

# COPYRIGHT EXCEPTIONS

Maarten Zeinstra (Kennisland), Brussels, 9 September 2016

# **A European Digital Single Market?**



**29.360.128**

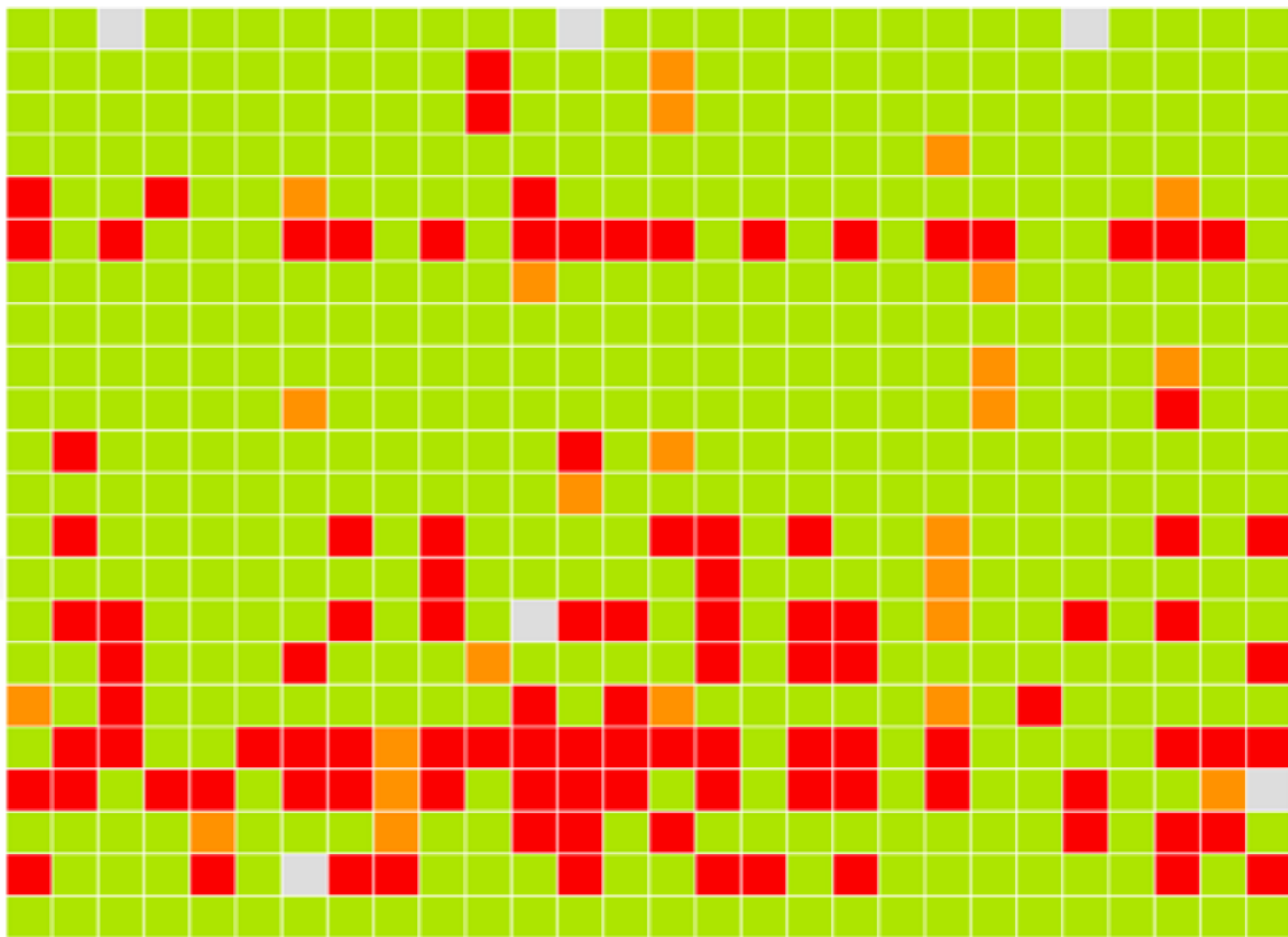


# COPYRIGHT EXCEPTIONS

SHOW MAP

- 5.1 Temporary acts of reproduction
- 5.2(a) Photocopying/photo-reproduction
- 5.2(b) Private copying
- 5.2(c) Reproductions by Libraries, Archives & Museums
- 5.2(d) Ephemeral recordings made by broadcasters
- 5.2(e) Reproduction of broadcasts by social institutions
- 5.3(a) Illustration for teaching or scientific research
- 5.3(b) Use for the benefit of people with a disability
- 5.3(c) Reporting by the press on current events
- 5.3(d) Quotation for criticism or review
- 5.3(e) Use for public security purposes
- 5.3(f) Use of public speeches and public lectures
- 5.3(g) Use during religious or official celebrations
- 5.3(h) Use of works of architecture or sculptures in public spaces
- 5.3(i) Incidental inclusion
- 5.3(j) Use for advertising the exhibition or sale of works of art
- 5.3(k) Use for the purpose of caricature, parody or pastiche
- 5.3(l) Use for the demonstration or repair of equipment
- 5.3(m) Use for the purpose of reconstructing a building
