

Helena K. Jahromi
Institute for International Law Intellectual Property and Technology Law (IRGET)

Transposition of Art. 17 DSMD in Germany

ReCreating Europe webinar
16 November 2021

Implementation objectives



Protest in Leipzig; Foto: Peter Endig/ DPA (2019)

„The aim must be to make the ‘uploadfilter’ instrument largely superfluous. Each permanent ‘stay down’ mechanism (‘uploadfilter’) must comply with the principle of proportionality.“

- Declaration by the German Government in Council Document 7986/19 of April 15th 2019

Timeline

January 15 th 2020	1 st Discussion draft for a First Act to adapt copyright law to the requirements of the Digital Single Market ("Diskussionsentwurf")	Federal Ministry of Justice and Consumer Protection	The draft concerns only Art. 15 and 16 DSM directive.
June 24 th 2020	1 st Discussion draft for a Second Act to adapt copyright law to the requirements of the Digital Single Market ("Diskussionsentwurf")	Federal Ministry of Justice and Consumer Protection	The draft introduces two new legal instruments into German copyright law: provisions on the liability of upload platforms and provisions on extended collective licences (ECL).
until July 31 st 2020	Public consultation		
October 13 th 2020	Draft bill for an Act to adapt copyright law to the requirements of the Digital Single Market ("Referentenentwurf")	Federal Ministry of Justice and Consumer Protection	Comprehensive Version of First and Second Act to adapt copyright law to the requirements of the Digital Single Market. The draft amends some of the provisions of the 2 nd draft; pre-flagging procedures are limited, introduction of a "pre-check" mechanism.
Until November 6 th 2020	Public consultation		
February 3 rd 2021	Draft bill of the Federal Government of Germany ("Regierungsentwurf")	Federal Ministry of Justice and Consumer Protection	Draft law to be submitted to the Bundestag for discussion and voting.
February 26 th 2021	Discussion and statement	Bundesrat + Bundestag	
April 12 th 2021	Public hearing	Legal Affairs Committee of the Bundestag	
May 20 th - 28 th 2021	Passing of the law	Bundestag + Bundesrat	

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Thank you!

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