

## 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:** requires “control by an editor’s office” instead of “editorial responsibility”
- **Minimalist transposition of targeted users:** may result in insufficient protection for the holders of rights over subject matter incorporated in press publications
- **No protection for “mere facts”** as in Recital 57, potentially violating fundamental rights
- **Public domain** content exclusion not transposed

#### LICENSING AND REMUNERATION

- **Collective licensing** with extended effect allowed
- **Unwaivable protections:** related rights holders always have the right to renegotiate a relevant and fair remuneration under certain conditions

### 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 Explicit extension to publications of previously unpublished works and publication of literary critical or scholarly editions of non-copyright works
- **Inclusion of carve-outs** from OCSSP scope, but unclear if open or closed list

#### RIGHTS, PROTECTION AND ENFORCEMENT

- **Sanctions** for OCSSPs (compliance notice and non-compliance levy)