



Styre: Fakultetsstyret ved Det juridiske fakultet
Styresak: 38/23
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NEDLEGGING AV JUS277-2-C EU COPYRIGHT LAW OG OPPRETNING AV 2314 EU COPYRIGHT LAW OG 3514 EU COPYRIGHT LAW

Bakgrunn

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar. Emneansvarleg Liliia Oprysk har utarbeidd dei to emneskildringane som ligg ved.

Som vedlegg følgjer saka slik ho vart presentert for studieutvalet, inkludert ei oppsummering av skilnadene på bacheloremnet og masteremnet, samt emneskildringar for begge emna.

Handsaming i studieutvalet

Studieutvalet handsama saka i sitt møte den 08.03.2023 og oversender saka til fakultetsstyret med følgjande uttale:

«Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS277-2-C EU Copyright Law etter studieåret 22/23 og istaden oppretta JUS2314 EU Copyright Law og JUS3514 EU Copyright Law som skal undervisast første gong vårsemesteret 2024, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.»

Merknader frå dekan og fakultetsdirektør

Dekan og fakultetsdirektør sluttar seg til forslaget frå Studieutvalget.

På denne bakgrunn blir det sett fram følgjande:

forslag til vedtak:

1. JUS277-2-C EU Copyright Law blir lagt ned etter studieåret 2022/2023.
2. Emna JUS2314 EU Copyright Law og JUS3514 EU Copyright Law blir oppretta og skal undervisast første gong vårsemesteret 2024.
3. Overgangsordning for studentar som treng å gjennomføra vurdering i gamalt emne JUS277-2-C EU Copyright Law etter studieåret 2022/2023: Studentane avlegg i staden eksamen i nytt emne JUS3514 EU Copyright Law.
4. Studentar har tre vurderingsforsøk samla både for det gamle emnet JUS277-2-C i kombinasjon med eitt av dei to nye emna, og samla for dei to nye emna i kombinasjon.

[Skriv her]

Karl Harald Søvig
dekan

Øystein L. Iversen
fakultetsdirektør

10.03.2023
INTØ

Vedlegg:

1. Sak 11/23-13 til Studieutvalet
2. Emneskildring JUS2314 EU Copyright Law
3. Emneskildring JUS3514 EU Copyright Law

[Skriv her]

Nedlegging av JUS277-2-C EU Copyright Law og oppretting av JUS2314/JUS3514 EU Copyright Law

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar. Førsteamanuensis Liliia Oprysk har utarbeidd dei to emneskildringane som ligg ved.

Mål og innhald er likelydande for dei to emna. Ønsket til emneansvarleg er at studentane gjennom desse emna skal fordjupa seg i dei same temaa, men at læringsutbytet frå emna vil bli på ulike nivå på bakgrunn av pensum og oppgåver.

Forventa læringsutbyte er tilpassa studentar på 3. studieår (bachelornivå) og studentar på 5. studieår (masternivå). Skilnadene mellom forventa læringsutbyte på masternivå og bachelornivå er markerte med understreking og gul farge i dei vedlagte emneskildringane.

Begge emna har obligatorisk arbeidskrav i form av ei obligatorisk oppgåve om eit emne som blir bestemt av emneansvarleg. I bacheloremnet skal oppgåva vera på mellom 1400 og 1600 ord, og i masteremnet på mellom 1800 og 2000 ord.

I masteremnet må studentane i tillegg gje ein munnleg presentasjon av oppgåva si til dei andre studentane som del av dei to ekstra «master classes» i emnet, etterfulgt av diskusjon. Det er også obligatorisk for studentane i masteremnet å delta på dei to «master classes». Emneansvarleg opplyser at dersom det blir tid til overs i master classes ut over oppgåvepresentasjonar og diskusjonar knytt til oppgåvene, vil resten av tida bli brukt til å diskutera aktuelle problemstillingar og EU rettskjelder med grunnlag i det som har blitt forelest om i dei ti felles forelesingane.

Begge emna har tre timar skuleeksamen som vurderingsform.

