

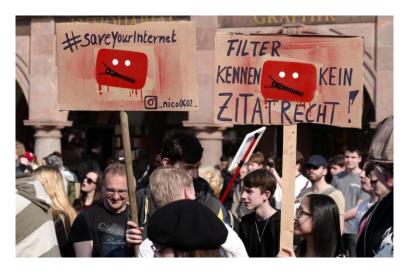


Helena K. Jahromi Institute for International Law Intellectual Property and Technology Law (IRGET)

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





January 15 th 2020	1st Discussion draft for a First Act to adapt copyright law to the requirements of the Digital Single Market ("Diskussionsentwurf")	Justice and Consumer	The draft concerns only Art. 15 and 16 DSM directive.
June 24 th 2020	1st Discussion draft for a Second Act to adapt copyright law to the requirements of the Digital Single Market ("Diskussionsentwurf")	Justice and Consumer	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 31st 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")		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")	,	Draft law to be submitted to the Bundestag for discussion and voting.
February 26th 2021	Discussion and statement	Bundesrat + Bundestag	
April 12th 2021	Public hearing	Legal Affairs Committee of the Bundestag	
May 20th - 28th 2021	Passing of the law	Bundestag + Bundesrat	





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	requirements of the Digital Single Market ("Diskussionsentwurf")	Protection	provisions on the liability of upload platforms and provisions on extended collective licences (ECL).
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Thank you!

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