

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
- **No geographic limitations** to the A15 right

MAIN **A17** SPECIFICITIES

DEFINITION AND SCOPE

- **Inaccurate rendition of best efforts:** wrongful translation of the autonomous notion of EU law as “greatest efforts”
- **No transposition of “high industry standards** of professional diligence”

RIGHTS, PROTECTION AND ENFORCEMENT

- **Disabling of access** to or removal of content be “immediate” rather than “expeditious”

EXCEPTIONS AND LIMITATIONS

- **Pastiche** exception not included