

CJEU: VOB v Stichting, European Court of Justice (ECJ), C-174/15, 10 November 2016

Kluwer Copyright Blog

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A full summary of this case has been published on [Kluwer IP Law](#)

The CJEU held that the concept of 'lending', within the meaning of Article 1(1), Article 2(1)(b) and Article 6(1) of Directive 2006/115/EC, covers the lending of a digital copy of a book where the lending is carried out by placing the copy on the server of a public library and allowing a user to reproduce that copy by downloading it onto their computer. Further, EU law, particularly Article 6 of Directive 2006/115, must be interpreted as not precluding a Member State from making the application of Article 6(1) of that directive subject to the condition that the digital copy of a book made available by a public library must have been put into circulation by a first sale or other transfer of ownership of that copy in the EU by the holder of the right of distribution to the public or with their consent for the purpose of Article 4(2) of Directive 2001/29/EC. Lastly, Article 6(1) of Directive 2006/115 precludes the public lending exception from applying to the making available by a public library of a digital copy of a book where that copy was obtained from an illegal source.

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