**PORTUGAL**

**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

---

Last update: December 2023
More at [https://informationlabs.org/copyright/](https://informationlabs.org/copyright/)