ReCreating Europe

Rethinking digital copyright law for a culturally diverse, accessible, creative Europe

Grant Agreement No. 870626

Milestone title	**MS10 – Dataset of EU and national regulatory responses and private ordering trends on barriers to access to culture available to consortium**
Milestone Lead:	SSSA
Partner(s) involved:	SSSA, USZ
Related Work Package:	WP2 – End users and access to culture
Related Task/Subtask:	T2.1 – Comparative and EU cross-national mapping of regulatory and private ordering sources / Sub-tasks 2.1.1 and 2.1.2
Main Author(s):	Caterina Sganga (SSSA), Magali Anabel Contardi (SSSA)
Other Author(s):	Alma Serica (SSSA), István Harkai (USZ), Péter Mezei (USZ)
Dissemination Level:	Public (the Milestone report), Confidential (annexes)
Due Achievement Date:	31.12.2021
Actual Achievement Date:	31.12.2021
Project ID	870626
Instrument:	H2020-SC6-GOVERNANCE-2019
Start Date of Project:	01.01.2020
Duration:	36 months

Version history table			
Version	**Date**	**Modification reason**	**Modifier(s)**
v.01	20.12.2021	First draft of the report	Caterina Sganga (SSSA) Magali Anabel Contardi (SSSA)
v.02	25.12.2021	Revised draft	Magali Anabel Contardi (SSSA) István Harkai (USZ) Péter Mezei (USZ)
v.03	30.12.2021	Finalization of the report	Caterina Sganga (SSSA) Alma Serica (SSSA)

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870626

1. Role and description of the Milestone

WP2 focuses on end users of copyright content, including those of selected vulnerable groups, such as new and old minorities and people with disabilities. It aspires to comprehend and to demonstrate the impact of the EU copyright acquis, especially the Directive on Copyright in Digital Single Market (hereinafter CDSMD or CDSM Directive), national copyright laws of EU Member States, and private ordering mechanisms on end users' digital access to culture, whilst taking into consideration the rights, interests, expectation, and behaviors of end users *vis-á-vis* copyright rules. In this context, and as a prerequisite to its normative objectives, WP2 aims to provide a comparative EU and cross-national mapping of public and private sources concerning copyright flexibilities.

The mapping of public and private sources regulating copyright flexibilities as such lays the groundwork for the following descriptive and normative objectives of WP2:

1. Identifying and mapping the legal, economic, and technological barriers faced by new and old minorities as well as people with disabilities in accessing digital culture;
2. Devising and implementing an agent-based model to evaluate the impact of digitalization and the changes in IPR legislation on access, accessibility, affordability, and consumption of cultural/creative goods and services; and finally,
3. Identifying best practices and formulating policy practices to help regulators in achieving the full potential of digitization and the CDSM, as well as facilitating universal access to digital culture, cultural diversity, and democratization.

Within this framework, Task 2.1 constitutes the backbone of WP2 and the main tool to achieve the objectives mentioned above, since it aims at creating a comprehensive dataset of copyright flexibilities in the EU and its Member States having an impact on access to digital culture, including both public sources and the impact of private regulatory tools on their applicability and extent. To this end, Task 2.1 is structured around two sub-tasks. Task 2.1.1 compiles and systematically analyzes public ordering sources such as regulatory sources, court decisions, governmental policies, practices, and schemes in the field of copyright law, and broader cultural policies. Task 2.1.2 compiles and systematically analyzes private ordering sources, such as standardized license agreements, terms of use, and the like.

This Milestone report illustrates, with regard to Task 2.1.1, the data collection and analysis methods, the main findings, and the main intellectual outputs of this specific task, particularly the *reCreating Europe* public database on copyright flexibilities (hereinafter 'the Database'). Background, methodologies and findings of Task 2.1.2 are channeled into the paper P.Mezei, I.Harkai, *End-User Flexibilities in Digital Copyright Law – An Empirical Analysis of End-user License Agreements,* publicly available here. By conducting a comparative (meso-level, functional, contextual and common core comparison) and empirical research (collecting and analyzing the private ordering mechanisms of selected services providers), the authors compared 17 different services in the field of streaming with/without host function, online marketplaces and social media platforms. Eight variables (e.g., the extent of the access right, provision on and allowance of UGC, termination/modification of user account/subscription) were identified and used for the sake of comparison of the user flexibility of the studied platforms. As the key findings indicate, users are granted a limited range of flexibilities with respect to the use of digital contents. Allowance of UGC is a strong contributing factor to the higher flexibility index, meanwhile platforms with only streaming function are less user friendly.

