

Portugal: Compensation for unintentional infringement, Court of Appeal of Lisbon, 193/14.0YHLSB.L1-1, 23 May 2017

Kluwer Copyright Blog

February 19, 2018

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Please refer to this post as: Alexandre Libório Dias Pereira, 'Portugal: Compensation for unintentional infringement, Court of Appeal of Lisbon, 193/14.0YHLSB.L1-1, 23 May 2017', Kluwer Copyright Blog, February 19 2018, <http://copyrightblog.kluweriplaw.com/2018/02/19/portugal-compensation-unintentional-infringement-court-appeal-lisbon-19314-0yhlsb-l1-1-23-may-2017/>

A full summary of this case has been published on Kluwer IP Law.

The Court of Appeal confirmed that playing phonograms in a night club requires authorisation from and payment to the relevant right holders (performers and artists). On the question of damages, the Court confirmed that the award of punitive-like damages should be limited to cases of serious and repeated infringement. In the present case, as this threshold was not met, the night club had to pay the regular tariff just like any licensee.

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