
	<p><i>TERM DIRECTIVES</i></p> <p>Chapter 6 aims to introduce the content and case law related to the original and the amended directives on copyright term.</p>	
<p><i><u>Dr. Péter Mezei</u></i></p>		<p><i><u>45 minutes</u></i></p>

Reading task

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

Case C-145/10 - Eva-Maria Painer v. Standard VerlagsGmbH and Others, Judgment of the Court of 1 December 2011

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=115785&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=7737204>

Please pay close attention to the fact that this preliminary ruling is much broader in scope than related to our chapter. Still, for purposes of a comprehensive understanding of the relevant norms and the decision (for purposes of the InfoSoc directive as well), **please read the whole ruling.**

Questions to the reading

1. What are the requirements of protection of photographs under the Term Directive?
2. What might be relevant to consider whether a photograph is original in its nature?
3. Can the concept of originality articulated by the CJEU in Painer be applied to other subject matters, e.g. literary and artistic works?

Further recommended readings

<http://copyrightblog.kluweriplaw.com/2011/12/07/another-piece-of-the-puzzle-or-is-it-cjeu-on-photographs-as-copyright-works/>

<http://ipkitten.blogspot.com/2011/12/all-photos-are-created-equal-painer.html>

Further questions/tasks to the chapter's content

1. What is the default term of protection?
2. What special terms can you recall?
3. Why do related rights holders have shorter terms than authors?
4. What is the “rule of shorter term”? [Compare to Article 7(1) of the Term Directive.]
5. What is the rationale of the “revival of rights”? Under what circumstances can copyrights revive after the relevant works entered the public domain? (Compare to Article 10 of the Term Directive.)
6. Under what conditions can performers terminate an agreement on the transfer of rights under the 2011 Amendment of the Term Directive?

List of relevant definitions/concepts

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

copyright term, rule of the shorter term, anonymous/pseudonymous works, unpublished works, revival of rights, annual supplementary remuneration

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