

# OUT-OF-COMMERCE WORKS IN HUNGARY

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Copyright in the Digital Age

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# Introduction

- I. Hungarian copyright rules of out-of commerce works
- II. Initiatives of the interested parties in the Hungarian book market
- III. Legislative proposal of the Hungarian Intellectual Property Office
- IV. Relevant case law of the CJEU
- V. DSM Directive proposal of the European Commission

# HUNGARIAN COPYRIGHT LAW

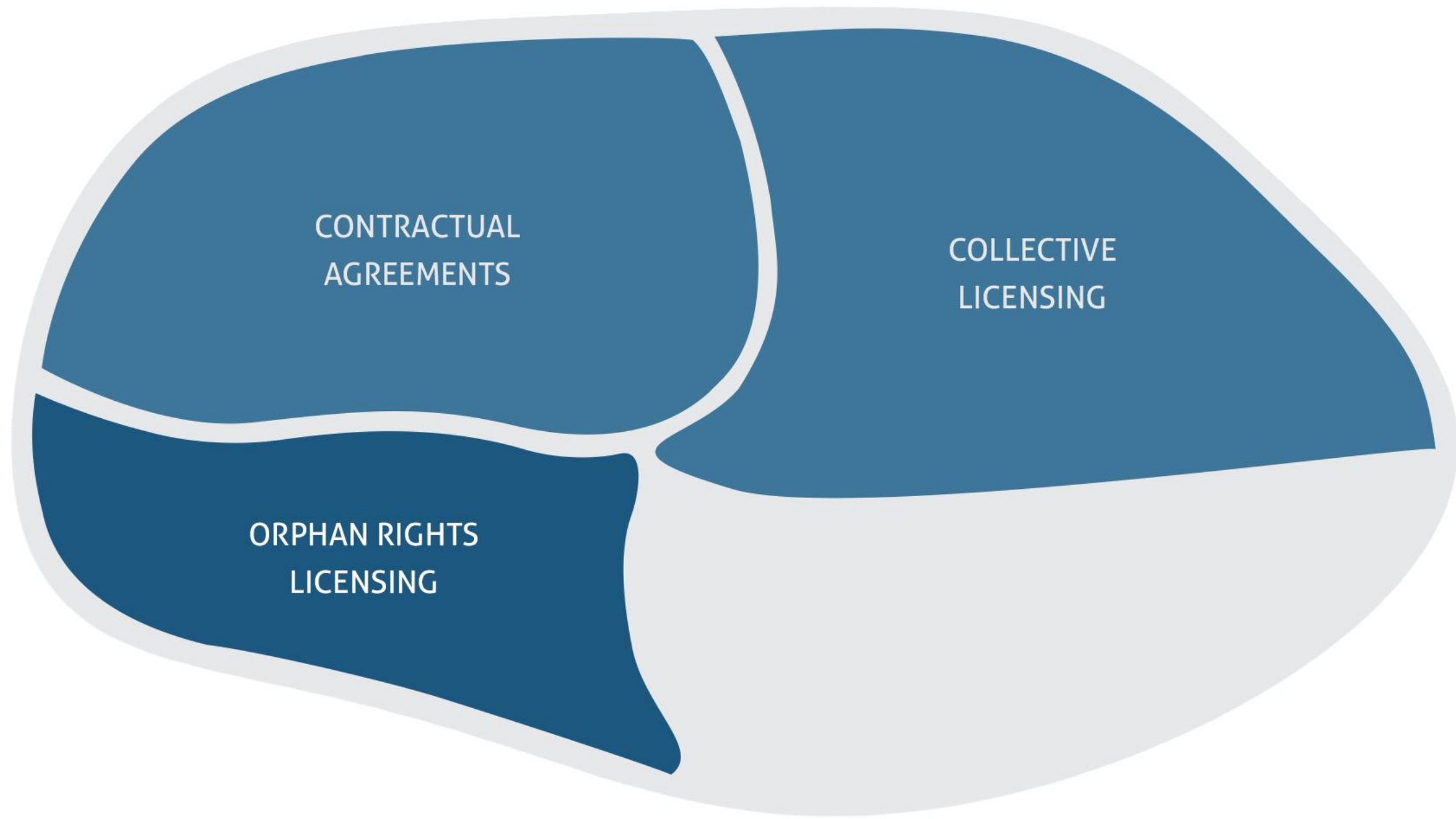


CONTRACTUAL  
AGREEMENTS



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AGREEMENTS

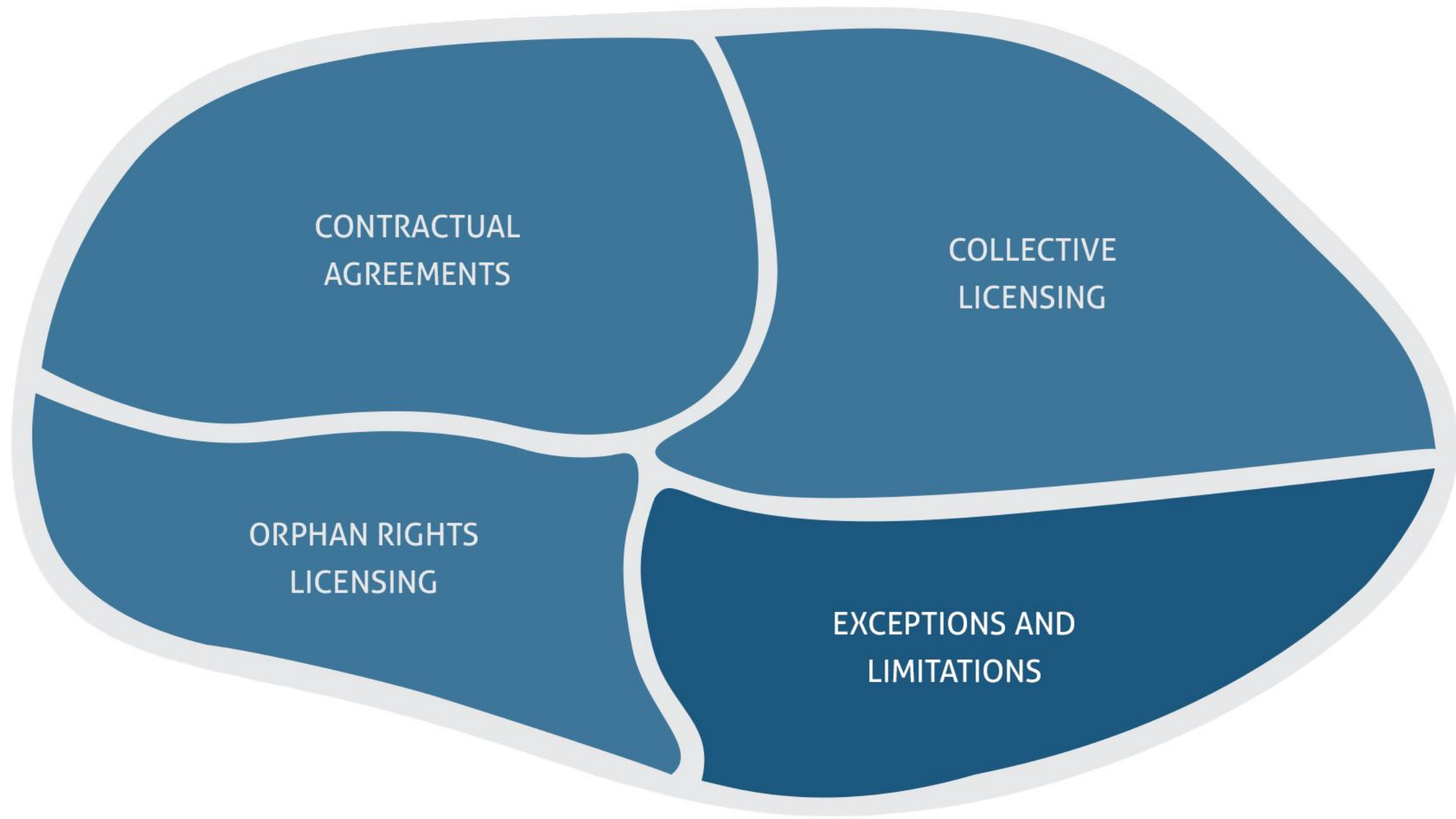
COLLECTIVE  
LICENSING



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AGREEMENTS

COLLECTIVE  
LICENSING

ORPHAN RIGHTS  
LICENSING

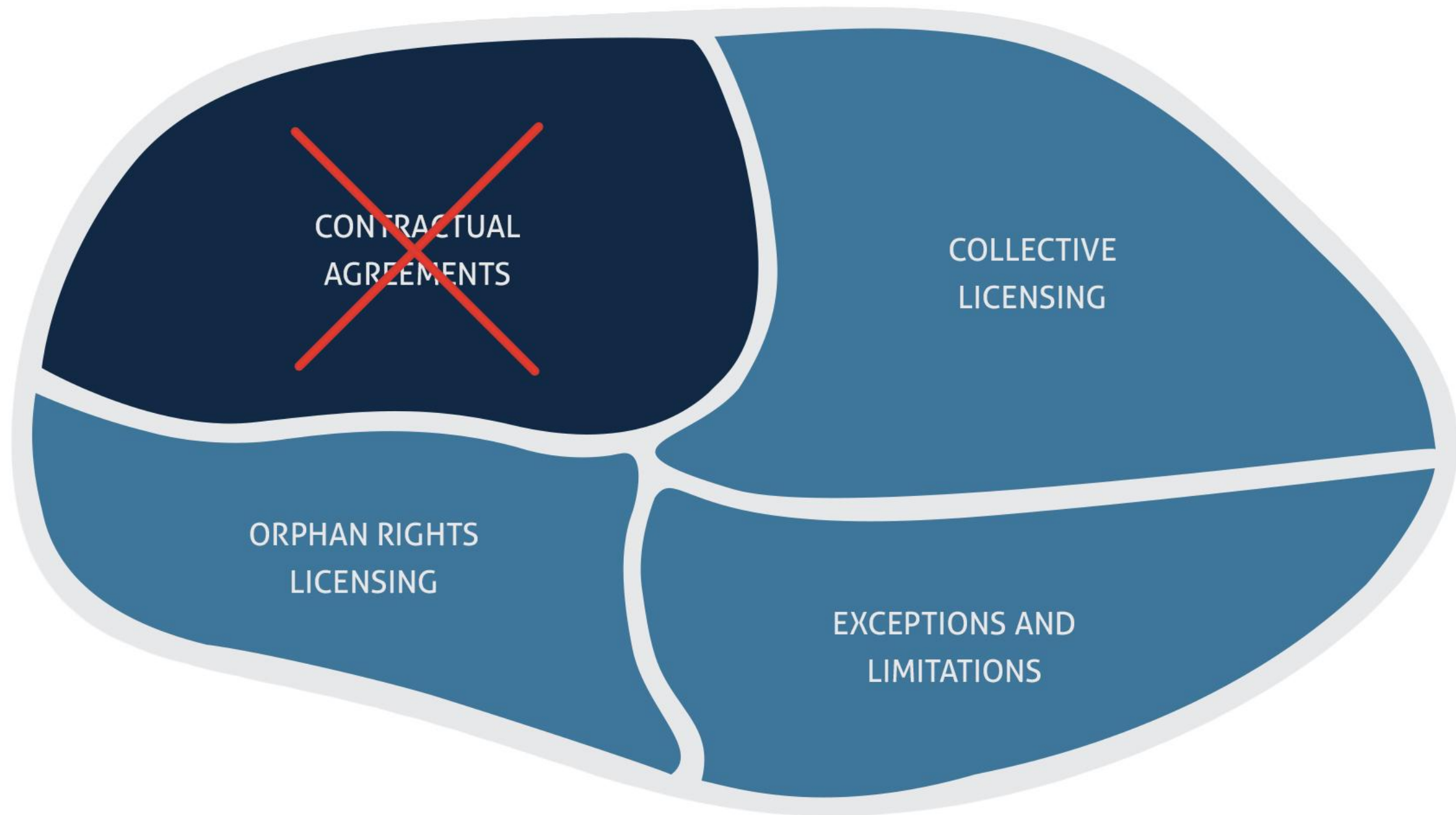


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LICENSING

ORPHAN RIGHTS  
