

## 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

- **Problematic qualitative approach to “very short extracts”:** extract must not exempt the reader from the need to consult the entire article
- **Quantitative definition of “fair compensation” to authors in revenue sharing:** specific percentages set in law
- **No protection for “mere facts”** as in Recital 57, potentially violating fundamental rights

#### LICENSING AND REMUNERATION

- **Dedicated provisions on licensing** that allow for intervention by a public authority, but do not imply a duty to engage in negotiations or to conclude a contract
- **Inalienable right:** the A15 right is inalienable, and contractual clauses to the contrary are void

#### ENTRY INTO EFFECT

- **Retroactive application:** implementation of the law is in November 2022 but the protection granted under A15 commences on 7 June 2021

### 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
- **Narrowing of OCSSP scope:** “organises” replaced by “optimises”
- **“Large amounts” concept replaced with “significant quantities”** with no further explanation
- **Inaccurate rendition of best efforts:** wrongful translation of the autonomous notion of EU law as “every possible effort”
- **Piracy providers** excluded from scope

## MAIN **A17** SPECIFICITIES (cont'd)

### **EXCEPTIONS AND LIMITATIONS**

- **Narrow quotation** exception

### **ENTRY INTO EFFECT**

- **Retroactive application:** implementation of the law is in November 2022 but the protection granted under A17 commences on 7 June 2021