European Union

“Reha Training”

Decision of the European Court of Justice (Grand Chamber)
31 May 2016 – Case No. C-117/15

Reha Training Gesellschaft für Sport- und Unfallrehabilitation mbH v. Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte eV (GEMA)

Directive 20/29/EC, Art. 3(1);
Directive 2006/115/EC, Art. 8(2)

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Keywords Communication to the public · Broadcast of TV programmes · New public · Act of communication · Profit-making nature

1. In a case such as that in the main proceedings, in which it is alleged that the broadcast of television programmes by means of television sets that the operator of a rehabilitation centre has installed in its premises affects the copyright and related rights of a large number of interested parties, in particular, composers, songwriters and music publishers, but also performers, phonogramme producers and authors of literary works and their publishers, it must be determined whether such a situation constitutes a ‘communication to the public’, within the meaning of both Article 3(1) 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 and Article 8(2) of Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property and in accordance with the same interpretive criteria. Furthermore, those two provisions must be interpreted as meaning that such a broadcast constitutes an act of ‘communication to the public’.