

Kluwer Copyright Blog

EU copyright law round up – third trimester of 2022

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Welcome to the third trimester of the 2022 round up of EU copyright law!

In this series, we update readers every three months on developments in EU copyright law. This includes Court of Justice (CJEU) and General Court judgments, Advocate Generals' (AG) opinions, and important policy developments. You can read the previous round-ups [here](#).



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CJEU judgments and AG Opinions

RTL Television, Court of Justice, C-716/20

On 8 September 2022, the CJEU issued its judgment in *RTL Television*. This is a preliminary reference from the Portuguese Supreme Court, which interprets the notion of “cable retransmission”. A post analysing the judgment will be coming up soon in the blog. In the meantime, [here](#) is a comment at the AG’s Opinion on the case.

Ametic, Court of Justice, C-263/21

On the same day, in another judgment, coming from the Spanish Supreme Court, the CJEU has sought to shed some light on the system of fair compensation and the private copying exception. Stay tuned for a comment on this judgment in the blog.

AKM, AG Opinion, C-290/21

On 22 September 2022, the AG Szpunar issued his opinion in the AKM case on the interpretation of communication to the public by a satellite. The AG suggests that a satellite package provider is not required to obtain the authorisation of the copyright and related rights holders in respect of the act of communication to the public by satellite in which that provider participates in the Member State in which the protected objects that have been communicated are accessible to the public.

CDSM Directive implementation

The implementation of the **CDSM Directive** is still far from over, despite the fact that the implementation deadline passed more than a year ago, on 7 June 2021. Many Member States missed the deadline, so in May 2022 the Commission **issued reasoned opinions** to 13 of them.

If you are interested in tracking the implementation process, we recommend you check **CREATe's resource page** (in partnership with the **reCreating Europe** project), as well as the **COMMUNIA tracker**.

Policy

*European Commission, **Public consultation on remuneration of music performers and record producers from third (non-EU) countries for recorded music played in the EU***

Between 22 July 2022 and 22 September 2022, the European Commission ran a public consultation seeking views on the remuneration of non-EU music performers and record producers with respect to the music played in the EU. The aim of the consultation is to clarify certain conditions and ensure legal certainty on the remuneration of these performers and producers when their records are played in the EU on radio or TV, or in public places such as bars and restaurants.

*WIPO, **Agreement on diplomatic conference on Design Law Treaty***

In July, the WIPO Member States agreed to go ahead with a diplomatic conference on the protection of designs to ease cross-border trade. The proposed Design Law Treaty seeks to streamline the global system for protecting designs and builds upon earlier initiatives such as the work of the **WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications** in 2006.

*European Commission, **European Media Freedom Act***

In September, the European Commission proposed a new Regulation targeting media pluralism and independence in the EU. The proposal stresses that the new media rules complement the CDSM Directive framework. In addition, the Commission emphasises that the EU legislator must balance various fundamental rights when exercising its powers.

Coming soon and latest referrals

The next months will certainly be eventful with several pending cases before the CJEU: *Gemeinde Bodman-Ludwigshafen* (**C-256/21**) on the InfoSoc Directive's sanctions and private copying, *AKM* (**C-290/21**) on communication to the public by satellite broadcasting, *Ocilion* (**C-426/21**) on communication to the public and the private copying exception, *Castorama Polska* (**C-628/21**) on copyright enforcement, *Blue Air Aviation* (**C-775/21**) on communication to the public on airplanes, *HADOPI* (**C-470/21**) on the French HADOPI law, as well as *Mylan* (**C-473/22**) concerning enforcement and compensation.

On the copyright/trade mark front at the EUIPO, a case on the registrability of the marks '**ANIMAL FARM**' and '**1984**' is still pending before the EUIPO's Grand Board of Appeal. The copyright in these two titles expired at the beginning of 2021.

Stay tuned!

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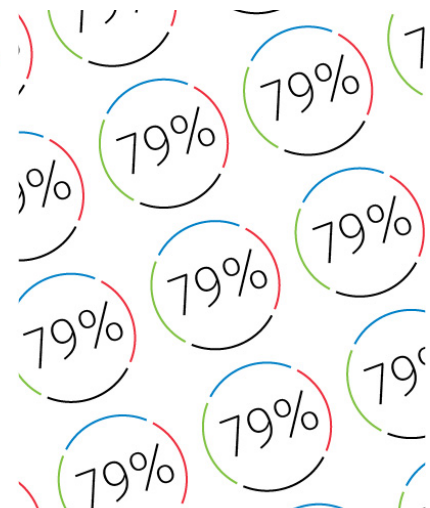
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This entry was posted on Monday, October 3rd, 2022 at 10:03 am and is filed under AG Opinion, CDSM Directive, inter alia, for ensuring that EU law is interpreted and applied in a consistent way in all EU countries. If a national court is in doubt about 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, Design Rights, Digital Single Market, European Union, Private copying, Round-up

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