However, the research also shows that insights in the prosumer communities are relevant for different related fields such as marketing. The concepts of cross-disciplinarity and cross-sectoriality have been explored as part of D6.6 by the DEN Institute. In particular, the research focused on the i) interdisciplinary relations in the context of the project's outputs and research development within the consortium; and ii) cross-sectoral collaborations to bridge the project with other sectors. The research and results are extensively presented at D6.6, a publicly available whitepaper aimed to inform how the Möbius project explored these two dimensions. Here we provide a brief summary of the applied methodology and results.

The role of cross-disciplinarity for the Möbius consortium was explored by means of a survey circulated internally among the Möbius partners to understand the role and value that cross-disciplinarity and cross-sectoriality had on project development. The role of cross-sectoriality for the book and publishing industry and how can cross-sectoriality be framed for the Möbius project has been discussed during interviews with consortium partners experts in the field or with those that have hosted activities to foster this dimension. To explore and achieve cross-sectoral collaboration from the perspective of the Möbius project we followed two strategies: i) sharing important information and communication to reach a broad audience, beyond the publishing sector and ii) by organising events with stakeholders that could give more visibility and new inputs to project discussion.

To create and guarantee a process that can bridge and merge different disciplines and fields, it is crucial to establish a continuous and structured communication process that entails multiple channels of conversations, meetings and opportunities for discussion. On the other hand, to foster cross-sectoral collaboration with the purpose of scaling up certain outputs toward other sectors, a proper strategy and context analysis is needed. In this respect, it is important to have a defined analysis of the outputs intended for exploitation, as well as an understanding of the stakeholders potentially interested in these outputs. Additionally, creating a detailed map of events or meetings where stakeholders can be engaged is crucial. Cross-sectoriality is indeed an important aspect of the project but at the same time it is a difficult aspect to achieve, as there are few opportunities for cross-sectoral meetings and venues for discussions.

11. References

Alain Strowel and Bernard Vanbrabant, 'Copyright Licensing - a European view' In Research Handbook on Intellectual Property Licensing by J. de Werra (Edward Elgar 2013) 29, 34.

Alexander Peukert, Martin Husovec, Martin Kretschmer, Peter Mezei, João Pedro Quintais, 'European Copyright Society-Comment on Copyright and the Digital Services Act Proposal' (2022) IIC 53(3) 358, 361.

Antoon Quaedvlieg, 'Part III: The Gaps in European Copyright Harmonization, Chapter 10: Authorship and Ownership: Authors, Entrepreneurs, and Rights', in Tatiana-Eleni Synodinou, Codification of European Copyright Law, Information Law Series (29) (© Kluwer Law International; Kluwer Law International 2012) 195, 200.

Berne Convention for the Protection of Literary and Artistic Works (adopted 14 July 1967, entered into force 29 January 1970) 828 UNTS 221.

Case C 5/08 Infopaq International A/S v Danske Dagblades Forening [2009] ECLI:EU:C:2009:465.

Case C-393/09; Bezpečnostní softwarová asociace – Svaz softwarové ochrany v Ministerstvo kultury [2011] ECLI:EU:C:2010:816;

Case C-145/10 Eva-Maria Painer v Standard Verlags GmbH [2012] ECLI:EU:C:2013:138.

Case C-201/13 Deckmyn v Vandersteen ECLI:EU:C:2014:2132, para 14.

Case C610/15 *Stichting Brein v Ziggo BV and XS4ALL Internet BV (The Pirate Bay)* (2017) ECLI:EU:C: 2017: 456.

Cases C-682/18 and C-683/18 Frank Peterson v Google LLC and Others and Elsevier Inc. Cyando AG (2021) ECLI:EU: C: 2021:503.

Cases C-682/18 and C-683/18 Frank Peterson v Google LLC and Others and Elsevier Inc. Cyando AG (2021) ECLI:EU: C: 2021:503, para. 102.

Council of the European Union, Proposal for a Digital Services Act and amending Directive 2000/31/

Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC [2019] OJ L 130/92.

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2010 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market [2010] OJ L 178/1.

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society [2001] OJ L 167/10.

Giacomo Bonetto, 'Internet memes as derivative works: copyright issues under EU law' (2018) 13 Journal of Intellectual Property Law & Practice 989,994.

| Monica Seeber and Richard Balkwill, 'Managing Intellectual Property in the Book Publishing Industry' (2007)

Paul Goldstein and Bernt Hugenholtz, 'International Copyright' (Oxford University Press 2019), 229.

Pieter Ballon, 'The Platformisation of the European Mobile Industry' (2009) Communications & Strategies, No. 75, 15.

Ruth L. Okediji, 'Copyright Law in an Age of Limitations and Exceptions' (Cambridge University Press 2017), 278.

Scollo Lavizzari C and Viljoen R, 'Cross-Border Copyright Licensing: Law and Practice' (Cheltenham: Edward Elgar Publishing 2018), 71.

Tatiana-Eleni Synodinou, Philippe Jougoux, Christiana Markou and Thalia Prastitou-Merdi, 'EU Internet Law in the Digital Single Market' (Springer Cham 2021), 183.

Tatiana-Eleni Synodinou, Philippe Jougoux, Christiana Markou and Thalia Prastitou-Merdi, 'EU Internet Law in the Digital Single Market' (Springer Cham 2021), 196.