Emneansvarleg opplyser at pensum i kvart av emna er i tråd med det tilrådde omfanget for høvesvis bachelornivå og masternivå.¹ Det meste av litteraturen er den same som i dagens JUS277-2-C, men på bachelornivå er det teke bort to artklar og på masternivå er nokre artklar byta ut med andre.

Overgangsordning og tal på eksamensforsøk

§3-2-4 i Forskrift om opptak, studier, vurdering og grader ved Universitetet i Bergen (UiB-forskrifta) seier: «Ved nedlegging av studieprogram, studieretninger og emner skal vedtaksorganet fastsette overgangstid for undervisning og vurdering. Studenter som er tatt opp til studieprogram som vedtas nedlagt, har rett til å fullføre dette i samsvar med vedtak om overgangstid. Ved nedlegging av emner

¹ SU vedtok i sak 54/16 at for det integrerte masterprogram i rettsvitenskap ved Det juridiske fakultet gjeld følgjande sidetalsnorm: Hovudlitteraturen skal ha eit omfang på mellom 30 og 60 tekstsider pr. studiepoeng. I same sak uttalte også SU at «Det skal vidare tas hensyn til hvor i studiet emnet er plassert, sånn at hovedlitteraturen i emner som er plassert mot slutten av studiet normalt vil være mer omfattende enn emner tidlig i studiet.» Ut frå dette reknar studiedekanen at eit spesialemne på 5. studieår bør ha opp mot 60 sider hovudlitteratur per studiepoeng, og at eit valemne på 3. studieår bør ha kring 45 sider hovudlitteratur per studiepoeng.

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skal det normalt avholdes vurdering i emnet i ett eller to påfølgende semestre etter siste undervisningssemester.»

I dette tilfellet er emna på masternivå så like at studentar som treng å gjennomføra vurdering i gamalt emne JUS277-2-C etter vårsemesteret 2023, i staden vil bli viste til å avlegga eksamen i nytt emne JUS3514 EU Copyright Law.

§ 6-8-1 i UiB-forskrifta seier følgjande om antall vurderingsforsøk: «Ved Universitetet i Bergen gjelder det ordinært en øvre grense på tre vurderingsforsøk for det enkelte emne. Begrensningen i antallet vurderingsforsøk gjelder også dersom emnet har skiftet emnekode, inngår med ulik kode i flere studieprogrammer eller inngår i ny form i et studieprogram i tilknytning til en overgangsordning. I medhald av dette gjeld at studentar har tre vurderingsforsøk samla både for det gamle emnet JUS277-2-C og kvart av dei to nye emna, og samla for dei to nye emna i kombinasjon. Ein student som tidlegare har nytta alle vurderingsføkska i emnet på 3. studieår, kan ikkje få nye høve til å greia emnet ved å i staden melda seg til den andre utgåva av emnet på 5. studieår.

Studieutvalet uttalar:

Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS277-2-C EU Copyright Law og istaden oppretta JUS2314 EU Copyright Law og JUS3514 EU Copyright Law som skal undervisast første gong vårsemesteret 2024, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.

Vedlegg: Emneskildringar

[Skriv her]

Emneskildring EU Copyright Law – bachelornivå

Emnenavn (bokmål)	JUS2314 EU Copyright Law
Emnenavn (nynorsk)	JUS2314 EU Copyright Law
Emnenavn (kortversjon)	EU Copyright Law
Emnenavn (engelsk)	JUS2314 EU Copyright Law
Antall studiepoeng	10
Studienivå	Bachelor
Type emne	- Valgemne 3. studieår

Studierett

The course is available for students:

- admitted to the five-year master programme in law
- granted admission to elective courses at the Faculty of Law
- exchange students at the Faculty of Law

The pre-requirements may still limit certain students' access to the course.

Forkunnskapskrav

Required previous knowledge

Two years of law studies.

Recommended previous knowledge

Good level of English language.

Faglig overlapp*

Combined with JUS277-2-C EU Copyright Law, or JUS3514 EU Copyright Law, this course will generate no new credits.

