European Union

“BY (Preuve photographique)”

Decision of the European Court of Justice (Fifth Chamber)
28 October 2020 – Case No. C-637/19; ECLI:EU:C:2020:863

BY v. CX

Directive 2001/29/EC, Art. 3(1)

© Max Planck Institute for Innovation and Competition, Munich 2021

Keywords Communication to the public · Notion of “public” · Transmission by electronic means · Evidence in court proceedings · Protected work · Photographic evidence

1. 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 must be interpreted as meaning that the concept of ‘communication to the public’, referred to in that provision, does not cover the transmission by electronic means of a protected work to a court, as evidence in judicial proceedings between individuals.

Publisher’s Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.