

Kluwer Copyright Blog

EU copyright law roundup – second trimester of 2024

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Welcome to the second trimester of the 2024 roundup of EU copyright law right in time before the (hopefully) quiet summer period starts. In this edition, we update you on what has happened between March and June 2024 in EU copyright law. As our regular readers know, this roundup series includes Court of Justice (CJEU) and General Court judgments, Advocate Generals' (AG) opinions, and important policy developments. You can read the previous roundups [here](#).



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CJEU judgments and AG Opinions

Citadines, CJEU, C-723/22

Communication to the public will never cease to be a topic for the CJEU. In this case once again we are talking about hotels. The CJEU held that the provision of television sets installed in the hotel rooms or in the fitness area, where a signal is also retransmitted to those sets by means of that hotel's own cable distribution network, constitutes a 'communication to the public'.

Sony Computer Entertainment Europe, AG Opinion, C-159/23

On 25 April 2024, AG Szpunar delivered his opinion in this case, which concerned the scope of

copyright protection for software in the context of video games and more specifically ‘cheat software’. The cheat software under discussion here does not change the code of the protected programme, the rights holder of which is Sony. The defendant’s software runs at the same time as Sony’s computer program, but only changes the content of the variables which the protected computer program has transferred to the RAM. These variables in the RAM, suggests AG Szpunar, are not protected under the Software Directive. Stay tuned for a post analysing the opinion.

HADOPI, CJEU, C-470/21

This case concerns combating criminal offences and the interference with fundamental rights. In this judgement the Court sits as a full court, which only happens where the Court considers that a case is of exceptional importance. The case concerned the French national public authority designated to combat online piracy. The Court held that the authority may access identification data on the basis of an IP address. The Court further specified the requirements concerning the arrangements for retaining and accessing those data.

GEMA, CJEU, C-135/23

This is yet another communication to the public case – this time coming from Germany and concerning rental apartment buildings. The CJEU held that the deliberate provision of TV sets equipped with indoor antennas, which do not require further intervention and which pick up signals and enable broadcasts, is a communication to the public within the meaning of the [InfoSoc Directive](#), provided that the tenants of those apartments can be regarded as a ‘new public’.

CDSM Directive implementation

Once again, we have been unable to delete this section from the roundup thanks to Poland, the only member state left to implement the [CDSM Directive](#). On 7 June we marked the fifth anniversary of the entry into force of the Directive. You can read [Paul Keller’s post](#) reflecting on Article 17 of the Directive and their working in practice.

If you are interested in tracking the implementation process, please check the [COMMUNIA DSM Implementation Portal](#).

Policy

Italian AI Law Proposal

In April 2024, the Italian government published the text of a draft AI law which includes several important copyright provisions. Read [Gianluca Campus' post](#) for further details.

European Council, AI Act – final approval

The AI Act has been the topic of 2024. On 21 May 2024, the European Council gave its final green light to this legislative instrument.

Coming soon and latest referrals

Unsurprisingly, there are still copyright cases on communication to the public pending before the CJEU: *AKM* (**C-290/21**) on satellite broadcasting, as well as the *VHC 2 Seniorenresidenz* (**C-127/24**) on retirement homes.

A few cases are pending on the notion of a work: *Kwantum Nederland and Kwantum België* (**C-227/23**) concerning works of applied art and the Charter, *Mio and Others* (**C-580/23**) on applied art and originality and *Institutul G. C?linescu* (**C-649/23**) on the concept of a work.

In addition, the CJEU will still have to have its final say on the following: *Sony Computer Entertainment Europe* (**C-159/23**) on game consoles and cheat software: *Reprobel* (**C-230/23**) on fair remuneration and, *ONB and Others* (**C-575/23**) on copyright exploitation contracts under the **CDSM Directive**: *Pelham II* (**C-590/23**) on pastiche; *DADA Music and UPFR* (**C-37/24**) on collective management, phonogram producers and equitable remuneration: *ThuisKopie/HP* on levies; and *SACD and Others* (**C-182/24**) on joint authorship/infringement.

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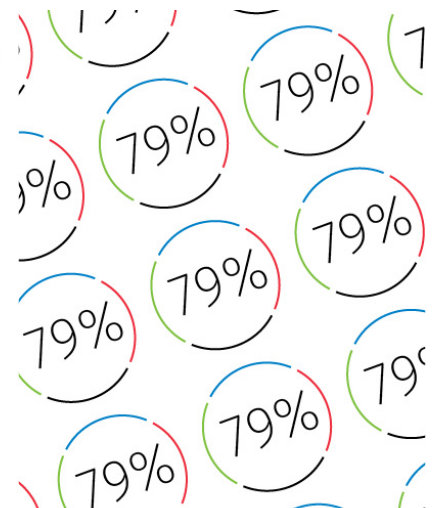
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