The course combines well with JUS2305/JUS3503 Privacy and Data Protection - GDPR, JUS2309/JUS3509 Competition Law, JUS3505 / Law, Regulation and Technology, JUS23XX/JUS35XX Legal Technology: Artificial Intelligence and Law, JUS260-2-A Design- og patentrett, JUS260-2-C Kjenneteiknsrett, JUS260-2-D Marknadsføringsrett.

Emneansvarlig(e)

Associate Professor Liliia Oprysk

Emnets mål og innhold

Copyright law protects a wide range of works against unauthorized uses, from art and literary works to software and databases. Serving multiple rationales, copyright plays an important role in fostering cultural development and serves as an incentive for authors and the creative industries (film, music, publishing, software, games, etc.) The digital age rises challenges to the system of copyright law. New ways of (re)using and engaging with protected works emerge while the effective enforcement of protection becomes more difficult.

In Europe, many aspects of the copyright system are harmonized on the EU level and ought to be interpreted uniformly across the EU/EEA. Growing jurisprudence of the Court of Justice of the European Union (CJEU) leads to further harmonization of copyright law and the evolvement of protection in response to technological development.

The objective of the course is to introduce students to the main features of the copyright system and EU copyright law. The following topics form the core of the course:

- basics of copyright protection,
- basis and rationale for EU copyright harmonization,
- EU copyright law and its instruments,

[Skriv her]

- scope of copyright protection with a focus on aspects harmonized on the EU level,
- landmark case law of the CJEU in the field of copyright,
- contemporary issues of copyright and the EU harmonization.

Læringsutbytte

Kunnskaper

The student

- has **a broad** knowledge of the structure and norms of copyright law, including the law of neighboring rights,
- has **good** knowledge of EU copyright law instruments,
- is familiar with the contemporary issues of copyright law.

Ferdigheter

The student

- can apply knowledge to solve cases involving copyright law in the national and European context,
- can find, evaluate and present sources relevant to solving a concrete problem,
- can carry out **limited independent** research on issues pertaining to copyright law.

Generell kompetanse

The student

- can engage with contemporary debates regarding regulation and harmonization,
- **can plan and carry out assignments within the set limits and time.**
- can communicate the findings of independent research to **a familiar audience.**

Beskriv sammenhengen mellom læringsutbyttet, undervisningen og prøvingen.

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Litteratur

Hovedlitteratur

Sent in a separate document.

Undervisningssted Faculty of Law, University of Bergen

Undervisningssemester - Spring

Undervisningsspråk English

Undervisningsformer og -metoder

Discussion-based classes. Written assignments.

Emnet har obligatorisk oppgave - Ja

Andre obligatoriske undervisningsaktiviteter

Students are required to submit a paper between 1400 and 1600 words (not including footnotes or appendices) on a designated topic. The paper must be approved by the lecturer. Only students who have had their paper approved, will obtain the right to sit the exam.

Vurdering

Vurderingssemester - Vår

Vurderingsform(er) - Three-hour digital school exam.

Språk eksamensoppgave English

Språk eksamensbesvarelse English

Karakterskala A-E for passed, F for failed

Hjelpemidler til eksamen

Support materials allowed during school exam

See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.

[Skriv her]

Special regulations about dictionaries

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example both Norwegian-English and English-Norwegian are considered as one dictionary;
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in two different volumes are also considered as one dictionary (irrespective of publisher or edition);
- Dictionaries as described above cannot be combined with any other types of dictionaries;
- Any kind of combination which makes up more than two physical volumes is forbidden;
- In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator minimum two weeks before the exam. Students who have not been granted permission to have a special combination minimum two weeks before the exam will be subject to the usual regulations (Section 3-5) about examination support materials.

