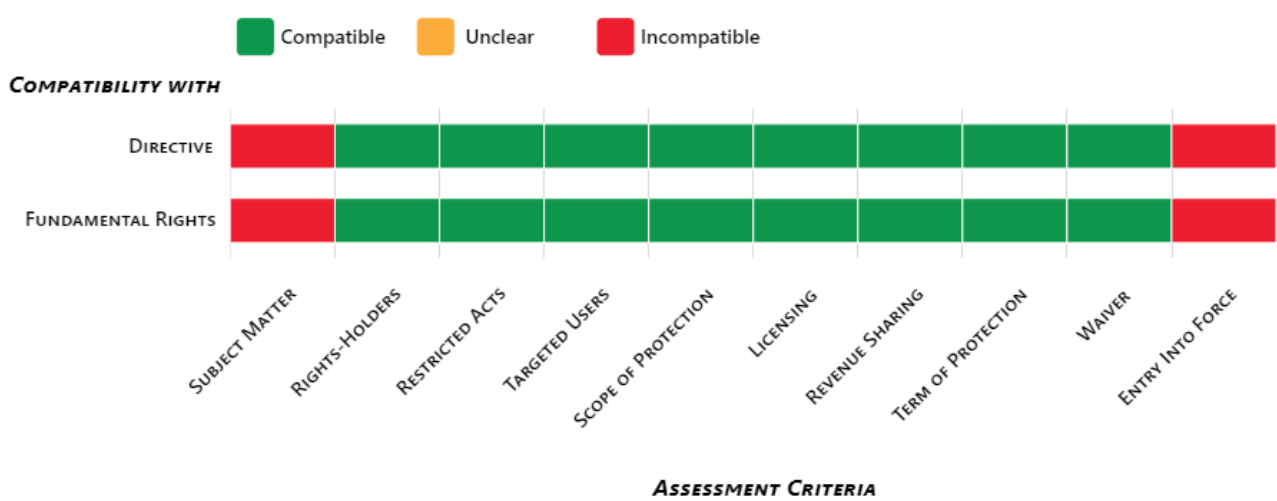


IMPLEMENTATION OF ARTICLE 15 & 17 OF THE DIRECTIVE ON COPYRIGHT IN THE DIGITAL SINGLE MARKET



OVERVIEW OF COMPATIBILITY ISSUES & SPECIFICITIES BASED
ON THE REPORT OF DR CHRISTINA ANGELOPOULOS

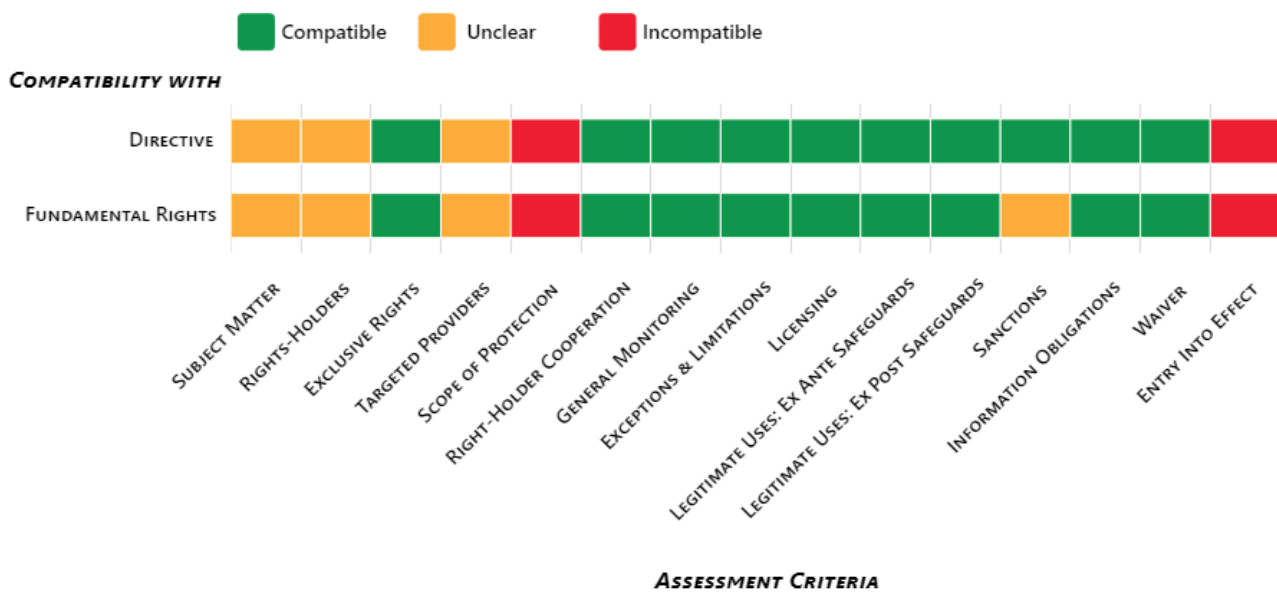
COMPATIBILITY OF A15 TRANSPOSITION



MAIN A15 SPECIFICITIES

- **Incomplete transposition of "press publications" definition:** no mention of need to be published in any media under the initiative, editorial responsibility and control of a service provider

COMPATIBILITY OF A17 TRANSPOSITION



MAIN A17 SPECIFICITIES

- **Extension of the subject matter and beneficiaries of A17:** does not appear to be limited to owners of copyright and related rights listed in A3(2) of the InfoSoc Directive
- **Addition of element of competition to OCSSP definition:** provider must play "an important role in the market for online content by competing with online content services" (based on a Recital which is coherent with the operative part of the Directive)
- **Ex ante safeguards in cases of pre-flagging and minor extracts:** OCSSPs must keep content accessible and inform the rightholder. Automated filtering may not be used to remove or block minor uses of works unless rightholder demonstrates irreparable harm ("balanced" implementation with ex ante user safeguards)
- **Inaccurate rendition of best efforts:** wrongful translation of the autonomous notion of EU law as "every effort"
- **Earmark:** rightholder can request the use of automated means for the detection of uses which the law views as minor and thus by default permissible
- **Complaint mechanism:** procedure must be completed within 2 weeks
- **Sanctions** for OCSSPs (fine of up to 1 million euro)
- **Piracy providers** excluded from scope

For the full report and country annexes, go to <https://informationlabs.org/copyright/>