Kluwer Copyright Blog

Estonia: Miina Härma Gymnasium II, Supreme Court of Estonia, 3-2-1-159-16, 27 February 2017

Elise Vasamae (Palladium Attorneys at Law) · Thursday, April 20th, 2017

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

The Supreme Court of Estonia analysed the conditions under which the public performance of works at a school concert falls within the free use exception. In principle, the Supreme Court agreed with the courts of lower instance by holding that the public performance of works at a (school) concert falls within the exception for free use only if all five of the conditions laid down in Section 22 of the Estonian Copyright Act are met. The court emphasised, however, that the main objective of Section 22 is to enable pupils to gain diverse experiences and to apply learnt skills in performing various works. Therefore, the use of works can also fall within the free use exception where the public performance does not take place on the premises of the educational institution itself. The most important factor is that the concert must take place within the framework of the activities of the school. In addition, the Supreme Court took the position that the courts of lower instance had erred in stating that the concept of the "direct teaching process" did not cover the school concert under discussion.

Want to see the full report? For a free trial of Kluwer IP Law please click here

To make sure you do not miss out on regular updates from the Kluwer Copyright Blog, please subscribe here.

Kluwer IP Law

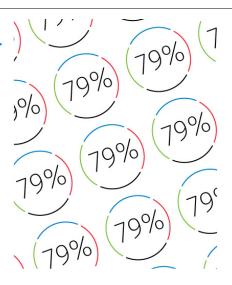
The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how Kluwer IP Law can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

Drive change with Kluwer IP Law.

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT
The Wolters Kluwer Future Ready Lawyer

Leading change

• Wolters Kluwer

This entry was posted on Thursday, April 20th, 2017 at 9:20 am and is filed under Case Law, Collective management, Estonia, Infringement, Limitations

You can follow any responses to this entry through the Comments (RSS) feed. You can leave a response, or trackback from your own site.