July 2026

CCIA Comments on UNESCO Guidance on Fair Compensation for News

OVERALL REACTIONS TO THE DRAFT

1. **Overall, how can the Guidance be useful for your work or ongoing efforts in your jurisdiction, sector or organisation? (can select more than one)**
    a. To inform the design or reform of national legislation, regulation or policy on fair compensation for journalism
    b. To support advocacy efforts in my jurisdiction or sector
    c. To frame submissions or interventions in domestic regulatory or policy processes (parliamentary, competition, copyright, media policy)
    d. To serve as a reference framework in negotiations between news publishers and digital platforms or AI actors
    e. To inform internal policy, practice or strategy within my own organisation
    f. To support comparative analysis or research on fair compensation across jurisdictions
    g. To build capacity and training material on the structures and mechanisms of fair compensation
    h. To support international or regional coordination, peer learning and harmonisation of approaches
    i. To anchor public positions, statements or submissions on fair compensation
    j. To explain or introduce the issues to stakeholders unfamiliar with the terrain
    k. Other: Chiefly as a reference framework and as an input to respond to within domestic regulatory, competition, copyright, and trade-policy processes, but only if it is reframed to present a balanced, evidence-based account rather than presupposing that compensation from platforms or AI developers is warranted.
2. **In your view, what are the most important elements of the Draft to retain and develop further? (select up to 2)**
    a. Setting out a comprehensive view of the available models and mechanisms for fair compensation
    b. The mapping of mechanisms into an architecture of pillars and identifying the relationships between the elements
    c. A strong grounding in human rights, freedom of expression and access to information
    d. Emphasising the inclusion of Global South perspectives and of small, local, community and independent producers of news
    e. Paying attention to artificial intelligence and the emerging AI value chain

f. Ensuring a clear allocation of responsibilities across states, platforms, publishers, civil society and multilateral organisations
g. Recognising and emphasising journalism as a public good
h. A practical orientation that makes the Guidance operationalisable in different national contexts
i. A multi-stakeholder, participatory framing
j. The linking of fair compensation to broader international frameworks (SDGs, the Pact of the Future, the Global Digital Compact)
k. Other: The insistence that any approach be technology-neutral, non-discriminatory, and protective of the free flow of information, including the ability to link to and quote news without a license or liability for compensation.

3. **In your view, what are the most important weaknesses, gaps, or risks in the current Draft? (select up to 2)**
   a. Insufficient detail on practical implementation and how the mechanisms work in practice
   b. Insufficient attention to small, community, independent or marginalised-language producers
   c. Insufficient attention to artificial intelligence and the AI value chain
   d. Insufficient attention to enforcement, accountability and independent oversight
   e. Underweighting of one or more of the four pillars (market-shaping, rights-based, fiscal, distribution and visibility)
   f. Missing types of approaches or models
   g. Insufficient attention to geopolitical and related constraints on Member States
   h. Risk that compensation flows to publishers but not into journalistic production
   i. Insufficient attention to certain regions or producer types
   j. Other: Insufficient attention to successful and more sustainable efforts to adapt to technological trends without relying on government intervention; and insufficient attention to the risks of such intervention degrading freedom of expression and innovation, creating an unhealthy dependence on governmental protection, and undermining the industry's ability to operate as a critical and independent voice.

INTRODUCTION AND OBJECTIVES (Paragraphs 1 to 13)

4. **Does the introduction section accurately frame the challenges associated with media sustainability and the relationships with digital platforms?**
   a. Yes
   b. No, more is needed on something (specify under "Other" below)
   c. No, something is misrepresented or inaccurately framed (specify under "Other" below)

d. I don't know / no opinion

e. Other: The introduction rests on the contested, empirically unsupported premise that platforms and AI systems “siphon” value from publishers and drive media unsustainability. In fact, search, aggregation, and social services generate substantial value through referral traffic and audience discovery. Independent studies—for the European Parliament and Commission, and by PwC (2024) and NERA (2023)—find aggregation is a net positive for publisher revenue, that snippet rights fail to sustain the press, and that publishers voluntarily share links for their own economic benefit. The introduction should present the value exchange even-handedly, acknowledge the documented failures of link/snippet taxes and bargaining codes, and avoid presupposing that compensation from platforms or AI developers is the remedy, given that AI training is a non-infringing, transformative use offering efficiency, engagement, and innovation benefits.

