

European Union

“Spedidam and Others”

**Decision of the European Court of Justice (Fifth Chamber)
14 November 2019 – Case No. C-484/18**

Société de perception et de distribution des droits des artistes-interprètes de la musique et de la danse (Spedidam), PG, GF v. Institut national de l’audiovisuel

Directive 2001/29/EC, Arts. 2(b), 3(2)(a)

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Keywords Exclusive rights of performers · Reproduction right · Soulier and Doke · Authorisation · Presumption · National scheme exempting public institution responsible for audiovisual heritage from obtaining performer’s consent for exploitation of archives containing fixations of his performances

Article 2(b) and Article 3(2)(a) of 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 must be interpreted as not precluding national legislation which establishes, as regards the exploitation of audiovisual archives by a body set up for that purpose, a rebuttable presumption that the performer has authorised the fixation and exploitation of his performances, where that performer is involved in the recording of an audiovisual work so that it may be broadcast.

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