

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 approach to “very short extracts”**: less than 120 characters
- **Explicit mention of “mere facts” exclusion from scope A15**: in line with Recital 57 but not the operative part of the Directive
- **No geographic limitations** to the A15 right, hence an unclear geographic reach

LICENSING AND REMUNERATION

- **Parties may agree not to apply the protection for the holders of rights** over subject matter incorporated in press publications
- **“Appropriate share” of PPR revenue may be paid through lump sum payments** (meaning that it can be designated as covered by a stated percentage of royalties in contracts between authors and publishers)
- **“Appropriate share” scope limited**: does not apply where rights have been acquired by press publishers in the context of employment relationships or as a result of a license or assignment of rights
- **Collective licensing** with extended effect 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**: profit-making purposes may be direct or indirect
- **Piracy providers** excluded from scope

RIGHTS, PROTECTION AND ENFORCEMENT

- **Business secrets** limit information obligation of OCSSPs