5. **Do you have any comments specifically on the objectives in the current Draft? (Please specify the paragraph and suggested wording)**

   a. In reality, the open web and modern AI technologies have spurred media plurality, lowered barriers to entry for new voices, expanded audiences to global reach, and offered both publishers and journalists powerful tools for news-gathering, reporting, and publishing. The objectives should be reframed around transparent, non-discriminatory, technology-neutral, evidence-based support for public-interest journalism, rather than around engineering revenue transfers from a narrow set of (mostly foreign) firms. We would add two objectives: preserving the free flow of information and the ability to link to and quote news without a license (consistent with Berne Article 10(1)); and ensuring any measure is consistent with Member States' international trade commitments.

MODELS AND APPROACHES (Paragraphs 14 to 44)

6. **Section B of the Guidance presents a three-pillar architecture of approaches: (1) rights-based foundations (copyright, neighbouring rights and licensing), (2) competition foundations (market-shaping tools and bargaining regimes), and (3) fiscal foundations (taxation, levies, and direct public funding). Transparency and accountability duties, visibility and distribution safeguards, editorial independence protections, and media diversity and plurality protections are presented as cross-cutting best practices across all three pillars. While opinions differ on the effectiveness and appropriateness of these approaches, to what extent do you agree that the three-pillar architecture is an accurate and useful way to organise the prevailing thinking on approaches to fair compensation?**

   a. 1 – not accurate or useful at all
   b. 2 – not very accurate or useful
   c. 3 – neutral
   d. 4 – quite accurate and useful

   e. 5 – very accurate and useful

7. **Please elaborate on your response to Question 13 above, if needed.**
   a. The taxonomy reasonably maps the interventionist mechanisms currently debated, but it is neither neutral nor complete as an organizing frame. By presenting copyright/neighboring-rights expansion, bargaining regimes, and levies/taxes as the menu, it presupposes that the question is which compensation mechanism to adopt rather than whether compulsory compensation is warranted at all. It omits the baseline against which these should be judged—voluntary, market-based arrangements and the value platforms already deliver—and it omits the extensive evidence that several of these mechanisms have failed, harmed small publishers, and reduced traffic. A more useful architecture would place market-based/no-mandate approaches and the empirical record on equal footing with the interventionist pillars.
8. **Are there models, mechanisms or examples not covered in Section B that you think the Guidance should include?**
   a. Yes. The Guidance should address: (1) voluntary commercial partnerships and product collaborations, including multi-year licensing, distribution, audience-development, and AI-related arrangements, which are broader and more durable than one-time grants and can evolve with technology and market demand, and thus obviate the need for intervention; (2) non-discriminatory public support funded from general/consolidated revenue rather than sector-specific extraction. There are sound policy reasons for funding local news from general tax revenue; (3) philanthropic and foundation funding; (4) investment in media literacy, innovation, and business-model transformation; and (5) the option of no new mandate, relying on existing copyright law with its exceptions and limitations, including quotation rights and fair use. It should also treat the failed ancillary/snippet-rights and bargaining-code experiments as a 'model' whose track record cautions against replication. The Guidance should not dismiss arrangements noted above as temporary "band-aid" solutions or recommend mandates that could displace emerging bilateral markets between technology companies and rightsholders.
9. **Do you have any further comments on Section B (Models and Approaches)? (Please specify the paragraph and suggested wording)**
   a. Section B should distinguish measures consistent with international copyright and trade law from those that are not. Ancillary/press-publisher rights and bargaining codes that levy quotation or linking conflict with Berne Article 10(1) (incorporated via TRIPS) and, where they target a narrow set of foreign suppliers, with national-treatment and MFN commitments. The AI discussion should reflect that making intermediate copies to train models constitutes transformative fair use in the United States, and that flexible exceptions and limitations are a prerequisite for AI innovation; it should not assume a licensing obligation for training.

