



## Annex to Chapter 12 on the InfoSoc Directive #5

 <b><i><u>Dr. Péter Mezei</u></i></b>	<b><i>INFOSOC DIRECTIVE #5</i></b>  Chapter 12 aims to introduce the content and case law related to several other aspects of limitations and exceptions under the InfoSoc Directive. [Art. 5(3) to (5).]	 <b><i><u>45 minutes</u></i></b>
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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-201/13 – Johan Deckmyn and Others v. Helena Vandersteen and Others, Judgment of the Court of 3 September 2014**

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=157281&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=8649779>

Please focus on the CJEU's arguments regarding the fair balance of exclusive rights and limitations & exceptions.

### ***Questions to the reading***

1. What are the doctrinal elements of “parody”?
2. What negative consequences it might have to exclude moral rights perspectives from the concept of parody?
3. How did the court balance individual and social interests?
4. What if the secondary image would not include any racist message, and would similarly use “average pedestrians” on the image?

### ***Further recommended readings***

<http://copyrightblog.kluweriplaw.com/2014/09/08/the-concept-of-parody-and-the-legitimate-interests-of-parodists-and-copyright-holders/>

<http://ipkitten.blogspot.com/2014/09/breaking-news-cjeu-says-that-one-has.html>

***Further questions/tasks to the chapter's content***

1. What is quotation (citation)? Is there any need for a “dialogue” between the two works involved to rely on a parody exception? What might be the consequence of such requirement?
2. What is the scope of library exceptions under EU law?
3. What is the three-step test? What international agreements serve as the basis of the EU legislation?
4. What do the three steps of the test mean?
5. Is there any space for “external limitations” under EU law?

***List of relevant definitions/concepts***

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

limitations, exceptions, grandfather-clause, parody, quotation, sampling, moral rights, archiving, dedicated terminals, three-step test, certain special cases, normal exploitation, unreasonable prejudice to the legitimate interests of the rights holders, external limitations, fundamental rights, copyright trilogy

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