- 5.3(n) Use for the purpose of research or private study
- 5.3(o) Pre-existing exceptions of minor importance
- Reproducing and making available of orphan works

AT BE BG CZ DE DK ES EE FI FR GB GR HR HU IE IT LT LU LV MT NL PL PT RO SK SI SE CY



■ Implemented    ■ Partly Implemented  
■ Not Implemented    ■ Unknown

## 5.2(b) Private copying

Implemented: Yes

Remunerated:

Article number in local act: Article 16(b)(1), 16(c)-16(GA)

Remarks:

See also 'besluit thuiskopie' <http://wetten.overheid.nl/BWBR0016727/2004-09-01>

[Show on map](#) | [Local act](#)

## 5.2(c) Reproductions by Libraries, Archives & Museums

Implemented: Partly

Remunerated:

Article number in local act: Article 16b, 16h-16m, 16n

Remarks:

Whereas 16n is a more narrow implementation of the art.5 (c) of the InfoSoc directive. See also <http://wetten.overheid.nl/BWBR0014339/2009-03-10>

[Show on map](#) | [Local act](#)

## 5.2(d) Ephemeral recordings made by broadcasters

Implemented: Yes

# **A clear need for more harmonisation:**

Important exceptions like the private study exception or the freedom of panorama exception are not available in all EU member states.