GUIDING PRINCIPLES (Paragraph 45)

10. **Section C of the Guidance sets out nine guiding principles that should underpin any approach: human rights and freedom of expression; journalism and news as a public good; equity, inclusion and media plurality; transparency and accountability; independent oversight; attribution and recognition; fairness and economic balance; technology adaptability and future-readiness; and multi-stakeholder participation. Do you think that the guiding principles in Section C, taken together, provide an adequate normative foundation for the Guidance?**
    a. 1 – not at all
    b. 2 – not really
    c. 3 – neutral
    d. 4 – somewhat
    e. 5 – definitely
11. **Is there a principle in the list which needs to be further developed or nuanced?**
    a. human rights and freedom of expression (para 45.1.)
    b. journalism and news as a public good (para 45.2.)
    c. equity, inclusion and media plurality (para 45.3.)
    d. transparency and accountability (para 45.4.)
    e. independent oversight (para 45.5.)
    f. attribution and recognition (para 45.6.)
    g. fairness and economic balance (para 45.7.)
    h. technology adaptability and future-readiness (para 45.8.)
    i. multi-stakeholder participation (para 45.9.)
12. **Please elaborate on how it should be developed or nuanced. (Please specify the paragraph and suggested wording)**
    a. *Fairness and economic balance (45.7): the principle frames fairness as flowing only to publishers. Genuine economic balance must also account for the value platforms and AI developers deliver to publishers (referral traffic, discovery, audience tools) and for fairness to the firms asked to pay, including the discriminatory effect of measures that fall on a handful of (mostly U.S.) companies while exempting local and third-country competitors. 'Fair' compensation cannot be assessed without netting the benefits the value chain already provides.*
    b. *Technology adaptability and future-readiness (45.8): this should be strengthened into a substantive commitment to technology neutrality and future-proofing. Measures pegged to today's "search and social" services, or to a static conception of "news," quickly become obsolete as consumption shifts to newsletters, video, podcasts, creator platforms, and AI interfaces, and they distort competition by freezing a market definition into law. The principle should counsel against singling out particular services or technologies.*

13. Is there a principle missing from the list that you think should be included or any other comments on the Principles?

a. Yes, several. The list omits: (1) the free flow of information/access to information and the open internet, including the ability to link to and quote news without a license; (2) non-discrimination and competitive neutrality, measures should not target firms by nationality, size, or business model, nor advantage domestic over foreign suppliers; (3) consistency with international trade and copyright commitments (national treatment, MFN, Berne Art. 10(1)/TRIPS); and (4) evidence-based policymaking grounded in demonstrated harm and assessed against the documented record of comparable measures. These are as fundamental to a legitimate framework as the nine listed.

RESPONSIBILITIES OF ACTORS (Paragraphs 46 to 52)

14. The responsibilities set out for *states, governments and regulators* (para 48) are:

a. Appropriate
b. Incomplete
c. Too ambitious
d. Unclear
e. Other: Responsibilities should center on supporting journalism through transparent, non-discriminatory, technology-neutral means consistent with trade obligations, not on designing compensation mandates or offloading domestic policy costs onto a narrow set of foreign firms.

15. The responsibilities set out for *digital platforms and AI actors* (para 49) are

a. Appropriate
b. Incomplete
c. Too ambitious
d. Unclear
e. Other: To the extent these responsibilities entail compulsory payment or compelled disclosure of proprietary data and algorithms, they are inappropriate. Platform and AI-developer responsibilities are better framed around voluntary partnerships, product features that aid news discovery and distribution, and respect for existing copyright law and its exceptions.

16. **The responsibilities set out for *news publishers* (para 50) are:**

a. Appropriate
b. Incomplete
c. Too ambitious
d. Unclear
e. Other: Publishers receiving compensation or public support should provide appropriate transparency regarding whether and how those funds support

original journalistic production and should maintain accurate information concerning rights and attribution.

17. **The responsibilities set out for *civil society and academia* (para 51) are:**
    a. Appropriate
    b. Incomplete
    c. Too ambitious
    d. Unclear
    e. Other ____
18. **The responsibilities set out for *multilateral organisations* (para 52) are:**
    a. Appropriate
    b. Incomplete
    c. Too ambitious
    d. Unclear
    e. Other: Their role should be to promote non-discriminatory, trade-consistent approaches and coherent standards, not to legitimize extraction from a narrow set of firms.
19. **Are there responsibilities that should be allocated to actors not currently identified in Section D?**
    a. No
    b. I don't know / no opinion
    c. Yes: to whom, and what responsibilities? (Specify under "Other" below)
    d. Other: Oversight functions should not be vested in bodies composed of the beneficiaries (e.g., press-dominated regulators), which creates a conflict of interest, as seen in the Indonesian context.
20. **Any further comments on Section D (Responsibilities)? (Please specify the paragraph and suggested wording)**
    a. The allocation should not cast States as architects of compensation mandates or platforms/AI actors as owing compulsory payment. States' core responsibility is to support journalism through transparent, non-discriminatory, technology-neutral means consistent with their trade obligations. Oversight should be independent of the recipients of any funds.

