

## SUMMARIES

### COPYRIGHT LAW REFORM IN THE EUROPEAN UNION: THE LEGISLATIVE PACKAGE OF SEPTEMBER 2016

*Andrea Katalin Tóth*

The main goal of the EU copyright law review process has been to attempt to modernize the European copyright provisions since its start in 2013. After a lengthy preparatory period the Commission presented its proposals for future legislation in September 2016. As part of the reform package drafts for two new directives and two regulations were introduced. This paper focuses on the proposal for a directive on the copyright in the digital single market and it aims to find out whether it could achieve the goals set in the Digital Single Market Strategy and address the identified issues of copyright law.

### DOES THE NOTION OF LENDING RIGHT BY VIRTUE OF DIRECTIVE 2006/115/EC COVER THE LENDING RIGHT OF A MULTIPLIED COPY OF A BOOK IN DIGITAL FORMAT UNDER SIMILAR TERMS AND CONDITIONS TO THAT OF A PRINTED WORK?

*Dr. Zsigmond Ferge*

The Court of Justice of the European Union (ECJ), in its judgement of the case of Vereniging Openbare Bibliotheken v. Stichting Leenrecht, has carried out an analysis from a current technical and social development point of view on the Directive 2006/115/EC on rental right and lending right and on certain rights related to copyright in the field of intellectual property. Due to the fine line between interpretation and the application of law, the ECJ found itself in a very difficult position when they were examining the questions raised by the referring court, the Rechtbank Den Haag. In the end, its findings were based on elements of international agreements, secondary sources of law and its own practise of case law. In accordance with the findings of ECJ, copyright protection should adopt to new economic developments such as new forms of utilization and exploitation. At the time of creating and accepting the directive, EU lawmakers could not have taken into consideration digital lending (as a new form of utilization), however, the new situation made it undoubtedly clear that the adoption to new economic developments is essential. It is considered a fact that the state of affairs of the case has evidently emerged because of the technical developments. According to the response given by the ECJ in its preliminary ruling procedure to the questions of the referring court, in certain circumstances the definition of “lending rights” will include the lending of digital copies of books. This conclusion is mainly based on the

connection between the two situations. Thanks to the fact that the conditions are similar to the conditions of lending printed works, the legal effect of the directive (as applicable law) can be applied to digital lending as well. However, in this case, member states may prescribe stricter rules to protect copyright than the rules laid down in the directive. The judgement of the ECJ is of significant importance for libraries, authors, publishers and especially for academic publishers.

#### SOME INTERESTING DECISIONS OF THE TECHNICAL BOARDS OF APPEAL OF THE EUROPEAN PATENT OFFICE IN 2016

*Dr. Tivadar Palágyi*

This article summarizes shortly some interesting decisions of the technical boards of appeal of the European Patent Office in 2016.

#### COPYRIGHT ISSUES CONCERNING REWARDS OF THE ACADEMY AND OF THE NATIONAL THEATRE

*Dénes Legeza*

Following the analysis of the legal nature of the promise of rewards, the paper presents how this legal instrument affected the Hungarian cultural life in the 19th century. In this context, the author presents the reward system and other bylaws of the Hungarian Academy of Sciences and the National Theater (rewards for dramas or references) which documents – prior to the legal recognition of copyright law in Hungary (1884) – have already had provisions concerning use of literary works or dramas, as well as conditions for remuneration. In addition to the literary and legal history, the paper also outlines the provisions of the promise of rewards in force.