Programansvarlig	The Academic Affairs Committee (Studieutvalget) at the Faculty of Law is responsible for ensuring the material content, structure and quality of the course.
Evaluering av emnet	According to the administrative arrangements for course evaluation at the Faculty of Law
Emnebeskrivelsen er utarbeidet av	Associate Professor Lillia Oprysk
E-post	lillia.oprysk@uib.no
E-post	lillia.oprysk@uib.no

Reading list

EU Copyright Law (10 ECTS) BA

Books and articles:

1. Pila J., Torremans P. European Intellectual Property Law (2019) Oxford University Press, 2nd ed., pp. 221-341 (Part III The Law of Copyright and Related Rights).
2. Rosati E. Copyright and the Court of Justice of the European Union (2019) Cambridge University Press. pp. 5-30 (Chapter 1).
3. Hugenholtz P.B. Copyright in Europe: Twenty Years Ago, Today and What the Future Holds (2013) Fordham Intell. Prop. Media & Ent. L.J. 503
<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1534&context=iplj>

EU Directives and Regulations:

1. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, *OJ L 167, 22.6.2001*.
2. Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (Codified version) (Text with EEA relevance), *OJ L 111, 5.5.2009*.
3. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, *OJ L 77, 27.3.1996*.

[Skriv her]

4. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, *OJ L 130*, 17.5.2019.

CJEU case law

1. CJEU, *Eva-Maria Painer v Standard VerlagsGmbH* (2011) Case C-145/10, Judgment of 1 December 2011.
2. CJEU, *ACI Adam BV and Others v Stichting de ThuisKopie* (2014) Case C-435/12, Judgment of 10 April 2014.
3. CJEU, *Art & Allposters International BV v Stichting Pictoright*. (2015) Case C-419/13, Judgment of 22 January 2015.
4. CJEU, *Constantin Film Verleih GmbH v YouTube LLC* (2020) Case C-264/19, Judgment of 9 July 2020.
5. CJEU, *Football Association Premier League Ltd and Others v QC Leisure and Others* (C-403/08) and *Karen Murphy v Media Protection Services Ltd* (C-429/08) (2011), Judgment of 4 October 2011, paras 76-132, 183-207.
6. CJEU, *Football Dataco Ltd and Others v Yahoo! UK Ltd and Others* (2012) Case C-604/10, Judgment of 1 March 2012.
7. CJEU, *GS Media BV v Sanoma Media Netherlands BV and Others*. (2016) Case C-160/15, Judgment of 8 September 2016.
8. CJEU, *Infopaq International A/S v Danske Dagblades Forening* (2009) Case C-5/08, Judgment of 16 July 2009.
9. CJEU, *ITV Broadcasting Ltd and Others v TVCatchUp Ltd*. (2013) Case C-607/11, Judgment of 7 March 2013.
10. CJEU, *Land Nordrhein-Westfalen v Dirk Renckhoff*. (2018) Case C-161/17, Judgment of 7 August 2018.
11. CJEU, *Levola Hengelo BV v Smilde Foods BV* (2018) Case C-310/17, Judgment of 13 November 2018.
12. CJEU, *Marc Soulier and Sara Doke v Premier ministre and Ministre de la Culture et de la Communication* (2016) Case C-301/15, Judgment of 16 November 2016.
13. CJEU, *Mircom International Content Management & Consulting (M.I.C.M.) Limited v Telenet BVBA* (2021) Case C-597/19, Judgment of 17 June 2021.
14. CJEU, *Nederlands Uitgeversverbond, Groep Algemene Uitgevers v Tom Kabinet Internet BV* (2019) Case C-263/18, Judgment of 19 December 2019.
15. CJEU, *Nils Svensson and Others v Retriever Sverige AB*. (2014) Case C-466/12, Judgment of 13 February 2014.
16. CJEU, *Pelham GmbH, Moses Pelham, Martin Haas v Ralf Hütter* (2019) Case C-476/17, Judgment of 29 July 2019.
17. CJEU, *SAS Institute Inc. v World Programming Ltd* (2012) Case C-406/10, Judgment of 2 May 2012.
18. CJEU, *SI and Brompton Bicycle Ltd v Chedech / Get2Get* (2020) Case C-833/18, Judgment of 11 June 2020.
19. CJEU, *Sociedad General de Autores y Editores de España (SGAE) v Rafael Hoteles SA*. (2006) Case C-306/05, Judgment of 7 December 2006.
20. CJEU, *Società Consortile Fonografici (SCF) v Marco Del Corso*. (2012) Case C-135/10, Judgment of 15 March 2012.
21. CJEU, *Spiegel Online GmbH v Volker Beck* (2019) Case C-516/17, Judgment of 29 July 2019.
22. CJEU, *Stichting Brein v Jack Frederik Willems*. (2016) Case C-527/15, Judgment of 26 April 2017.