KEY SUBSTANTIVE QUESTIONS FOR DELIBERATION

Valuation: While there is broad agreement that journalism and news contribute substantial value to the platforms and AI systems that use it, there is often disagreement about how that value should be measured and by whom. For example, referral traffic and its associated advertising revenue are commonly used as a proxy, but are increasingly seen as inadequate. Many feel that platforms and AI systems benefit from journalism in ways that extend beyond referral traffic: the quality and credibility of search results, user trust in digital information *environments, the reliability of AI model outputs, and the quality of training data all depend, to varying degrees, on the availability of high-quality journalism. In the AI context, the valuation challenge is particularly acute for a range of reasons, including difficulties inferring the exact role of news publisher content in the operation of a generative AI system which has been trained on a vast dataset, and also because the value of some AI systems may be measured in future revenue rather than contemporary earnings. For usage-based licensing approaches, there are multiple distinct uses in the design and operation of a generative AI system: content used in training data (archival use), content accessed through retrieval-augmented generation or real-time inference (ongoing use), and content cited or synthesised in model outputs (attribution use).*

21. How do you think the Draft should address the question of how to measure the value of journalism and news to digital platforms and AI actors?

a. The Draft should recommend measuring referral traffic and associated advertising revenue to value news

b. The Draft should articulate a broader conception of value that goes beyond referral traffic

c. The Draft should distinguish between different uses of journalistic content withinAI systems for valuation purposes – i.e. training data (archival use), retrieval-augmented generation (ongoing use), and citation or synthesis in outputs (attribution use)

d. The Draft should make independent, legally enforceable platform and AI-developer data disclosure a precondition for any credible valuation framework

e. The Draft should support independent regulatory or expert determination of valuation, rather than leaving it to bilateral negotiation between platforms and publishers

f. TheDraft should support collective negotiation of valuation through representative bodies (such as publisher associations or collective management organisations)

g. The Draft should support statutory or administratively set rates as a backstop where negotiation fails

h. The Draft should reflect both cost-based valuation (the cost of producing journalism) and market-based valuation (the value platforms or AI developers derive), and indicate how the two relate

i. The Draft should account for the past and future value of journalistic content for AI systems, not only contemporary revenue

j. The Draft should set out guiding principles for valuation, but leave specific methodologies to be determined in context

k. The Draft should focus on transparency and independent audit rather than prescribing valuation methodologies

l. Other: The premise that the way platforms and AI systems capture value from journalism warrants compulsory 'compensation' is unsupported. Evidence indicates platforms deliver net value to publishers through referral traffic and discovery, which measures benefit conferred, not value extracted. Valuation should net the value platforms provide, and not assume a single article's contribution to a general-purpose model can be isolated or assigned a reliable revenue share. Canada's news bargaining law rested on that premise, yet a Reuters study found Facebook usage essentially unchanged after removing news content, indicating news provides little value to social platforms. In the U.S., training AI on works is held as transformative fair use. If the Guidance addresses valuation, it should do so descriptively and neutrally, without recommending statutory rate-setting, compelled disclosure, or administrative determination—each substituting government judgment for voluntary, market-based negotiation.

Another fundamental obstacle is the asymmetry of available data. Digital platforms have granular visibility into how journalistic content is used and what value it generates, while publishers and regulators typically do not.

22. How should data disclosure feature within the Draft? Can the Guidance do better to enable the disclosure of data?

a. Data disclosure should be elevated to a standalone principle in the Guiding Principles section (Section C)

b. Data disclosure should be treated as a precondition for any credible compensation framework (i.e., without disclosure, neither valuation nor oversight is possible)

c. The Guidance should specify a minimum set of data categories to be disclosed by both digital platforms and AI actors, including engagement and visibility data, use of news content in AI systems (training, retrieval, output), revenue attributable to news content, and changes to algorithmic surfacing of news

d. The Guidance should require disclosure to be channelled through independent regulators or designated bodies, not only directly to publishers, to support system-wide oversight

