

**WHY COPYRIGHT
AND LINKING CAN
TANGO:
THE SVENNISON CASE**

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YES

**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

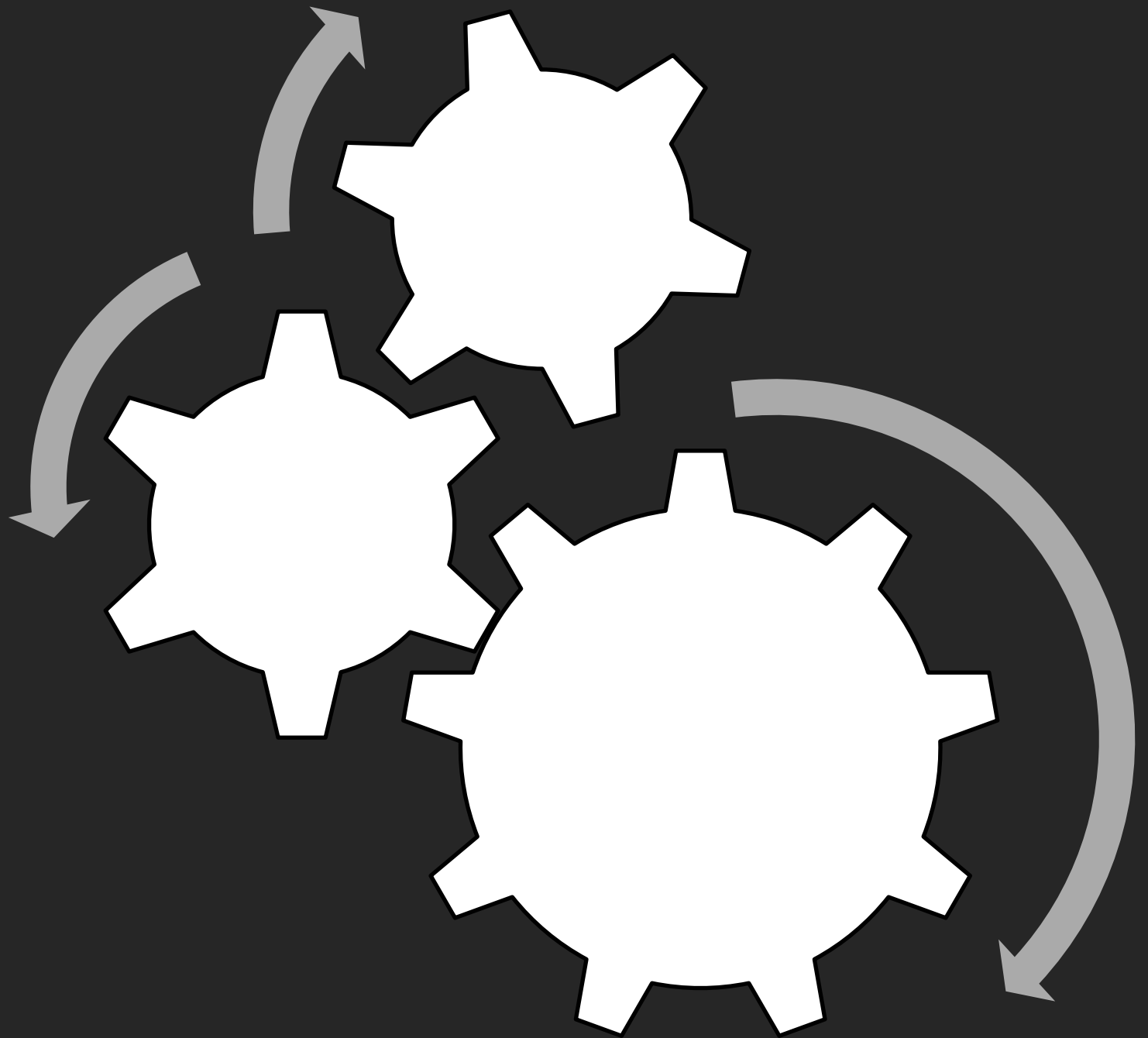
**NO, “WHERE A CLICKABLE
LINK MAKES IT POSSIBLE TO
CIRCUMVENT RESTRICTIONS
... ALL THOSE USERS MUST
BE DEEMED TO A NEW
PUBLIC ... AUTHORISATION
IS REQUIRED”**

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
INFLUX.ORG