

Kluwer Copyright Blog

CJEU: Montis v. Goossens, European Court of Justice, C-169/15, 20 October 2016

Patricia Mariscal (Elzaburu) · Tuesday, December 6th, 2016

A [full report](#) of this case has been published on [Kluwer IP Law](#) and the case has been discussed on the Kluwer Copyright Blog [here](#).

The Court of Justice of the European Union concluded that Directive 93/98/EEC harmonising the term of protection of copyright in the EU does not have the effect of restoring or reviving rights that, prior to its entry into force (1 July 1995), were for any reason in the public domain in all the EU Member States. In that regard, it is irrelevant whether the loss of rights prior to that date was due to application of a national law requiring formalities that do not comply with the Berne Convention in order to maintain the rights in a work.

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