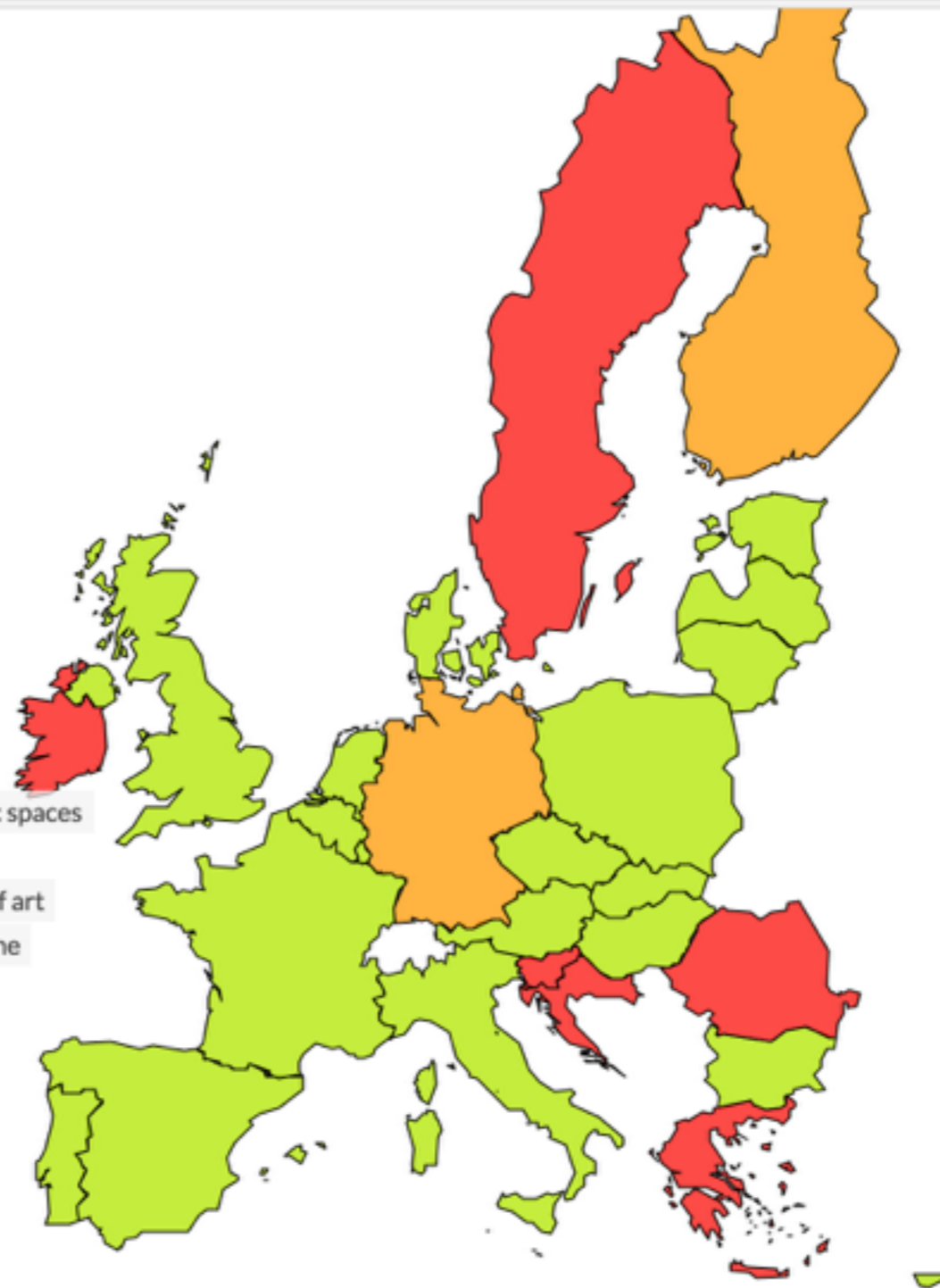


# COPYRIGHT EXCEPTIONS

+ - SHOW TABLE

- 5.1 Temporary acts of reproduction
- 5.2(a) Photocopying/photo-reproduction
- 5.2(b) Private copying
- 5.2(c) Reproductions by Libraries, Archives & Museums
- 5.2(d) Ephemeral recordings made by broadcasters
- 5.2(e) Reproduction of broadcasts by social institutions
- 5.3(a) Illustration for teaching or scientific research
- 5.3(b) Use for the benefit of people with a disability
- 5.3(c) Reporting by the press on current events
- 5.3(d) Quotation for criticism or review
- 5.3(e) Use for public security purposes
- 5.3(f) Use of public speeches and public lectures
- 5.3(g) Use during religious or official celebrations
- 5.3(h) Use of works of architecture or sculptures in public spaces
- 5.3(i) Incidental inclusion
- 5.3(j) Use for advertising the exhibition or sale of works of art
- 5.3(k) Use for the purpose of caricature, parody or pastiche
- 5.3(l) Use for the demonstration or repair of equipment
- 5.3(m) Use for the purpose of reconstructing a building
- 5.3(n) Use for the purpose of research or private study**
- 5.3(o) Pre-existing exceptions of minor importance
- Reproducing and making available of orphan works

