

## 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 “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 Explicit extension to press publications, non-original photographs and publications of previously unpublished works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