

## 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**

- **Rewording of “press publication” definition:** Limitation to newspaper publishers, media publishers or media service providers, potentially restricting the reach of the provision
- **Expansion the indicative list of authorial works** to include works made by the press
- **Expansion to “communication to the public”** instead of “making available” for online uses
- **Expansion to offline uses**, covering the rights of reproduction, distribution, renting and lending, communication to the public, including the making available, and adaptation. The term of protection is 10 years from the date of the first lawful publication
- **No protection for the holders of related rights** over subject matter incorporated in press publications
- **Problematic qualitative approach to “very short extracts”:** extract must not exempt the reader from the need to consult the entire article. Exclusion of photos and video content from the exception
- **No protection for “mere facts”** as in Recital 57, potentially violating fundamental rights
- **Public domain** content exclusion not transposed
- **Introduces rebuttable presumption** in favour of the person indicated as publisher in the press publication or in other specified ways
- **Introduction of a new moral right of attribution** to the first source of “news of the day”

#### **LICENSING AND REMUNERATION**

- **Mandatory collective management** imposed but only for professional journalists or photographers covered by employment or commission agreements

## MAIN **A17** SPECIFICITIES

### DEFINITION AND SCOPE

- **Extension of the subject matter and beneficiaries of A17:** not limited to owners of copyright and related rights listed in A3(2) of the InfoSoc Directive. Explicit extension to press publications
- **Carve-out from OCSSP definition** for online marketplaces limited to those whose main activity is retail and which do not provide access to copyright-protected work + profit making purposes may be direct or indirect + profit is replaced by “material or commercial benefit”, which is wider
- **Piracy providers** excluded from scope

### LICENSING AND REMUNERATION

- **Introduces mandatory collective management for uses by OCSSPs:** in relation to certain works this covers the adaptation and reproduction rights, i.e., rights not mentioned in A17

### EXCEPTIONS AND LIMITATIONS

- **Introduction of A17 exceptions of quotation and parody** limited to uses on OCSSPs + limitation of parody exception to works (rather than content)
- **Narrow quotation** exception, limited to literal quotations