

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

- **Restriction to online uses** not explicit
- **No protection for “mere facts”** as in Recital 57, potentially violating fundamental rights

LICENSING AND REMUNERATION

- **Unwaivable right:** the A15 right is unwaivable

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
- **Misaligned definition of information society services** as “economic activities conducted over the internet that are continuously accessible”
- **Replacement of “high industry standards”** with “diligence of a good professional”
- **Exclusion of the application of the hosting safe harbour** to OCSSPs in general or to OCSSPs when communicating to the public

RIGHTS, PROTECTION AND ENFORCEMENT

- **Information obligation of OCSSPs:** users must be informed if their content is removed or access to it disabled

EXCEPTIONS AND LIMITATIONS

- **Pastiche** exception not included