

Kluwer Copyright Blog

What has happened with Article 17 in the past year?

Alina Trapova (University College London) · Monday, July 5th, 2021

It certainly feels like the CDSM Directive has been the hottest topic in copyright law for quite some time now. If we had to be more specific and identify one main protagonist, the answer would unequivocally be: Article 17. Since its birth with the European Commission's proposal, all the way through to the guidance from the Commission, the limited implementation efforts at a national level and the [pending Polish challenge](#), the AG opinion of which is scheduled for later this month, Article 17 has been subject to attack and debate on many fronts. There has been a great deal of interest and discussion around burning issues such as how licensing could reasonably work in practice, what constitutes 'best efforts', the safeguarding of fundamental rights, and whether censorship could be avoided thanks to existing technology.



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We have a [vast wealth of posts](#) on the blog on various aspects of Article 17, presenting many different perspectives and opinions. So much has happened in the past year in this respect, that before the summer months fully take over our agendas, it is worth taking a pause and a looking back at our top 10 most-read posts on Article 17 from the past 12 months.

1. [CJEU hearing in the Polish challenge to Article 17: Not even the supporters of the provision agree on how it should work](#) by Paul Keller
2. [European Commission back-tracks on user rights in Article 17 Guidance](#) by Felix Reda and Paul Keller
3. [The Challenge to Article 17 CDSM, an opportunity to establish a future fundamental rights-compliant liability regime for online platforms](#) by Christophe Geiger and Bernd Justin Jütte
4. [Divergence instead of guidance: the Article 17 implementation discussion in 2020 – Part 1](#) by Paul Keller ([Part 2 here](#))

5. [Article 17: \(Mis\)understanding the intent of the legislator](#) by Paul Keller
6. [It's 23 April 2021, so where is the Advocate General opinion in Case C-401/19 Poland v Parliament and Council?](#) by Paul Keller
7. [Article 17's impact on freedom to conduct a business – Part 1](#) by Felix Reda and Joschka Selinger (Part 2 [here](#))
8. [Germany attempts to square the circle in its implementation of Article 17 CDSMD – Part 1](#) by Felix Reda and Joschka Selinger (Part 2 [here](#))
9. [Article 17: What is it really good for? Rewriting the history of the DSM Directive – Part 1](#) by Felix Reda (Part 2 [here](#))
10. [Finnish Article 17 implementation proposal prohibits the use of automated upload filters](#) by Paul Keller

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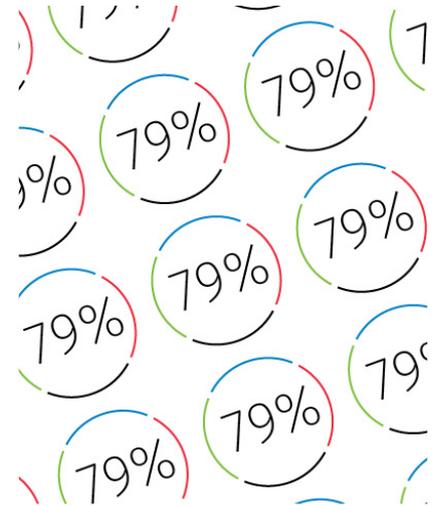
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