e. The Guidance should support machine-readable disclosure standards (for example, APIs and common reporting protocols) that enable access at scale

f. The Guidance should support independent third-party audit of platform and AI-developer data by appropriately credentialed researchers and auditors

g. The Guidance should articulate clear and narrow limits on confidentiality, privacy and trade-secret carve-outs, to prevent these being used to defeat the purpose of disclosure

h. The Guidance should require disclosure obligations to be backed by meaningful enforcement and penalties for non-compliance

i. The Guidance should support international harmonisation of disclosure standards to reduce regulatory fragmentation and forum-shopping by platforms

j. The Guidance should ensure disclosure obligations are calibrated to the size and market position of the platform or AI actor, with heavier obligations on dominant actors

k. Other: Mandating disclosure of algorithms, engagement data, model architecture, and commercially sensitive metrics raises privacy, cybersecurity, trade secret, and other intellectual property concerns. Granular, source-by-source tracing of an individual article's contribution to model behavior, user engagement, or revenue may be technically infeasible, particularly for general-purpose models trained on heterogeneous datasets. Transparency measures, where useful, should be proportionate, reciprocal, voluntary or narrowly tailored, and protective of trade secrets and user privacy. The Guidance should focus on recommended voluntary standards for practical outputs and controls—including machine-readable publisher controls, safeguards against unintended verbatim reproduction, links or citations when excerpts are displayed, provenance standards, and appropriately tailored notice-and-removal processes—rather than disclosure of ranking logic, model architecture, or speculative revenue attribution.

Eligibility: Compensation frameworks must determine which publishers and outputs are eligible for compensation. Some argue for criteria based on membership of independent professional or self-regulatory bodies, adherence to recognised standards such as the Journalism Trust Initiative, or other neutral proxies that avoid vesting gatekeeping power in either governments or platforms. Others argue that fair compensation frameworks should be divorced from normative arguments about the value of independent media and instead take an empirical or transactional approach that applies compensation opportunities to any publisher from whose content platforms derive value (potentially combined with separate mechanisms directing proceeds to public-interest journalism).

23. What are your thoughts on how regulatory or other frameworks should determine eligibility for compensation frameworks?

a. The Guidance should support eligibility based on adherence to recognised journalism standards (such as the Journalism Trust Initiative) or membership of independent self-regulatory bodies (press councils, professional associations)

b. The Guidance should support an empirical or transactional approach, i.e., any publisher whose content platforms or AI developers derive value from should be eligible, with separate mechanisms directing proceeds to public-interest journalism

c. The Guidance should support a hybrid approach that combines standards-based and transactional eligibility, with different criteria for different funding or compensation streams

d. The Guidance should require eligibility criteria to be set or applied by independent bodies (and subject to judicial review), rather than by states or platforms, to avoid vesting gatekeeping power in either

e. The Guidance should recommend that States ensure that eligibility frameworks are non-discriminatory across producer types (commercial, non-commercial, public-service, community, independent and marginalised-language producers) and include specific design features to prevent the exclusion of small or under-resourced producers

f. The Guidance should treat eligibility for AI-related compensation differently from eligibility for compensation tied to traditional platforms (search, news aggregation, social media)
g. The Guidance should treat eligibility for AI-related compensation the same as eligibility for compensation tied to traditional platforms (search, news aggregation, social media)
h. The Guidance should set out clear principles for what content types should be excluded from eligibility (for example, sponsored content, or content lacking attribution to an identifiable producer)
i. The Guidance should set out principles for eligibility but leave specific criteria to be determined in the national context
j. Other: None of the above. All presume that compensation is due, which is a false premise. To the extent any public support is provided, criteria should be neutral, transparent, and non-discriminatory across producer types and across nationality, and should not vest gatekeeping power in governments or platforms. Frameworks that in practice channel funds to large incumbent conglomerates while sidelining small, community, and independent publishers, as documented under the Australian Code and Canada's Independent Local News Fund, should be avoided. Eligibility tied to national presence or licensed-broadcaster affiliation raises national-treatment concerns under trade law.

Opt-out, opt-in, and the problem of meaningful consent: Many compensation frameworks rely on publisher opt-out from AI tools as a mechanism for securing negotiating leverage. Some researchers have argued that a structural risk of this approach is that publishers who opt out of having their content used by AI systems or featured in AI-generated summaries may also lose visibility in search results, creating a disincentive to exercise their formal rights and risking lasting negative impacts on media plurality. In such circumstances, the formal existence of an opt-out mechanism does not translate into meaningful choice. In addition, AI overview functionality and general search indexing are currently bundled by major platforms, making it technically impossible to consent separately to each.

