



Annex to Chapter 15 on the Copyright in the Digital Single Market

 <i><u>Dr. Péter Mezei</u></i>	<i>CDSM DIRECTIVE</i> Chapter 15 aims to introduce the content and policy considerations related to the most recent copyright directive of the European Union.	 <i><u>45 minutes</u></i>
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Reading task

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

Article 2(6), Article 17 AND Recitals 61-71 of the Directive 2019/790 on the Copyright in the Digital Single Market

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019L0790&from=EN>

Please focus on the structure, logic, policy goals and the exact terminology of the rule.

Questions to the reading

1. What is an OCSSP?
2. What options do OCSSPs have to escape copyright liability for their users' activities?
3. What is the role of rights holders in this new regime?
4. What guarantees are built in to the system to defend user rights' interests?
5. Are the CDSM and the E-Commerce Directives in compliance with each other?

Further recommended readings

Multiple sources available via

<http://copyrightblog.kluweriplaw.com/category/digital-single-market/>

<http://ipkitten.blogspot.com/search/label/Article%2017>

Further questions/tasks to the chapter's content

1. What is "history" of the copyright in the "digital single market"? What are the norms that the EU accepted as a part of the package?

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2. What does “cross-border portability” mean?
3. What is the main purpose of accepting two distinct norms to implement the Marrakesh Treaty?
4. What is the main difference between text- and data mining?
5. What is the main difference between Art. 3 and Art. 4 versions of text- and data mining?
6. What are out-of-commerce works?
7. What is the scope of the new press publishers’ right?

List of relevant definitions/concepts

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

prohibition of geo-blocking, mutual recognition, country of residence, accessible format copies, visually impaired people, three-step test, text- and data mining, digital and cross-border education, mandatory exceptions, out-of-commerce works, opt-out, value gap, best efforts, high industry standards, OCSSPs, user rights, user-generated content, start-up exception, complaint and redress mechanism, prohibition of general monitoring obligation

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