



Annex to Chapter 4 on the Rental, Lending and Related Rights Directive

 <u>Dr. Péter Mezei</u>	<i>RENTAL, LENDING AND RELATED RIGHTS DIRECTIVE</i> Chapter 4 aims to introduce the content and case law related to the Rental, Lending and Related Rights Directive.	 <i>45 minutes</i>
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Reading task

Please read the following case accessible via the attached link, and answer/discuss the questions/notes below.

Case C-174/15 - Vereniging Openbare Bibliotheken v Stichting Leenrecht, Judgment of the Court of 10 November 2016

<https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:62015CJ0174>

Please pay close attention to the fact that this preliminary ruling is decided under the Rental, Lending and Related Rights Directive, but it can have indirect effects on other norms/subject matter as well (e.g. exhaustion under the InfoSoc Directive).

Questions to the reading

1. Is e-lending covered by the Rental, Lending and Related Rights Directive? Is e-lending functionally an equivalent of lending? If the directive covers e-lending, how does it affect rights-holders ability to licence the use of the e-books?
2. What are the indirect consequences of the ruling on the doctrine of exhaustion (at least with respect to publicly accessible libraries' activities)?
3. Is the ruling on the lending of e-books applicable to other subject matters, e.g. music, audio-visual works?

Further recommended readings

<http://copyrightblog.kluweriplaw.com/2016/11/21/matter-interpretation-libraries-land-victory-cjeus-judgment-e-lending/>

<http://ipkitten.blogspot.com/2016/11/breaking-cjeu-says-that-eu-law-allows-e.html>

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Further questions/tasks to the chapter's content

1. What are the major differences between distribution and rental/lending?
2. How would you define rental and lending?
3. What types of related rights holders are harmonized by the directive?
4. What are the limits to the exemption from the payment of remuneration under the public lending rights? (Focus on the CJEU rulings in Case C-36/05; Case C-53/05; Case C-175/05.)
5. What is the key difference between “authorization right” and “right to an equitable remuneration”?
6. How does the directive regulate the scope of the communication to the public right regarding the various related rights holders?
7. Under what requirements can broadcasting organisations sue end users for communicating their contents to the public?
8. What are the limitations and exceptions to the economic rights of related rights holders?

List of relevant definitions/concepts

Please think these definitions/concepts over again, as they are crucial in understanding copyright law in the EU.

distribution, rental, lending, related rights holders, equitable remuneration, authorization, communication to the public right

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