24. How should the Guidance address mandatory opt-in requirements, technical unbundling obligations, or statutory licensing frameworks?

a. Publishers should have to actively agree before their content can be used by platforms or AI developers (an "opt-in" approach)
b. Publishers should be able to refuse their content being used, and refusing must not result in penalties such as loss of search visibility (an "opt-out" approach with safeguards)
c. Publishers should be able to give or withhold permission separately for different uses of their content (for example, for search and for AI uses)

d. The law should provide a baseline of compensation that applies to all publishers, regardless of individual consent decisions (for example, through statutory or collective licensing)

e. Consent tools should be simple, transparent and easy to use, so that publishers of all sizes, including small and under-resourced ones, can use them in practice

f. Bundling different uses together, so that publishers cannot consent to one without consenting to others, should be treated as an anti-competitive practice

g. Platforms should give publishers advance notice and consult with them before changing how consent works

h. Independent oversight should ensure that consent systems work as intended in practice

i. The Guidance should set out principles without prescribing a particular approach, leaving the choice to each country's context

j. Other: Leave these choices to national context rather than prescribing mandatory opt-in, technical unbundling, or statutory licensing. The Guidance should not recommend mandatory technical unbundling, as AI companies already offer increasingly granular controls for evolving AI-related uses and features. In parallel, the Internet Engineering Task Force’s AI Preferences (AIPREF) Working Group is developing standardized mechanisms for expressing preferences on how online content is collected and processed for AI development, deployment, and use. These controls will keep evolving, and prescriptive, technology-specific mandates could become obsolete or counterproductive. Separately, linking to and quoting publicly available news without a license is protected under Berne Article 10(1), and in the U.S. training on works has been found transformative fair use; mandatory opt-in and statutory-licensing regimes operate as backdoor compensation mandates and should not be recommended.

Collective versus individual bargaining: Experience across jurisdictions consistently indicates that individual bargaining between publishers and dominant platforms carries the risk of producing opaque, unequal outcomes that reflect negotiating power rather than content value, and that disproportionately benefit larger commercial publishers. Collective bargaining frameworks address some of these weaknesses but introduce others, as achieving genuine sector-wide solidarity is difficult when platforms can offer targeted individual deals to large publishers, and collective mechanisms, if not carefully designed, can replicate existing hierarchies rather than correct them. Enabling effective collective bargaining also typically requires specific legislative action to avoid competition law liability.

25. How should the Guidance recommend that States establish collective frameworks that are appropriately inclusive of small, community, and marginalised-language publishers?

a. The Guidance should recommend that states put in place measures to avoid competition law liability for publishers negotiating collectively

b. The Guidance should recommend that small, local, community and marginalised-language publishers are guaranteed a seat at the table in collective bargaining bodies

c. The Guidance should recommend separate funding streams specifically for small, community and marginalised-language publishers, distinct from general industry compensation

d. The Guidance should recommend that smaller publishers receive practical support (legal advice, negotiation help, technical capacity) to take part in collective bargaining

e. The Guidance should recommend rules that stop platforms from cutting separate deals with the biggest publishers and leaving smaller ones out

f. The Guidance should recommend independent oversight of collective frameworks to make sure they remain inclusive in practice

g. The Guidance should recommend explicit protection against retaliation for publishers who participate in collective bargaining

h. The Guidance should set out principles without prescribing exact design choices, leaving these to each country's context

i. Other: Competition policy has long advised against businesses colluding to gain market advantages. Nothing in the news business justifies departing from this long-established principle. The Draft's own concern, that these mechanisms 'replicate existing hierarchies' and that platforms strike targeted deals with the largest publishers, is a reason to doubt the model, not to refine it. Support for smaller publishers is better delivered through neutral, non-discriminatory means that do not depend on coercing a narrow set of firms.

