澳洲立法強制Google及Facebook向媒體業者支付合理費用

2020年4月20日澳洲政府要求澳洲競爭及消費者委員會(Australian Competition and Consumer Commission, ACCC)草擬強制性行為準則,以解決澳洲新聞媒體業者與數位平台(特別是Google及Facebook)間不對等的議價地位問題,由於2019年ACCC曾嘗試讓Google、Facebook自願與業者議價,並訂定相關程序準則,但事後成效不彰。為因應政府要求,ACCC於同年7月31日公布一份行為準則草案,「2020年修正草案—新聞媒體與數位平台強制性議價守則」(TREASURY LAWS AMENDENT (NEWS MEDIA AND DIGITAL PLATFORMS MANDATORY BARGAINING CODE) BILL 2020)。

此行為準則允許新聞媒體業者各自或集體向數位平台協議使用新聞內容的合理費用,請求費用的媒體公司至少須符合最低的編輯專業標準,並保持編輯獨立性,且每年營收須超過15萬澳元。雖然目前草案只適用於Google及Facebook,但未來也可能有其他數位平台列入適用範圍。

澳洲財政部長Josh Frydenberg表示,此準則設立的目的,是為了保護媒體公司著作內容的原創性,並確保業者能獲得合理的報酬,若Google 及Facebook三個月內,無法與媒體公司達成報酬協議,將命仲裁員做出具有約束力的決定,違反規定者將會被裁處1000萬澳元的罰款。

此草案公布後,預計於8月28日完成磋商審議程序,並向議會提出最終草案版本,經議會通過後正式生效。由ACCC負責執行並管理該準則,而新聞媒體業者的資格則由澳洲通信媒體管理局(The Australian Communications and Media Authority)認定之。

- 相關連結
- Draft news media bargaining code
- Australian news media to negotiate payment with major digital platforms
- Australia plans to make Facebook and Google payfor news
- 相關附件
- TREASURY LAWS AMENDENT (NEWS MEDIA AND DIGITAL PLATFORMS MANDATORY BARGAINING CODE) BILL 2020 [pdf]
- Q&As: Draft news media and digital platforms mandatory bargaining code [pdf]

謝宜庭

法律研究員 編譯整理

上稿時間: 2020年09月

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