SLOVAKIA

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

- Inaccurate transposition of exclusion for private or non-commercial uses: uses the word “and” instead of “or”
- Problematic qualitative approach to “very short extracts”: extract must not exempt the reader from the need to consult the entire article
- No protection for “mere facts” as in Recital 57, potentially violating fundamental rights
- Extension of revenue-sharing beneficiaries to other holders of related rights in content included in a press publication

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 and databases
- Carve-out from OCSSP definition: closed list
- Exclusion of the application of the hosting safe harbour to OCSSPs in general or to OCSSPs when communicating to the public
- Piracy providers excluded from scope

RIGHTS, PROTECTION AND ENFORCEMENT

- No prohibition on general monitoring: excessively minimalist transposition
- Decreased protection of users where OCSSPs have authorisation by rendering conditions of not acting on a commercial basis or not generating significant revenues cumulative rather than alternative

EXCEPTIONS AND LIMITATIONS

- Limitation of exception for parodies, caricatures and pastiches to those that do not give rise to a likelihood of confusion with the original work
- No reference to OCSSP obligation to inform users of their right to use works under exceptions and limitations