IMPLEMENTATION OF ARTICLES 15 & 17 OF THE DCDSM
OVERVIEW OF COMPATIBILITY ISSUES & SPECIFICITIES
BASED ON THE REPORT OF DR CHRISTINA ANGELOPOULOS

MAIN A15 SPECIFICITIES

DEFINITION AND SCOPE

- **No protection for “mere facts”** as in Recital 57, potentially violating fundamental rights
- **Exclusion of hyperlinks limited to “clickable” links**: might not cover framing/embedding

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 Explicit extension to press publications, non-original photographs and publications of previously unpublished works
- **Inaccurate rendition of best efforts**: wrongful translation of the autonomous notion of EU law as “every possible effort”

RIGHTS, PROTECTION AND ENFORCEMENT

- **Complaint mechanism**: no ADR mechanism is foreseen

EXCEPTIONS AND LIMITATIONS

- **General exceptions and limitations** do not seem applicable to OCSSPs
- **Information obligation of OCSSPs**: obligation to inform users not only that they can use subject matters under exceptions and limitations, but what the conditions for such use are
- **Narrow quotation** exception