- Implemented
- Partly Implemented
- Not Implemented
- Unknown

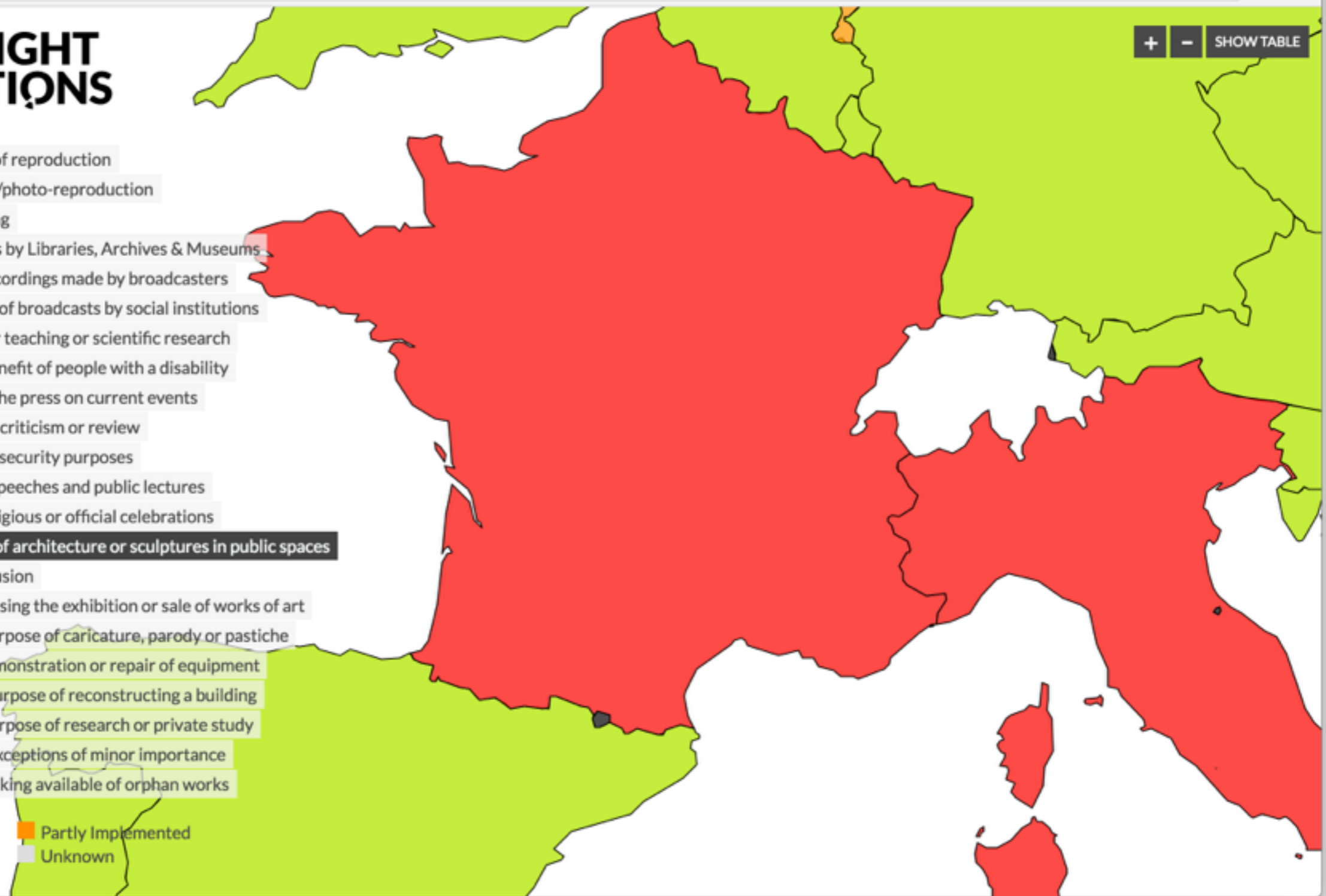


# COPYRIGHT EXCEPTIONS

+ - SHOW TABLE

- 5.1 Temporary acts of reproduction
- 5.2(a) Photocopying/photo-reproduction
- 5.2(b) Private copying
- 5.2(c) Reproductions by Libraries, Archives & Museums
- 5.2(d) Ephemeral recordings made by broadcasters
- 5.2(e) Reproduction of broadcasts by social institutions
- 5.3(a) Illustration for teaching or scientific research
- 5.3(b) Use for the benefit of people with a disability
- 5.3(c) Reporting by the press on current events
- 5.3(d) Quotation for criticism or review
- 5.3(e) Use for public security purposes
- 5.3(f) Use of public speeches and public lectures
- 5.3(g) Use during religious or official celebrations
- 5.3(h) Use of works of architecture or sculptures in public spaces**
- 5.3(i) Incidental inclusion
- 5.3(j) Use for advertising the exhibition or sale of works of art
- 5.3(k) Use for the purpose of caricature, parody or pastiche
- 5.3(l) Use for the demonstration or repair of equipment
- 5.3(m) Use for the purpose of reconstructing a building
- 5.3(n) Use for the purpose of research or private study
- 5.3(o) Pre-existing exceptions of minor importance
- Reproducing and making available of orphan works

