



# Annual Conference on EU Copyright Law 2020

Focus on the implementation of the EU  
Copyright Reform and recent CJEU rulings

Online Conference, 25-27 November  
2020 (morning sessions)

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

**Intellectual  
Property  
Law**



## Speakers

**Christiaan Alberdingk Thijm**, Partner, Bureau Brandeis, Amsterdam

**Anneli Andresson**, Policy Officer, DG CONNECT, European Commission, Brussels

**Aedín Conboy**, Senior Policy Officer, DOT•europe (formerly EDIMA), Brussels

**Alexander de Bleeckere**, Lawyer, Altius, Brussels

**Miruna Herovanu**, Senior EU Policy Officer, Association of Commercial Television in Europe (ACT), Brussels

**Annette Kur**, Professor and Senior Research Fellow, Head of Unit, Max Planck Institute for Innovation and Competition, Munich

**Péter Mezei**, Associate Professor of Law, Deputy Head of the Institut, University of Szeged

**Nils Rauer**, Partner, Pinsent Masons Germany LLP, Frankfurt

**Julie Samnadda**, Lawyer, Legal Service, European Commission, Brussels

**Caterina Sganga**, Associate Professor of Comparative Private Law, Scuola Superiore Sant'Anna, Pisa

**Benoit Van Asbroeck**, Partner, Bird & Bird, Brussels

**Alexander Wolf**, President international, SESAC and the Harry Fox Agency, Nashville and Munich

## Key topics

- The transposition of the EU Copyright Directive in the Digital Single Market
- Key recent CJEU rulings on copyright
- EU enforcement of copyright
- Neighbouring and collective rights

Languages  
English and German (with simultaneous interpretation)

Event number  
220SR17

Organiser  
Florence Hartmann-Vareilles



With the support of the Erasmus+ programme  
of the European Union

# Annual Conference on EU Copyright Law 2020

## Wednesday, 25 November 2020

### I. IMPLEMENTATION OF THE EU COPYRIGHT LEGAL REFORM

- 08:45 Connecting time
- 09:15 Opening of the Conference
- 09:30 **Communication to the public: from Svensson to the EU Copyright Reform**
- Drawing conclusions from the CJEU rulings
  - Which responsibility for which user?
  - Direct and indirect liability of online intermediaries
  - Conclusions of the Advocate General in *YouTube/Cyando*  
*Julie Samnadda*
- 10:00 Discussion
- 10:15 Break
- 10:45 **Round table discussion on the implementation of Article 17 of the Directive on copyright in the DSM**
- The preparation of the Commission's guidance on Article 17
  - The link between Article 17 and other provisions of the Directive
  - Article 17, Haftungsprivilegierung (safe harbour) and the future digital Services Act  
*Anneli Andresson, Aedín Conboy, Peter Mezei, Miruna Herovanu*
- 11:30 Discussion
- 11:45 Break
- 12:00 **Country reports on implementation of the Copyright Directive in the DSM**  
*Peter Mezei, Nils Rauer*
- 12:30 End of first half day

## Thursday, 26 November 2020

- 08:45 Connecting time

### II. TOPICAL RECENT ISSUES OF EU COPYRIGHT LAW

- 09:00 **Making a parallel between copyright and design law**
- Different goals and different assessments
  - Cumulation of protection and its limitations
  - Shape necessary to obtain a technical function
  - Lessons from recent CJEU rulings on "Author's own intellectual creation"  
*Annette Kur*
- 09:45 Discussion
- 10:00 Break
- 10:15 **Copyright in second-hand digital markets**
- Selling second-hand e-books and software: should the status quo on copyright exhaustion be maintained?
  - Distribution versus communication to the public
  - From *UsedSoft* to *Tom Cabinet*  
*Christiaan Alberdingk Thijm*

### Objective

This online annual conference will update intellectual property lawyers on the ongoing EU initiatives and recent case law adopted by the CJEU in the field of copyright law.

### Who should join?

Lawyers in private practice, in-house counsel, judges and other practitioners of law dealing with copyright and intellectual property law, internet and consumer law

### You will learn ...

- How has the EU Directive on copyright in the DSM been transposed in some Members States?
- What are the guidelines from the CJEU on online direct and indirect copyright liability?
- In which circumstances can a parallel be made between copyright and design law?
- What are the recent developments on copyright exhaustion?
- How should copyright apply to social media?
- What is the impact of the EU Enforcement Directive in copyright matters?
- How to reconcile the interests of online users, copyright holders, platforms, and collective management organisations?

