

Annex to Chapter 14 on the Resale Royalty Right, Orphan Works and CRM Directives

	<p style="text-align: center;"><i>DIRECTIVES ON RESALE ROYALTY RIGHT, ORPHAN WORKS AND COLLECTIVE RIGHTS MANAGEMENT</i></p> <p>Chapter 14 aims to introduce the content and case law related to three distinct directives of the EU.</p>	
<p style="text-align: center;"><i><u>Dr. Péter Mezei</u></i></p>		<p style="text-align: center;"><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-518/08 – Fundación Gala-Salvador Dalí and Others v. Société des auteurs dans les arts graphiques et plastiques (ADAGP), Judgment of the Court of 3 September 2014

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=81364&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=8651948>

Please focus on the CJEU's arguments regarding the lack of harmonization.

Questions to the reading

1. Who shall exercise the droit de suite following the death of the author? Do Member States have any flexibility in selecting the beneficiary?

Further recommended readings

<http://ipkitten.blogspot.com/2010/04/resale-rights-for-artists-where-theres.html>

Further questions/tasks to the chapter's content

1. What is the main goal of the resale royalty right? Why did the EU set such a long implementation deadline for this directive?
2. How does the directive relate to the Berne Convention? Are there any relevant differences between the two norms (the directive and the Convention)?
3. How is the royalty calculated?
4. Who shall pay the royalty to the rights holder? Do Member States have any flexibility in selecting the party obliged to pay the royalty?
5. What is the main goal of the orphan works regulation?

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6. Who are the beneficiaries of the regulation?
7. Can an author put an end to the orphan status of the relevant work?
8. What is the main goal of the CRM Directive? Why are monopolies undesired in the EU?
9. What is the definition of “collective management organisation”?

List of relevant definitions/concepts

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

droit de suite, beneficiary, tapering scale of rates, diligent search, mutual recognition, permitted uses, fair compensation, monopoly, transparency, cross-border (or multi-territorial) licensing

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