SLOVENIA

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