LICENSING

EXCEPTIONS AND  
LIMITATIONS



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AGREEMENTS~~

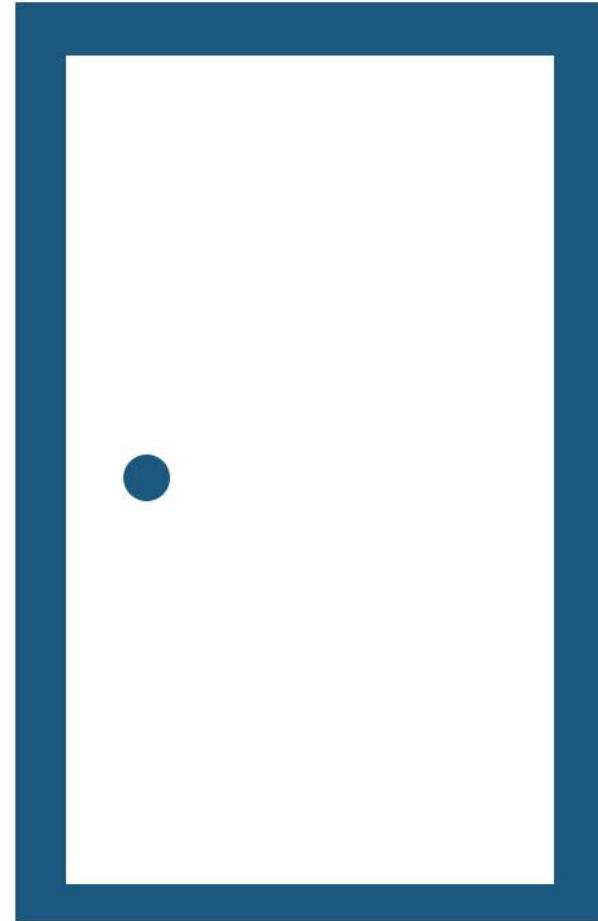
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EXCEPTIONS AND  
LIMITATIONS



**HUNGARIAN OOC REGIME?**



~~FRENCH OOC REGIME~~



## C-301/15 Soulier and Doke

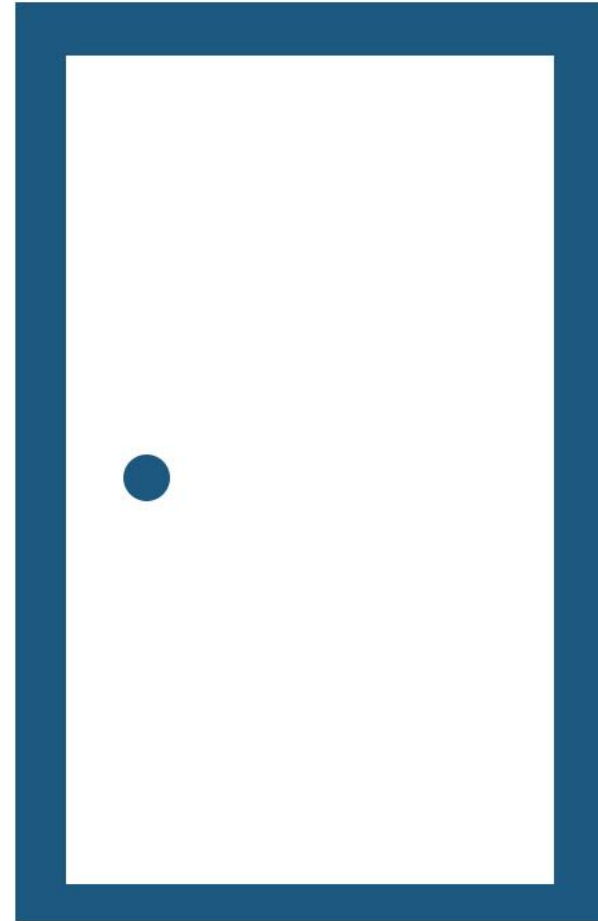
“The 2001/29/EC directive must be interpreted as precluding national legislation, (...) that gives an approved collecting society the right to authorise the reproduction and communication to the public in digital form of ‘out-of-print’ books, namely, books published in France before 1 January 2001 which are no longer commercially distributed by a publisher and are not currently published in print or in digital form, *while allowing the authors of those books, or their successors in title, to oppose or put an end to that practice, on the conditions that that legislation lays down.*”