Levies and public funds versus platform-negotiated compensations: Some believe that negotiated compensation frameworks are limited on the grounds that the power asymmetry between the parties cannot be adequately corrected through bargaining mechanisms, however well designed. Digital levies, which are earmarked taxes on digital advertising revenue or platform activity, with proceeds administered by independent journalism funds, are seen by some as offering a more reliable route to sustainable funding, removing the negotiation dynamic and allowing for transparent, publicly accountable distribution criteria. Others argue that levies do not address the underlying market structure, and that some jurisdictions have found them politically and diplomatically difficult to sustain.

26. To what extent should levies and compensation frameworks be reflected in the Guidance as complementary or alternatives to each other?

a. The Guidance should treat levies and negotiated deals as working best together, with each filling a gap that the other cannot

b. The Guidance should treat levies or taxes as the more reliable approach, because publishers and platforms cannot negotiate as equals

c. The Guidance should treat negotiated compensation deals as the main approach, with levies only as a back-up when negotiation fails

d. The Guidance should treat the right balance as depending on context: countries with stronger regulators may rely more on negotiation, while others may need to lean on levies

e. The Guidance should explicitly support combined models, for example, levies that fund public-interest journalism alongside negotiated deals for general licensing

f. The Guidance should be cautious about recommending levies because of the risks of funds being diverted and potential geopolitical backlash

g. The Guidance should explicitly support digital services taxes (taxes on platform revenue) as a way to fund public-interest journalism, with the money distributed by an independent body

h. The Guidance should set out shared principles that apply to both approaches, rather than ranking one over the other

i. Other: The guidance should include a thorough evaluation of the dangers of introducing a compensation mechanism, and an explicit option of eschewing such an approach. Nor should the Guidance analogize the digital distribution of information to environmental pollution. Digital services expand access to information, reduce distribution costs, and facilitate audience discovery; the "polluter pays" framing therefore prejudges the policy analysis and obscures the reciprocal value exchange between publishers and digital services. An AI-related levy would also present substantial allocation problems because it would require administrators to identify and distribute proceeds among a potentially indeterminate universe of works and rightsholders. Earmarked digital levies and digital services taxes typically fall on a handful of (mostly U.S.) firms, are prone to diversion, and have proven diplomatically difficult to sustain, inviting trade disputes.

Geopolitical constraints and regulatory sovereignty: Several jurisdictions that have sought to develop fair compensation frameworks have found their policy options constrained by geopolitical and diplomatic considerations. There are questions around how national regulatory efforts in this area interact with international relations, including trade frameworks, and the effects of the global scale and economic significance of the technology sector.

27. How should the Guidance account for international coordination, multilateral frameworks, and shared normative standards to help Member States to navigate this tension?

a. The Guidance itself will serve as a shared international reference point that States can draw on as they develop and explain domestic measures

b. The Guidance should more explicitly encourage international organisations to work together on coherent standards across overlapping mandates

c. The Guidance should more explicitly support regional cooperation as a complement to national efforts and as a route to coordinated approaches

d. The Guidance should focus on the substantive design of compensation mechanisms and avoid pronouncing on these broader questions

e. Other: The Guidance should candidly acknowledge that compensation measures singling out a narrow set of (mostly foreign) firms conflict with binding international commitments—national treatment and MFN, non-discriminatory treatment of digital products, prohibitions on certain performance requirements, and Berne Article 10(1) via TRIPS on quotation—and have drawn, and will continue to draw, trade responses, including under free-trade agreements and Section 301 of the Trade Act of 1974. Rather than treating geopolitics as an obstacle to be managed, the Guidance should counsel Member States to design only non-discriminatory, technology-neutral, trade-consistent measures. That approach both reduces conflict and produces more durable policy; a UNESCO instrument that encouraged trade-inconsistent extraction would not serve Member States well.

28. **Please provide any other specific comments on the draft Guidance that have not been covered in the questions above. Where possible, please provide specific suggested wording to be included in the Guidance.**

a. CCIA supports a sustainable, independent press and appropriate, evidence-based support for public-interest journalism. But the Draft should not presuppose that compulsory compensation from digital platforms and AI developers is the remedy. The empirical record on ancillary rights, link/snippet taxes, and mandatory bargaining codes shows they largely fail their stated aims, favor large incumbents over small and community publishers, reduce traffic, and conflict with international copyright and trade commitments. We urge UNESCO to reframe the Guidance around principles of technology neutrality, non-discrimination, the free flow of information, and consistency with international law, and to give equal weight to voluntary, market-based approaches and non-discriminatory public support funded from general revenue.