■ Implemented    ■ Partly Implemented  
■ Not Implemented    ■ Unknown





# COPYRIGHT EXCEPTIONS

+ - SHOW TABLE

- 5.1 Temporary acts of reproduction
- 5.2(a) Photocopying/photo-reproduction
- 5.2(b) Private copying
- 5.2(c) Reproductions by Libraries, Archives & Museums
- 5.2(d) Ephemeral recordings made by broadcasters
- 5.2(e) Reproduction of broadcasts by social institutions
- 5.3(a) Illustration for teaching or scientific research
- 5.3(b) Use for the benefit of people with a disability
- 5.3(c) Reporting by the press on current events
- 5.3(d) Quotation for criticism or review
- 5.3(e) Use for public security purposes
- 5.3(f) Use of public speeches and public lectures
- 5.3(g) Use during religious or official celebrations
- 5.3(h) Use of works of architecture or sculptures in public spaces**
- 5.3(i) Incidental inclusion
- 5.3(j) Use for advertising the exhibition or sale of works of art
- 5.3(k) Use for the purpose of caricature, parody or pastiche
- 5.3(l) Use for the demonstration or repair of equipment
- 5.3(m) Use for the purpose of reconstructing a building
- 5.3(n) Use for the purpose of research or private study
- 5.3(o) Pre-existing exceptions of minor importance
- Reproducing and making available of orphan works

- Implemented
- Partly Implemented
- Not Implemented
- Unknown



# COPYRIGHT EXCEPTIONS

+ - SHOW TABLE

- 5.1 Temporary acts of reproduction
- 5.2(a) Photocopying/photo-reproduction
- 5.2(b) Private copying
- 5.2(c) Reproductions by Libraries, Archives & Museums
- 5.2(d) Ephemeral recordings made by broadcasters
- 5.2(e) Reproduction of broadcasts by social institutions
- 5.3(a) Illustration for teaching or scientific research
- 5.3(b) Use for the benefit of people with a disability
- 5.3(c) Reporting by the press on current events
- 5.3(d) Quotation for criticism or review
- 5.3(e) Use for public security purposes
- 5.3(f) Use of public speeches and public lectures
- 5.3(g) Use during religious or official celebrations
- 5.3(h) Use of works of architecture or sculptures in public spaces
- 5.3(i) Incidental inclusion
- 5.3(j) Use for advertising the exhibition or sale of works of art
- 5.3(k) Use for the purpose of caricature, parody or pastiche
- 5.3(l) Use for the demonstration or repair of equipment
- 5.3(m) Use for the purpose of reconstructing a building
- 5.3(n) Use for the purpose of research or private study**
- 5.3(o) Pre-existing exceptions of minor importance
- Reproducing and making available of orphan works

