Hearing Response to UNESCO's Draft Guidance on Fair Compensation for News

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1. A Timely Opportunity to Strengthen the Information Ecosystem

DPCMO welcomes UNESCO's initiative as important and timely. UNESCO is well placed to set a normative framework that can guide national and regional regulation, and we commend the organisation for taking up this work.

The rapid adoption of artificial intelligence and platform-driven distribution is transforming media markets. While AI presents efficiency and innovation opportunities, it also amplifies concentration risks that threaten media pluralism, editorial independence, and informed public debate. As a key democratic institution, media requires competitive markets to thrive. The media sector should be considered as uniquely critical to democracy, information society linking competition policy directly to consumer protection and societal resilience and shielding our democracy. Free and fair markets and free media are means to create better outcome for societies.

Media is not a typical market: Information shapes citizen knowledge, voting behaviour, and public discourse. Pluralism underpins democracy: Fewer editorial voices mean less diversity, reduced investigative capacity, and weaker public accountability. Concentration is political as well as economic: Dominant firms can convert market power into influence over public debate and regulatory outcomes.

2. Why Intellectual Property Rights Are the Bedrock of Innovation

Innovation is expensive, risky, and time-consuming and without a way to protect the fruits of that effort, few would be willing to make the investment. Intellectual property (IP) rights exist precisely to solve this problem. They give creators and investors a temporary, legally enforceable claim over what they've built, making it possible to recoup costs and earn a return before others can freely copy their work.

Media outlets are a clear example. Investigative journalism, in particular, requires months of reporting, legal review, and editorial infrastructure; costs that are sunk long before a single story generates revenue. Copyright protection allows outlets to license, paywall, or syndicate their content, which is often the only mechanism preventing aggregators or AI systems from redistributing that work for free while the original creator absorbs all the risk. Without this protection, the economic case for funding expensive journalism collapses, and quality reporting becomes increasingly unsustainable. In big tech, IP rights underpin the enormous capital investment required for R&D.

In short, IP rights function as a predictability mechanism: they align the incentives of creators, investors, and society by ensuring that the party bearing the risk of innovation is also the party positioned to benefit from its success.

3. Fair Compensation as a Foundation for Media Pluralism and Cultural Diversity

Fair compensation is about safeguarding media pluralism and cultural and linguistic diversity. A framework is needed that secures revenue (and data) for all publishers, including the smaller, local, regional, minority-language, and independent outlets. The Guidance could explicitly state that fair compensation is a means to preserve a diverse media ecosystem.

4. People's Access to Trustworthy Information

Visibility, accessibility, discoverability, and the resulting traffic to publishers' own websites and platforms are also important. Without traffic, news outlets lose the ability to reach their audiences directly, to build trusted relationships with readers, and to sustain their own business models.

This concern is not limited to commercial press publishers. It applies equally to civil society organisations, NGOs, consumer organisations, youth and children's organisations, health organisations, human rights institutions, and other providers of trustworthy, verified, and important information. If these organisations cannot reach citizens because algorithmic distribution and ranking decisions sit entirely with a few platforms, the public loses access to reliable, independent information – regardless of how much money changes hands. Big tech companies effectively control the algorithms and, by extension, the public narrative.

5. Effective Rights Require Effective Enforcement

Voluntary mediation and arbitration mechanisms have repeatedly failed to deliver balanced outcomes, given the structural power asymmetry between platforms and rightsholders. Litigation is costly, slow, and inaccessible to all but the largest players. The Guidance must call for enforceable obligations with binding decision-making authority, clear deadlines, and meaningful sanctions for non-compliance.

6. Simple and Accessible Enforcement Through the Rightsholder's Jurisdiction

Compensation mechanisms should be anchored in the jurisdiction of the rightsholder, not the platform. This keeps enforcement more simple, effective, and aligned with existing copyright and competition law principles, and it avoids forcing rightsholders into costly cross-border or foreign-jurisdiction proceedings against the very platforms whose market power they are trying to address.