**IMPLICIT CONSENT?**

## C-160/15 GS Media

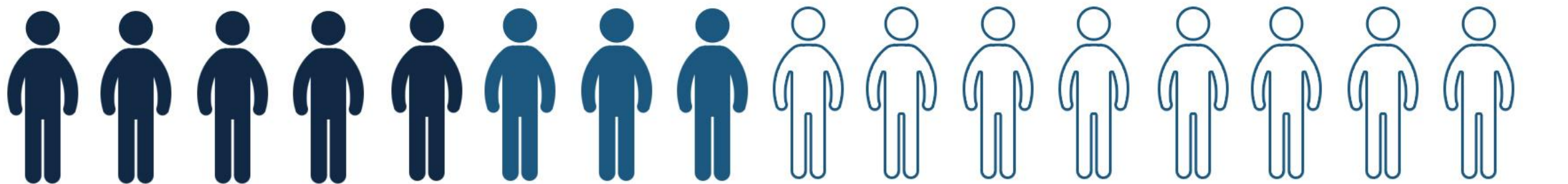
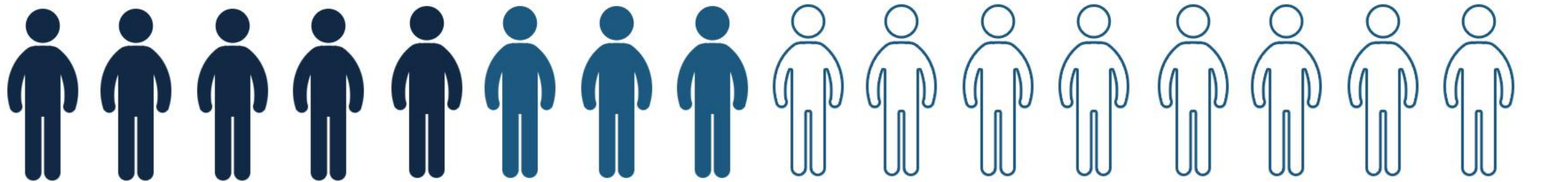
„In a situation in which *an author had given prior, explicit and unreserved authorisation* to the publication of his articles on the website of a newspaper publisher, without making use of technological measures restricting access to those works from other websites, *that author could be regarded, in essence, as having authorised the communication of those works to the general internet public.*”







# **BROAD REPRESENTATIVITY**



# **RELATION TO THE ORPHAN WORKS REGIME**

OUT-OF-COMMERCE  
RIGHTS

A Venn diagram consisting of two overlapping circles. The left circle is labeled 'OUT-OF-COMMERCE RIGHTS' and the right circle is labeled 'ORPHAN RIGHTS'. The intersection of the two circles contains a large white question mark. The circles are filled with a solid blue color and have a thin dark blue outline.

?

ORPHAN RIGHTS

Thank you for your attention!

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