■ Implemented
 ■ Partly Implemented
 ■ Not Implemented
 ■ Unknown



## Malta

**Implemented:** Yes

**Article Number in local act:**  
Article 9 (1) (v)

FEEDBACK

SEE ALL EXCEPTIONS X

**We are far from a European  
Digital Single Market**



# Copyright in the Digital Single Market:

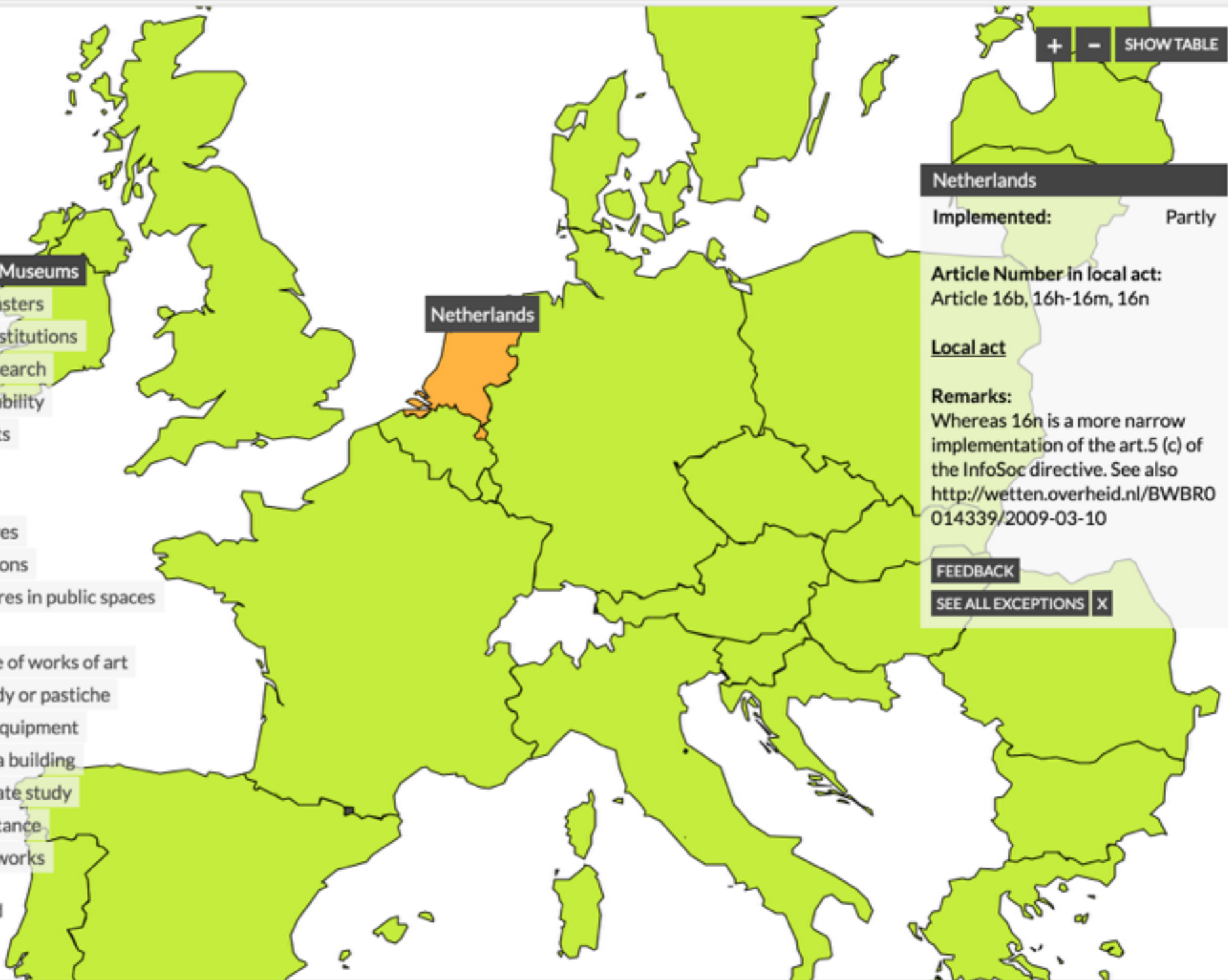
The Commission's plans only address those areas that already have a high level of harmonisation. Both the exception for illustration for teaching and the exception for reproductions by cultural heritage institutions are implemented in all member states.



# COPYRIGHT EXCEPTIONS

- 5.1 Temporary acts of reproduction
- 5.2(a) Photocopying/photo-reproduction
- 5.2(b) Private copying
- 5.2(c) Reproductions by Libraries, Archives & Museums**
- 5.2(d) Ephemeral recordings made by broadcasters
- 5.2(e) Reproduction of broadcasts by social institutions
- 5.3(a) Illustration for teaching or scientific research
- 5.3(b) Use for the benefit of people with a disability
- 5.3(c) Reporting by the press on current events
- 5.3(d) Quotation for criticism or review
- 5.3(e) Use for public security purposes
- 5.3(f) Use of public speeches and public lectures
- 5.3(g) Use during religious or official celebrations
- 5.3(h) Use of works of architecture or sculptures in public spaces
- 5.3(i) Incidental inclusion
- 5.3(j) Use for advertising the exhibition or sale of works of art
- 5.3(k) Use for the purpose of caricature, parody or pastiche
- 5.3(l) Use for the demonstration or repair of equipment
- 5.3(m) Use for the purpose of reconstructing a building
- 5.3(n) Use for the purpose of research or private study
- 5.3(o) Pre-existing exceptions of minor importance
- Reproducing and making available of orphan works

■ Implemented    ■ Partly Implemented  
■ Not Implemented    ■ Unknown



+

-

SHOW TABLE

**Netherlands**

**Implemented:** Partly

**Article Number in local act:** Article 16b, 16h-16m, 16n

**Local act**

**Remarks:** Whereas 16n is a more narrow implementation of the art.5 (c) of the InfoSoc directive. See also <http://wetten.overheid.nl/BWBR0014339/2009-03-10>

**FEEDBACK**

**SEE ALL EXCEPTIONS** X

User rights in  
Europe should not  
resemble  
a puzzle!



[www.copyrightexceptions.eu](http://www.copyrightexceptions.eu) | [mz@kl.nl](mailto:mz@kl.nl)