### Interactive online conference

The online conference will be hosted on the Zoom videoconferencing platform. The highest security settings will be applied to ensure that you can participate actively in the best-quality videoconferencing environment available. You will be able to interact immediately and directly with our top-quality speakers and other participants. We will make the most of the technical tools available to deliver an intensive, interactive training experience.

11:00 Discussion  
11:15 Break

11:45 **Copyright and social media: open issues**

- How is copyright used and protected in social media?
- Does EU law afford enough protection against piracy?
- What kind of licences should be concluded between users and platforms?

*Benoit Van Asbroeck*

12:30 Discussion

12:45 End of second half day

## Friday, 27 November 2020

### III. COPYRIGHT ENFORCEMENT IN THE EU

08:45 Connecting time

09:00 **Impact of the Enforcement Directive 2004/48 in copyright matters**

- Scope of protection and copyright holders' rights
- Injunctions and cross-border injunctions
- Making the link between the Enforcement, the Information Society and the e-Commerce Directives

*Alexander De Bleeckere*

09:45 Discussion

10:00 Break

### IV. NEIGHBOURING AND COLLECTIVE RIGHTS

10:15 **Collective licensing: towards a fair balance between right holders, users, and collective entities**

- Six years of implementation of Directive 2014/26
- Critical appraisal on Articles 8 and 12 of the Copyright Directive in the DSM

*Nils Rauer, Alexander Wolf*

10:45 Discussion

11:00 Break

11:30 **Update on neighbouring rights:**

- Overview of recent EU developments
- Impact of the CJEU ruling *Spedidam v. INA*
- Aligning performers' rights to authors' rights?

*Caterina Sganga*

12:15 Discussion

12:30 End of conference

For programme updates: [www.era.int](http://www.era.int)  
Programme may be subject to amendment

### Your contact persons



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### What participants liked in 2019

"Many expert lectures about copyright"  
"Gaining insight into latest developments on EU copyright law"  
"Interesting speakers and topics"  
"Great knowledge, content, quality and subject of the talks"  
"Practicalities, very interesting conference"  
"Great presentations"

### CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **8 CPD hours**.

### Save the date

**Conference on Big Data: Facilitating Access to Data in the Digital Economy**  
Online Conference, 26-27 October 2020

**Annual Conference on EU Law in the Pharmaceutical Sector 2021**  
Online Conference, 4-5 March 2021



Times indicated are CET (Central European Time)

# Registration

## Annual Conference on EU Copyright Law 2020

Online Conference, 25-27 November 2020 / Event Number: 220SR17



### Registration

Fax: +49 (0) 651 93737-773

E-mail: [info@era.int](mailto:info@era.int)

Online registration:  
[www.era.int/?129877&en](http://www.era.int/?129877&en)

Postal address:  
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Postfach 1640  
D-54206 Trier

Languages  
English, German

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I would like to register for the ERA event mentioned above.

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First Name	<input type="text"/>			
Surname	<input type="text"/>			
Organisation	<input type="text"/>			
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Postcode/City	<input type="text"/>	Country	<input type="text"/>	

### Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**
Registration by 26 October 2020	€ 711.00 <input type="checkbox"/>	€ 426.60 <input type="checkbox"/>	€ 533.25 <input type="checkbox"/>
Registration after 26 October 2020	€ 790.00 <input type="checkbox"/>	€ 474.00 <input type="checkbox"/>	€ 592.50 <input type="checkbox"/>

#### \* EU and ERA Patrons

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- Staff of ERA's patrons: all EU Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden), United Kingdom, the German states, Scotland and the City of Trier

#### \*\* Young lawyers & other groups

- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on registration);
- Full-time staff of universities or comparable academic institutions;
- Staff of charitable organisations or comparable institutions
- Registration of three or more employees from the same organisation
- If you have a discount voucher code, please click on the option above and enter the code in the Voucher Field when you register.

### Method of payment

- Credit card For registration with credit card payment please go to our website [www.era.int/?129877&en](http://www.era.int/?129877&en)
- Cheque Cheque number
- Bank transfer

I will transfer the registration fee to ERA's account at Deutsche Bundesbank Saarbrücken:  
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**Important! Please state your name and the event number on the bank transfer.**

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Place, Date

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