The Court of Justice, the Commission, and the case for consolidation of EU Copyright Law

Ana Ramalho

February 7, 2013

Over the past few years, the Court of Justice (the CJEU) has become a prominent player in shaping the evolution of EU copyright law. In its rulings, the CJEU has sought to harmonise the fragmented rights regimes that are scattered across various EU Directives. This paper explores the role of the Commission and the CJEU in the ongoing debate over the consolidation of EU copyright law. It examines the CJEU’s approach to the interpretation of copyright law, the Commission’s role in harmonising the legal framework, and the potential for a de facto consolidation of EU copyright law.

The CJEU and the Case for Consolidation

The CJEU has been instrumental in shaping the legal landscape of EU copyright. Its rulings have addressed a range of issues, from the scope of exclusive rights to the criteria for the protection of original works. However, despite its extensive case law, the CJEU has not been able to achieve a comprehensive consolidation of EU copyright law. This has been partly due to the CJEU’s reluctance to engage in a detailed analysis of the legislative framework, which is often found in its judgments (see cases C-128/11 and C-129/11).

The Commission’s Role

On the other hand, the EU Commission has been active in promoting the harmonisation of EU copyright law. In May 2015, the Commission published proposals that aimed to consolidate the existing directives into a single framework. These proposals were intended to address the lack of clarity and coherence in the current EU copyright framework. However, the Commission’s proposals were not accompanied by a detailed analysis of the need for consolidation, and their impact on the CJEU’s case law remains to be seen.

The Potential for Consolidation

The idea of consolidating EU copyright law is not new. In the past, various attempts have been made to harmonise EU copyright law. However, these attempts have not resulted in a comprehensive consolidation of EU copyright law. This has been partly due to the CJEU’s reluctance to engage in a detailed analysis of the legislative framework, which is often found in its judgments. The CJEU’s reluctance to engage in a detailed analysis of the legislative framework is partly due to the CJEU’s focus on the protection of intellectual property rights rather than on the harmonisation of EU copyright law. In its rulings, the CJEU has sought to harmonise the fragmented rights regimes that are scattered across various EU Directives.

The CJEU’s reluctance to engage in a detailed analysis of the legislative framework is partly due to the CJEU’s focus on the protection of intellectual property rights rather than on the harmonisation of EU copyright law. In its rulings, the CJEU has sought to harmonise the fragmented rights regimes that are scattered across various EU Directives. However, despite its extensive case law, the CJEU has not been able to achieve a comprehensive consolidation of EU copyright law.

The Future of EU Copyright Law

The future of EU copyright law remains uncertain. The CJEU’s reluctance to engage in a detailed analysis of the legislative framework, combined with the Commission’s proposals for consolidation, may lead to a consolidation of EU copyright law. However, this consolidation is unlikely to be comprehensive, as the CJEU’s reluctance to engage in a detailed analysis of the legislative framework will continue to hinder its efforts to harmonise EU copyright law.

In conclusion, the future of EU copyright law is uncertain. The CJEU’s reluctance to engage in a detailed analysis of the legislative framework, combined with the Commission’s proposals for consolidation, may lead to a consolidation of EU copyright law. However, this consolidation is unlikely to be comprehensive, as the CJEU’s reluctance to engage in a detailed analysis of the legislative framework will continue to hinder its efforts to harmonise EU copyright law.