

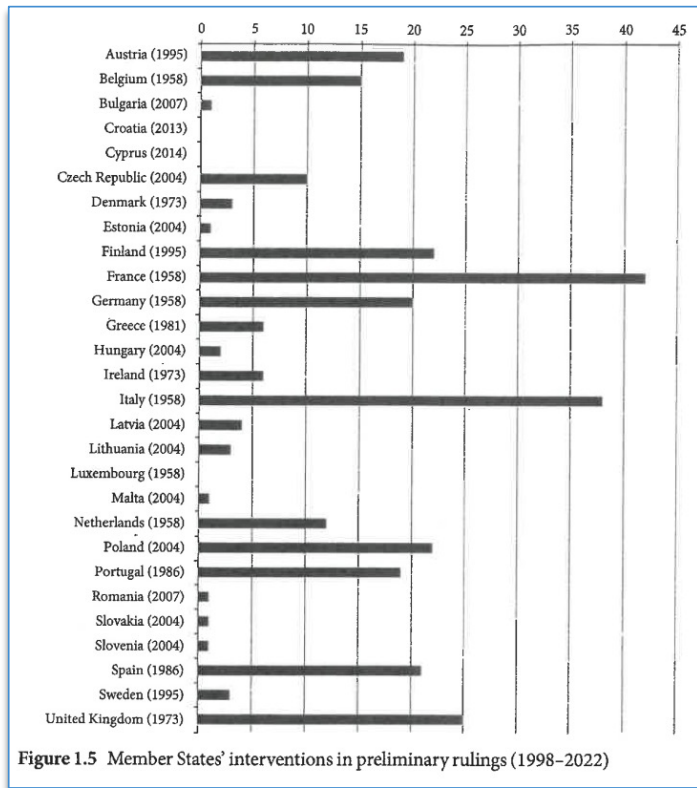
UK PARTICIPATION IN CJEU COPYRIGHT REFERRALS

Nicholas Saunders KC
Brick Court Chambers

BRICK COURT CHAMBERS



MEMBER STATE INTERVENTIONS – WHO DOES WHAT?



109 decided copyright cases by 31 Dec 2022
22 cases from Oct 2018 to Sept 2022, of which 9 are Grand Chamber decisions

UK has referred 9 times, Germany 26, France 6, Italy 7

Rapporteur: Malonovsky (47), Ilesic (21), Lenaerts (11)

Source: Rosati, Copyright and the Court of Justice of the EU, 2nd Edn

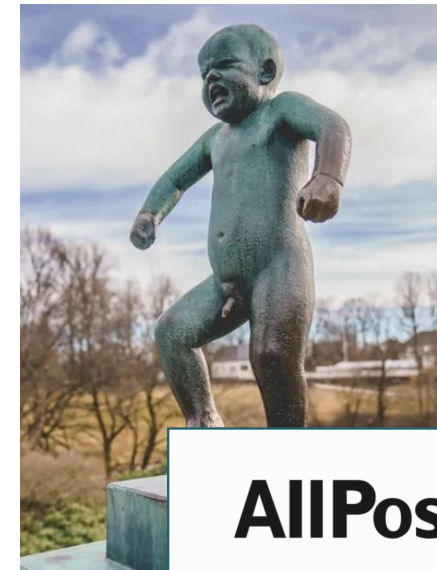
UK OBSERVATIONS IN RECENT COPYRIGHT CASES

Citation	Case Name	Date
Case C-263/18	<i>Nederlands Uitgeversverbond and Groep Algemene Uitgevers (Tom Kabinet)* (exhaustion of rights in ebooks) (BEL, CZE, DEN, GER, SPA, FRA, ITA, POR, UK)</i>	2019
C-683/17	<i>Cofemel (design protection for clothing) (POR, CZE, ITA, UK)</i>	2019
Case C-476/17	<i>Pelham and Others* (Kraftwerk - Metall auf Metall case on sampling) (GER, FRA, UK)</i>	2019
C-516/17	<i>Spiegel Online* (newspaper reporting, relationship with Charter, quotations) (GER, FRA, POR, UK)</i>	2019
Case C-469/17	<i>Funke Medien NRW* (troop deployments, relationship with Charter) (GER, FRA, UK)</i>	2019
Case C-310/17	<i>Levola Hengelo* (subsistence of copyright, copyright in taste?) (NED, FRA, ITA, UK)</i>	2018
Case C-610/15	<i>Stichting Brein v Ziggo (Pirate Bay case) (communication to the public, secondary liability) (SPA, FRA, ITA, POR, UK)</i>	2017



UK CONTRIBUTIONS TO EU COPYRIGHT LAW

Citation	Case Name	Date
Case E-5/16 (EFTA COURT)	<i>Norwegian Board of Appeal for Industrial Property Rights (overlap/trade marks once copyright has expired?)</i>	2017
Case C-275/15	<i>ITV Broadcasting v TV Catchup (cable retransmission) (UK only MS)</i>	2017
Case C-174/15	<i>Vereniging Openbare Bibliotheken (lending of ebooks) (CZE, GER, GRE, FRA, ITA, LAT, POR, UK)</i>	2016
Case C-463/12	<i>Copydan Båndkopi (private copying) (FRA, ITA, NED, AUS, FIN, UK)</i>	2015
Case C-490/14	<i>Verlag Esterbauer (maps as databases?) (GER, BEL, SPA, FRA, ITA, AUS, POL, POR, UK)</i>	2015
Case C-419/13	<i>Art & Allposters International (distribution right and exhaustion) (FRA, UK)</i>	2015
Case C-360/13	<i>Public Relations Consultants Association (temporary act of reproduction) (ITA, POL, UK)</i>	2014



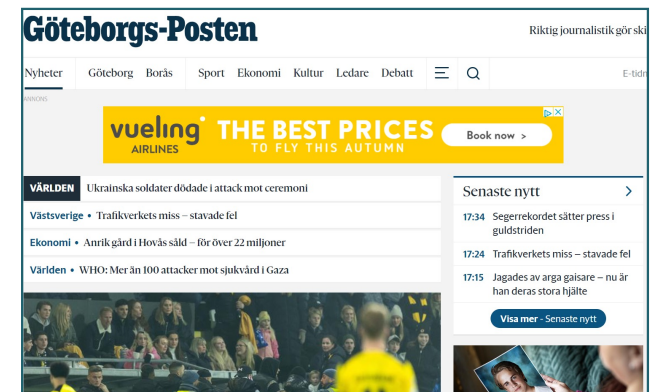
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UK CONTRIBUTIONS TO EU COPYRIGHT LAW

Citation	Case Name	Date
Case C-387/12	<i>Hi Hotel HCF (jurisdiction for infringement) (GER, UK)</i>	2014
Case C-314/12	<i>UPC Telekabel Wien (website intermediaries) (AUS, ITA, NED, UK)</i>	2014
Case C-466/12	<i>Svensson and Others (communication to public on website) (FRA, ITA, UK) (no AGO)</i>	2014
Cases C-457/11 to C-460/11	<i>VG Wort v Kyocera (reproduction right etc) (GER, CZE, SPA, IRE, LIT, NED, AUS, POL, FIN, UK)</i>	2013
Case C-604/10	<i>Football Dataco and Others (databases and copyright in fixture lists) (MAL, POR, FIN, UK)</i>	2012
Case C-360/10	<i>SABAM v Netlog (internet hosting) (BEL, ITA, NED, UK)</i>	2012
Case C-403/08	<i>Football Association Premier League and Others* (decoder cards and subsistence) (CZE, SPA, FRA, ITA, UK)</i>	2011



MEANWHILE AT THE EFTA COURT...

