

Kluwer Copyright Blog

Countdown of the top 10 most popular posts of 2016

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2016 was a busy year for European copyright law. Unsurprisingly, Brexit and its potential impact on copyright in Europe and the UK was one of the most popular topics on the Kluwer Copyright Blog. Other hot topics included the much-anticipated CJEU judgment in the *GS Media* case and the ongoing EU copyright reform. We provide a countdown below of the most popular posts on the blog last year.

At number **10** is the first of our Brexit posts, a post by Tatiana Sinodinou entitled [Brexit and European Copyright Law: some conclusions and delusions](#), which discusses the positives that Brexit could potentially bring for European copyright law.

Post number **9**, [A new chapter in the linking saga](#) sees Tomas Targosz discussing his opinion on the CJEU's ruling in the much-anticipated *GS Media* case: *"I would argue that the GS Media decision is the most conspicuous example to date of the CJEU's continuous efforts to ignore what has been left of a sound copyright theory. Unfortunately, it offers very little in return"*.

Number **8** is also on *GS Media*, this time an insightful and comprehensive review of the AG Opinion by Jan Bernd Nordemann. [GS Media vs. Sanoma \(C-160/15\) – the Advocate General proposes a deviation from prior CJEU case law: Is he right?](#).

Posts **7 and 6** are also from Jan Bernd Nordemann, and discuss two different aspects of German copyright law. At number **7**, [Linking to illegal content unlawful under copyright law, according to the German BGH](#), Professor Nordemann discusses a judgment on linking which predated the *GS Media* judgment and in which the BGH held that linking to illegal content does constitute an unlawful public communication. Post number **6**, [Communication to the public in copyright law – the German struggle with the CJEU concept](#), discusses the difficulties faced in attempting to reconcile the pre-existing German law with the attempts to harmonise the term "communication to the public" under EU copyright law.

At number **5**, [MTE v Hungary: New ECtHR Judgment on Intermediary Liability and Freedom of Expression](#), Christina Angelopoulos discusses the first post-*Delfi* judgment of the European Court of Human Rights (ECtHR) on the liability of online service providers for the unlawful speech of others, and concludes that *"[w]hile in principle therefore the judgment is good news for both internet intermediaries and their end-users, the ruling does little to dispel the legal uncertainty that plagues the area: attempting to reverse and head off in the right direction, the Court still finds itself falling over the stumbling blocks it set out for itself last year"*.

In post number 4, [Say Nay to the Neighbouring Right!](#), Bernt Hugenholtz considers whether the Commission's idea of extending the neighbouring right to publishers is a good one: *"In my opinion, it is not. Whereas the case for neighbouring rights for performers has always been strong, since performing artists are excluded from the domain of authors' rights even though performing a work of authorship is usually a creative act, the same has never been true for the other three categories of neighbouring right holders"*.

Post number 3, [So what does BREXIT mean for copyright \(and database rights\) in the UK?](#), again looks at the potential impact of Brexit on copyright law but this time from a UK perspective, with Theo Savvides concluding that *"[i]n the immediate aftermath of the UK's exit from the EU it does not seem likely that the UK will make significant changes to its copyright law"*. However he goes on to point out that in recent reviews of copyright law carried out by the UK government *"in every case the extent of the legislation that the UK government has been able to introduce has been limited by existing European legislation in the areas it wanted to reform. It seems likely, therefore, that further reform will be implemented in the event that the UK government has the freedom to do so."*

Number 2, [New French Act: Google Images will have to pay royalties](#), sees Brad Spitz discussing the new French Law that provides that search engines using thumbnails will have to pay royalties via a compulsory collective management for the reproduction of photographs and images. In his view, however *"[t]here will be long discussions and probably lawsuits before some royalties result from these new provisions. Therefore, perhaps the collecting societies have not yet entirely won the battle."*

Finally, in our number 1 post of 2016, [EU Copyright Reform: Outside the Safe Harbours, Intermediary Liability Capsizes into Incoherence](#), Christina Angelopoulos had the following thoughts on one aspect of the Commission's proposed copyright reform *"Article 13(1) of the proposed directive is deeply worrying. It is ill-conceived, badly-worded and incompatible with established law. It betrays a bewildering lack of understanding of European copyright law and an alarming disregard for the law of fundamental rights."*

We hope you've enjoyed this brief overview of our top posts from last year. All that remains is to wish all our readers a very Happy New Year, and we look forward to bringing you many more interesting posts in 2017.

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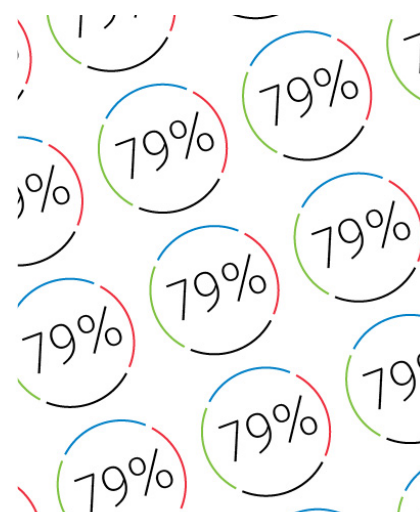
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This entry was posted on Monday, January 9th, 2017 at 2:13 pm and is filed under **Britain** and **'exit'** and refers to the UK leaving the European Union (EU). A referendum – a vote in which everyone (or nearly everyone) of voting age can take part – was held on 23 June 2016, to decide whether the UK should leave or remain in the EU. Leave won by 51.9% to 48.1%. Britain's departure from the EU is scheduled to take place at 11pm UK time on 29 March 2019.">Brexit, Case Law, inter alia, for ensuring that EU law is interpreted and applied in a consistent way in all EU countries. If a national court is in doubt about the interpretation or validity of an EU law, it can ask the Court for clarification. The same mechanism can be used to determine whether a national law or practice is compatible with EU law. The CJEU also resolves legal disputes between national governments and EU institutions, and can take action against EU institutions on behalf of individuals, companies or organisations.">CJEU, European Union, France, Germany, Legislative process, Neighbouring rights, United Kingdom

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