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

Last update: December 2023
More at https://informationlabs.org/copyright/