[Skriv her]

23. CJEU, The British Horseracing Board Ltd and Others v William Hill Organization Ltd (2004) Case C-203/02, Judgment of 9 November 2004.
24. CJEU, UsedSoft GmbH v Oracle International Corp. (2012) Case C-128/11, Judgment of 3 July 2012.
25. CJEU, VG Bild-Kunst v Stiftung Preußischer Kulturbesitz (2021) Case C-392/19, Judgment of 9 March 2021.

Emneskildring EU Copyright Law – masternivå

Emnenavn (bokmål)	JUS3514 EU Copyright Law
Emnenavn (nynorsk)	JUS3514 EU Copyright Law
Emnenavn (kortversjon)	EU Copyright Law
Emnenavn (engelsk)	JUS3514 EU Copyright Law
Antall studiepoeng	10
Studienivå	-Master
Type emne	- Spesialemne 5. studieår

Studierett

The course is available for students:

- admitted to the five-year master programme in law
- admitted to the two-year master programme in law
- admitted to the Master of Laws (LLM) in EU and EEA Law
- granted admission to elective courses at the Faculty of Law
- granted additional right to study following completed Master's degree in Law at UiB
- Exchange students at the Faculty of Law

The pre-requirements may still limit certain students' access to the course.

Forkunnskapskrav

Required previous knowledge

Three years of law studies.

Recommended previous knowledge

Good level of English language.

Faglig overlapp*

Combined with JUS277-2-C EU Copyright Law, or JUS2314 EU Copyright Law, this course will generate no new credits.

[Skriv her]

The course combines well with JUS2305/JUS3503 Privacy and Data Protection - GDPR, JUS2309/JUS3509 Competition Law, JUS3505 / Law, Regulation and Technology, JUS23XX/JUS35XX Legal Technology: Artificial Intelligence and Law, JUS260-2-A Design- og patentrett, JUS260-2-C Kjenneteiknsrett, JUS260-2-D Marknadsføringsrett.

Emneansvarlig(e)

Associate Professor Lillia Oprysk

Emnets mål og innhold

Copyright law protects a wide range of works against unauthorized uses, from art and literary works to software and databases. Serving multiple rationales, copyright plays an important role in fostering cultural development and serves as an incentive for authors and the creative industries (film, music, publishing, software, games, etc.) The digital age rises challenges to the system of copyright law. New ways of (re)using and engaging with protected works emerge while the effective enforcement of protection becomes more difficult.

In Europe, many aspects of the copyright system are harmonized on the EU level and ought to be interpreted uniformly across the EU/EEA. Growing jurisprudence of the Court of Justice of the European Union (CJEU) leads to further harmonization of copyright law and the evolvement of protection in response to technological development.

The objective of the course is to introduce students to the main features of the copyright system and EU copyright law. The following topics form the core of the course:

- basics of copyright protection,
- basis and rationale for EU copyright harmonization,
- EU copyright law and its instruments,
- scope of copyright protection with a focus on aspects harmonized on the EU level,
- landmark case law of the CJEU in the field of copyright,
- contemporary issues of copyright and the EU harmonization.

Læringsutbytte

Kunnskaper

The student

- has **good** knowledge of the structure and norms of copyright law, including the law of neighboring rights,
- has **advanced** knowledge of EU copyright law instruments,
- is familiar with the contemporary issues of copyright law.

Ferdigheter

The student

- can apply knowledge to solve cases involving copyright law in the national and European context,
- can find, evaluate and present sources relevant to solving a concrete problem,
- can carry out **independent** research on issues pertaining to copyright law.

Generell kompetanse

The student

- can engage **critically and reflectively** with contemporary debates regarding regulation and harmonization,
- **can write reasoned answers to legal and policy questions,**
- can communicate the findings of independent research to **the broader audience, including orally.**

Beskriv sammenhengen mellom læringsutbyttet, undervisningen og prøvingen.

