

## IMPLEMENTATION OF **ARTICLES 15 & 17** OF THE DCDSM

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

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### MAIN **A15** SPECIFICITIES

#### DEFINITION AND SCOPE

- **No protection for the holders of related rights** over subject matter incorporated in press publications
- **No protection for “mere facts”** as in Recital 57, potentially violating fundamental rights
- **Introduces rebuttable presumption** in favour of the person indicated as publisher in the press publication or in other specified ways

#### LICENSING AND REMUNERATION

- **Mandatory collective management for the appropriate share:** appropriate share to be determined by a collective agreement between press publishers and authors, to be negotiated in good faith, with intervention of a commission if no agreement is reached
- **Dedicated provisions on licensing** that allow for intervention by a public authority provided that the press publisher is willing to authorise use of its publications

### MAIN **A17** SPECIFICITIES

#### LICENSING AND REMUNERATION

- **Introduces unwaivable and collectively managed right to equitable remuneration** for the exploitation of protected content by OCSSPs (currently challenged before the Belgian Constitutional Court)