Collective Management of Rights in the European Union: Recent CJEU Case Law

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The state of EU copyright harmonization

- How harmonization has progressed
- Relevant EU directives
- Myth and reality: the role of the Court of Justice of the European Union (CJEU)
Impact on CRM
Selected issues
What can be licensed?

• Definition of the scope of exclusive rights (Ziggo, C-610/15; YouTube, C-682/18)
What can be licensed?

- Definition of the scope of exceptions with a 'fair compensation' requirement
  - The case of the UK (short-lived) private copying exception

- Defining the scope of private copying (*ACI Adam*, C-435/10)
Who can give permission and who should get the money?

- **Soulier and Doke**, C-301/15
  - Impact in France
  - Impact elsewhere: ECL models

- **Reprobel**, C-572/13
Who can enforce?

SNB-ReAct, C-521/17
Fee setting and competition law issues

- OSA, C-351/12
- Soundreef, C-781/18 (now withdrawn)

- New licensable acts
- Platforms
- Out-of-commerce works (getting rid of Soulier and Doke)
- Text and data mining
- Press publishers’ right
- Private copying levies: forgetting Reprobel
- Transparency objectives
In conclusion

• Changing landscape

• Greater uniformity

• Greater transparency
Thanks for your attention!

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