



## **Annex to Chapter 13 on the Enforcement Directive**

  <b><i><u>Dr. Péter Mezei</u></i></b>	<b><i>ENFORCEMENT DIRECTIVE</i></b>  Chapter 13 aims to introduce the content and case law related to the Enforcement Directive.	  <b><i><u>45 minutes</u></i></b>
---	--	--

### ***Reading task***

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

**Case C-70/10 - Scarlet Extended SA v Société belge des auteurs, compositeurs et éditeurs SCRL (SABAM), Judgment of the Court of 24 November 2011**

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=115202&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=8636930>

Please focus on the plaintiff's exact request of filtering obligation.

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

1. Under what circumstances can an intermediary be subject to injunctions?
2. Was the plaintiff's request for filtering obligation too broad, too vague, too burdensome?
3. Could you tell what are the acceptable elements of a "balanced" filtering obligation?

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

<http://ipkitten.blogspot.com/2011/11/study-in-scarlet-todays-court-of.html>

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

1. Which directives regulate law enforcement measures under EU law?
2. What is the main purpose of technical protection measures and rights management information?
3. How does the Enforcement Directive guarantee a balanced way of law enforcement? What are the safeguards for users/alleged infringers?
4. Who are entitled to the law enforcement mechanisms under the Enforcement Directive?

### **Annex to Chapter 13 on the Enforcement Directive**

5. Please name as much enforcement measures as possible.
6. How do enforcement measures comply with data protection norms?
7. What is the default rule regarding damages under the Enforcement Directive?
8. Please list the various types of service providers who might benefit from safe harbour provisions under the E-Commerce Directive.

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

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

direct v. indirect liability, Erfolgsverbot [obligation to reach a certain result], presumption of authorship, disclosure and preservation of the evidence, committed on a commercial scale, personal data, interlocutory injunction, seizure, precautionary seizure, remedies, compensation, damages, attorney's fees, recovery of profits, notice-and-take-down procedure

--- END OF DOCUMENT ---