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Litteratur

Hovedlitteratur

Sent in a separate document.

Undervisningssted

Faculty of Law, University of Bergen

Undervisningssemester

- Spring

Undervisningsspråk

English

Undervisningsformer og -metoder

Discussion-based classes, written assignments.

[Skriv her]

Emnet har obligatorisk oppgave	- Ja
Andre obligatoriske undervisningsaktiviteter	
Students are required to submit a paper between 1800 and 2000 words (not including footnotes or appendices) on a designated topic. The paper must be approved by the lecturer. Only students who have had their paper approved, will obtain the right to sit the exam. Students are also required to give an oral presentation of the assignment. Participation in classes reserved for presentations is compulsory for all students.	
Vurdering	
Vurderingssemester	Spring
Vurderingsform(er)	- Three-hour digital school exam.
Språk eksamensoppgave	English
Språk eksamensbesvarelse	English
Karakterskala	A-E for passed, F for failed
Hjelpemidler til eksamen	
Support materials allowed during school exam	
See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.	
Special regulations about dictionaries	
<ul style="list-style-type: none">• According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example both Norwegian-English and English-Norwegian are considered as one dictionary;• Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in two different volumes are also considered as one dictionary (irrespective of publisher or edition);• Dictionaries as described above cannot be combined with any other types of dictionaries;• Any kind of combination which makes up more than two physical volumes is forbidden;• In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator minimum two weeks before the exam. Students who have not been granted permission to have a special combination minimum two weeks before the exam will be subject to the usual regulations (Section 3-5) about examination support materials.	
Programansvarlig	The Academic Affairs Committee (Studieutvalget) at the Faculty of Law is responsible for ensuring the material content, structure and quality of the course.
Evaluering av emnet	According to the administrative arrangements for course evaluation at the Faculty of Law
Emnebeskrivelsen er utarbeidet av	Associate Professor Lillia Oprysk
E-post	lillia.oprysk@uib.no
E-post	lillia.oprysk@uib.no

Reading list

EU Copyright Law (10 ECTS) MA

[Skriv her]

Books and articles:

4. Pila J., Torremans P. *European Intellectual Property Law* (2019) Oxford University Press, 2nd ed., pp. 221-341 (Part III The Law of Copyright and Related Rights).
5. Rosati E. *Copyright and the Court of Justice of the European Union* (2019) Cambridge University Press. pp. 5-30 (Chapter 1).
6. Ramahlo A. *Conceptualising the European Union's Competence in Copyright: What Can the EU Do?* (2014) *International Review of Intellectual Property and Competition Law* 2014-2, 178 available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2723998
7. Guibault L. *Why Cherry-Picking Never Leads to Harmonisation: The Case of the Limitations on Copyright under Directive 2001/29/EC, 1* (2010) *JIPITEC* 55, para. 1. available here: <https://www.jipitec.eu/issues/jipitec-1-2-2010/2603>
8. Geiger, C., Jutte, B.P. *Platform Liability Under Art. 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match* (2021) *GRUR International*, 70(6), 2021, 517–543
9. Margoni T., Kretschmer M. *A Deeper Look into the EU Text and Data Mining Exceptions: Harmonisation, Data Ownership, and the Future of Technology* (2022) *GRUR International*, 71(8), 2022, 685–701

EU Directives and Regulations:

5. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, *OJ L 167, 22.6.2001*.
6. Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (Codified version) (Text with EEA relevance), *OJ L 111, 5.5.2009*.
7. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, *OJ L 77, 27.3.1996*.
8. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, *OJ L 130, 17.5.2019*.
9. Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on cross-border portability of online content services in the internal market, *OJ L 168, 30.6.2017*.

CJEU case law

26. CJEU, *Eva-Maria Painer v Standard VerlagsGmbH* (2011) Case C-145/10, Judgment of 1 December 2011.
27. CJEU, *ACI Adam BV and Others v Stichting de ThuisKopie* (2014) Case C-435/12, Judgment of 10 April 2014.
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