

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

- **Extension of beneficiaries of A15:** covers also news agencies when they “publish” press publications
- **Creation of additional right for press publishers:** exclusive right over the acts of online reproduction, communication to the public and making available to the public of their press publications
- **No protection for “mere facts”** as in Recital 57, potentially violating fundamental rights
- **Inaccurate transposition of exclusion for private or non-commercial uses:** addition of novel conditions to benefit from exclusion (exercise of right to be informed and lawful access)

LICENSING AND REMUNERATION

- **Licensing rules:** dedicated provisions on licensing whereby the remuneration for press publishers depends on the economic value of the online use of press publications by ISSPs + information obligations for ISSPs + transitional extended collective licensing scheme for regional press publications until the end of 2028, followed by voluntary collective management regime
- **Collective licensing** allowed

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
- **Carve-out from OCSSP definition:** closed list

EXCEPTIONS AND LIMITATIONS

- **Narrow quotation** exception