7. Transparency Enables Fair Competition

Big tech platforms have become de facto data monopolies. They routinely invoke business secrecy to withhold information about content performance, user behaviour, and ranking criteria. Yet press publishers and other content providers cannot create relevant content, compete fairly, or reach their audiences if they have no insight into how people engage with information – insight that only the platforms currently possess.

Platforms are consistently ahead in personalisation and user convenience, but this advantage is not always achieved with the same respect for personal data protection that publishers themselves must observe. This creates a further, unjustified competitive advantage and a structural information asymmetry of the kind described by economist Joseph Stiglitz. The Guidance should require meaningful, standardised transparency obligations – covering ranking criteria, audience data, and content performance metrics.

8. Level Playing Field for Innovation and Media Diversity

Current agreements between big tech and news media are concentrated among a small number of large, often global, publishers. Local, regional, and national media outlets – and in some cases entire countries – are left behind, without access to the same technology, data insights, or commercial terms. UNESCO's Guidance could expressly require non-discriminatory access to compensation mechanisms, regardless of publisher size, geography, or language, so that smaller and local media are not structurally excluded from the benefits of AI and platform innovation.

9. Platforms Are Changing the Rules Unilaterally

Big tech continues to change its practices in ways that bypass existing safeguards. For example, new AI-driven user-agents deployed by major platforms do not reliably respect content owners' rights reservations expressed through mechanisms such as robots.txt. The Guidance must anticipate this kind of unilateral technical change and require that any automated access to content – including by AI crawlers and agents – respect rightsholders' explicit reservations, with consequences for non-compliance.

10. Keep the Framework Simple – Creators Should Own and Control Their Content

The Guidance could return to a foundational principle: the content creator owns and controls its content, regardless of format. Any commercial exploitation of that content by a third party requires an agreement with the rightsholder. Complex regulation, vague wording, and overly detailed definitions create loopholes that big tech has repeatedly shown it is willing and able to exploit. A simple, principle-based rule is harder to circumvent than an elaborate one.

11. A Must-Offer Obligation

UNESCO could recommend a must-offer obligation: large platforms should be required to offer press publishers a window or mechanism through which their content can be made available on fair terms, leaving the publisher free to decide whether to accept. A comparable model already exists in the audiovisual sector in the EU under the EU Audiovisual Media Services (AVMS) Directive and can serve as a useful precedent.

As mentioned in "A new strategic direction for UK media", Department for Culture, Media & Sport, June 2026: "A lack of consistent access to reliable, trustworthy information can pose chronic risks to our democracy, public safety, and social cohesion. […] Ensuring the prominence of trustworthy sources of news and information on the biggest social media platforms is also particularly critical in ensuring resilience during periods of community tension, social unrest and democratic events. […] The government will therefore explore legislative options to establish a prominence regime specifically for trustworthy news content on social media, which is linked to, but distinct to the wider prominence regime for PSM content discussed in section 4.2. This would require social media platforms, as well as potentially video sharing platforms, to ensure news content is prominent and discoverable within user interfaces. This would look to ensure people can access factual, accurate and trustworthy news when online. These measures could include other news publishers at national and local level, recognizing the importance of citizens' access to a plural range of voices and ensuring we capture local news and voice."

12. Equal Treatment for Trustworthy Public-Interest Content

The Guidance should explicitly address the practice of platforms blocking, downranking, or otherwise restricting legal, editorial content, as well as the spread of false or low-quality content that competes for the same attention and revenue. Non-discriminatory treatment of legitimate, editorially responsible content must be a core principle, not an afterthought.

13. Consider a Licensing Model for Very Large Online Platforms

As in other critical sectors – banking, broadcasting, and pharmaceuticals – UNESCO could consider recommending a licensing model for very large online platforms. Such a licence would require platforms to meet upfront criteria covering child and consumer protection, personal data protection, copyright compliance, visibility, and competition rules. Failure to meet these criteria should result in suspension or withdrawal of the licence. This model is simple to administer, creates legal certainty for all parties, and ensures that all platforms are treated equally under the same conditions.

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We remain at UNESCO's disposal to elaborate on any of the points raised in this response and looks forward to continued engagement in the development of the Guidance.