WHY COPYRIGHT AND LINKING CAN TANGO:
THE SVENNSON CASE

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YES, “A WORK IS MADE AVAILABLE TO A PUBLIC IN SUCH A WAY THAT ... THE PUBLIC MAY ACCESS IT.” “CLICKABLE LINKS MUST BE CONSIDERED TO BE ‘MAKING AVAILABLE’ ”.
NO
NO, IF SAME TECHNICAL MEANS, “THE PROVISION ON A WEBSITE OF CLICKABLE LINKS TO WORKS FREELY AVAILABLE ON A WEBSITE DOES NOT CONSTITUTE AN ACT OF ‘COMMUNICATION TO THE PUBLIC’”
NO
NO, “WHERE A CLICKABLE LINK MAKES IT POSSIBLE TO CIRCUMVENT RESTRICTIONS … ALL THOSE USERS MUST BE DEEMED TO A NEW PUBLIC … AUTHORISATION IS REQUIRED”
TOMORROW
+ LINKS TO CONTENT INITIALLY MADE FREELY AVAILABLE BY ©OWNER, USING SAME TECHNICAL MEANS = OK

- OTHER LINKING REQUIRES AUTHORIZATION, IF NO ©EXEMPTION APPLIES?
• CJEU: C-MORE

• CJEU: BESTWATER

• EC: ©consultation

• FEAR 2.0
MAY BE
MAY BE, FAIR BALANCE©
+ HARMONIZATION
+ LEGAL CERTAINTY
+ HIGH PROTECTION
- NOT EACH LINK PROHIBITED
- IMPLICIT AUTHORIZATION
- EXCEPTIONS©, PRINCIPLES
-_THRESHOLDS
TAKE A BREAK
IViR: 2-4 July
INFORMATION
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