

Kluwer Copyright Blog

EU copyright law roundup – first trimester of 2025

Alina Trapova (University College London) and João Pedro Quintais (Institute for Information Law (IViR)) · Monday, April 14th, 2025

Slightly overdue, but here comes the first roundup of 2025. The EU courts have issued just one judgment in this trimester, but to make up for it, there have been several interesting policy initiatives.

As a reminder, in this post we update you on developments in EU copyright law between January and March 2025 — including judgments from the CJEU, any Advocate General (AG) Opinions, and significant policy updates. We've also included a few noteworthy policy developments from December 2024 that slipped in between the winter holidays.



Photo by Markus Spiske on Unsplash

You can read the previous roundups [here](#).

CJEU

ONB and Others, C-575/23

On 5 March 2025, the CJEU issued its first ruling concerning the provisions of the **CDSM Directive** – in particular, Chapter 3 on exploitation contracts. The case originated from a challenge by the Belgian National Orchestra (ONB), questioning the legality of a national Decree that provided for the unilateral transfer of performers' rights – including the rights of communication to the public, reproduction, and distribution – to the orchestra, in return for a statutory remuneration determined by the Decree. The CJEU found that such a statutory transfer, enacted without the prior consent of performers, contravenes the principle of appropriate and proportionate remuneration as outlined in Article 18(2) of the Directive.

Policy

*European Parliament, **Decision of the Bureau of the European Parliament laying down rules on Open Data***

In December 2024, the Parliament published a decision detailing that the re-use of Parliament's open data is subject to the conditions laid down in the Creative Commons Attribution 4.0 International License (CC BY 4.0), while raw data, metadata or other documents of a comparable nature may alternatively be distributed by Parliament under the Creative Commons Universal Public Domain Dedication deed (CC0 1.0).

*French Ministry of Culture, **Report Task Force on the implementation of the EU AI Act***

Still in December 2024, the Ministry of Culture of France published a report on the implementation of the EU **AI Act** prepared by Professor Alexandra Bensamoun. The task force report seeks to clarify the scope of the transparency obligations for providers of general purpose AI pursuant to **Article 53(1)(d) of the AI Act** and to propose a summary template.

*European Commission, **Study to assess the feasibility of a central registry of Text and Data Mining opt-out expressed by rightsholders – Tender***

In January 2025, DG CNECT launched a tender for a feasibility study for the development of a central registry for right holders to express their opt-outs under the Text and Data Mining exemption. In particular, the study “*should explore how a registry could support the expression of the TDM opt-out on individual copyright-protected works, on the basis of work-based identifiers and associated metadata supporting right reservation, as well as rights licensing when relevant.*” The deadline for receipt of tenders closed on 5 March 2025.

*European Commission, **General-Purpose AI code of practice – third draft***

The **European AI Office** has been facilitating the work on the General-Purpose AI Code of Practice. The **first draft of the Code** was published on 14 November 2024 (see more [here](#)). The **second** and **third** drafts of the Code were published on 19 December 2024 and 11 March 2025 respectively. You can read Marianna Foerg's post [here](#).

*European Copyright Society (ECS), **Opinion on Copyright and Generative AI***

On 15 January, the ECS published its Opinion on Copyright and Generative AI. The ECS

considers that the current development of Generative AI, under the regulatory framework set up by the **2019 CDSM Directive** and the **2024 AI Act** needs to balance: the interests of human authors and performers; the interests of users and of the wider public, anchored in the fundamental rights framework established by the **Treaties** and **the Charter of the European Union**; the enhancement of research and innovation. Specifically, six issues need to be addressed: (1) the determination of the scope of the text and data mining (TDM) exception; (2) the content of the obligation under Art. 53(1)(c) of the **AI Act** related to the reservations of rights; (3) the scope and modalities of the transparency obligation laid down by Art. 53(1)(d) of the **AI Act**; (4) the privileges for Research and for Open Source models; (5) the articulation between the **CDSM Directive** and the **AI Act**; (6) the fair remuneration of authors and performers. You can read a blog post with the essential elements [here](#).

Coming soon and latest referrals

So far, the CJEU has been quiet but without doubt the pace will pick up in the coming months.

Communication to the public will never cease to be a topic for the Court. The CJEU is still yet to have its say in *VHC 2 Seniorenresidenz* (**C-127/24**) with respect to retirement homes and in *Anne Frank Fonds* (**C-788/24**) on geo-blocking involving the Anne Frank Foundation.

Several cases on various aspects of protectability standard are pending: *Mio and Others* (**C-580/23**), *Institutul G. Călinescu* (**C-649/23**), *Gândul Media Network* (**C-598/24**) and *konektra* (**C-795/23**).

Moreover, the following are still awaiting judgment with some familiar parties as well as controversial notions: *Pelham* (**C-590/23**) on pastiche (read a post on the hearing by Enzo Rebelo [here](#) and [here](#)), *DADA Music and UPFR* (**C-37/24**) on collective management, phonogram producers and equitable remuneration, *SACD and Others* (**C-182/24**) on joint authorship/infringement (with the AG Opinion [published](#) a few days ago on 10 April), as well as *Satel Film* (**C-832/24**, **C-833/24** and **C-834/24**) on blocking injunctions.

The topic of private copy and levies will be unpacked in *bluechip* (**C-822/24**), *VG Wort* (**C-840/24**) and *Thuiskopie/HP* (**C-496/24**).

Following the judgment in *ONB and Others* (**C-575/23**), several other cases on the interpretation of the **CDSM Directive** are still pending: *Streamz and Others* (**C-663/24**) on fair remuneration of authors and performers on online streaming platforms and *Austro-Mechana* (**C-579/24**) on the scope of Article 17.

Stay tuned!

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

subscribe [here](#).



2024 Future Ready Lawyer Survey Report

Legal innovation: Seizing the future or falling behind?

[Download your free copy →](#)

 Wolters Kluwer

 Future Ready

LAWYER

This entry was posted on Monday, April 14th, 2025 at 10:37 am and is filed under [Artificial Intelligence \(AI\)](#), [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](#), [Collective management](#), [European Union](#), [Legislative process](#), [Round-up](#), [Text and Data Mining \(TDM\)](#)

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