Task 2.1.1 - Public regulatory sources

The Database is envisioned as a unique and comprehensive repository of information concerning copyright flexibilities. It is designed to provide a complete and up-to-date picture of the regulatory landscape in the EU and

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870626

its Member States, flanked by a selected pool of EULAs issued by intermediaries and other content distributors which, in light of their role of 'gatekeepers' in the market for cultural and creative goods and services, play a fundamental role in drawing the external boundaries and content of the copyright balance. To achieve this end, the Database consists of EU and national laws and other regulatory sources, decisions from the Court of Justice of the European Union (CJEU) and national courts, EU and national soft law documents on policies concerning copyright flexibilities, and private ordering sources collected from major providers.

For its purposes, Task 2.1 embraces a broad definition of 'copyright flexibilities', which stems from the systematic legal mapping and empirical analysis of the EU copyright acquis, Member States' copyright laws, international intellectual property instruments, and other copyright-related practices. In this sense, 'copyright flexibilities' is used as a generic term to indicate any regulatory tool that facilitates end users' access, use, or re-use of copyright content and therefore, more broadly, access to (digital) culture. As a consequence, the definition encompasses not only copyright exceptions and limitations, but also copyright exhaustion, terms of protection, the rules governing the public domain, works and other subject-matters excluded from copyright protection, statutory licenses, the 'three-step-test' introduced by the Berne Convention for the Protection of Literary and Artistic Works of 1886, and other non-infringing uses of copyright content.

To develop and realize the above-mentioned features of the Database design, Task 2.1.1 combines desk-based and empirical research. Data have been collected by administering a questionnaire (hereafter 'the Survey') to selected legal experts in each EU Member State (hereinafter 'national experts'), who accepted to volunteer gratuitously. National experts' reports have been received and processed and their responses classified and coded into an articulated and comprehensive Excel sheet, which was generated for building the Database. The first phase of the survey was conducted from September to December 2020, as illustrated in D2.1.

An additional questionnaire (hereinafter 'the Survey Addendum') was administered to national experts, in order to receive updates on the implementation of the CDSMD. National experts from Bulgaria, Denmark, Finland, Germany, Greece, France, Hungary, Luxembourg, The Netherlands, Slovakia, and Romania submitted their reports in response to the Survey Addendum by December 31, 2021, while national experts from Austria, Belgium, Croatia, Cyprus, Czechia, Estonia, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Slovenia, Spain, and Sweden could not meet the initial deadline, mostly due to delay in the national implementation process. In any event, Task 2.1.1 will complete the mapping by March 2022, leaving the room open for updates in national implementations. The results of national experts' reports will be analyzed in D2.3 '*Report and data set on flexibilities'* to be delivered at M30.

Following the legal mapping and analysis of copyright flexibilities, the SSSA research team is now in the process of finalizing and testing the design structure and interface of the Database and has identified multiple browsing options. For a detailed account on the preparatory phase of the Database design, please see the report, entitled '*D2.1 Interim report on EU and national sources and private practices on legitimate uses and flexibilities',* here.

As of today, the Database interface is designed to enable users to browse the following categories of copyright flexibilities:

- De minimis uses (e.g. temporary reproduction, ephemeral recording, incidental inclusion, technically necessary uses)
- Private non-commercial copying (e.g. reprography, private copy, freedom of panorama),
- Quotation,
- Parody,

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870626

- Uses for teaching and scientific research (e.g. illustration for teaching and scientific research, digital teaching activity, text and data mining),
- Uses for informatory purpose (e.g. news reporting, public speeches and lectures),
- Uses by public authority (e.g. public security, legislative and judicial proceedings, religious and official celebrations),
- Socially-oriented uses,
- Uses for cultural purposes (e.g. public lending, preservation of cultural heritage, uses of orphan works and of out-of-commerce works),
- Uses for and by people with visual impairments and other disabilities,
- Other non-infringing uses,
- Works or subject-matters excluded from copyright protection,
- The three-step-test,
- Copyright expiration (term of protection),
- Copyright exhaustion.

In addition to this, the Database enables to perform searches based on:

- Type of source (e.g. legislation, soft law, case law, end user license agreements)
- Legislative and case law references
- Country
- Time periods.

Structure, concept, organization and design of the database may be subject to change upon testing of its functionalities by selected national volunteers, who will be able to navigate across the prototype in Spring 2022.

The Database will be structured as a Wiki, providing both access to primary sources (laws and regulations, court decisions, other soft law documents, EULAs) and summaries and explanations to guide users through the rich content of the website. Short comments will be coupled with comparative and cross-national reports, organized by category of flexibility, which (1) provide an overview of the main findings of our legal mapping, (2) comment on key convergences and divergences between national solutions, thus assessing the degree of harmonization in the field, (3) evaluate, define, and compare the degree of flexibility of each regulatory tool in each Member State.

Comparative and cross-national reports have been developed by research teams including faculty members, research fellows, and research assistants selected among SSSA undergraduate pupils. First drafts of 9 comparative reports (de minimis uses; private copying; parody; quotation; socially-oriented uses; teaching and research uses; uses for informatory purposes; uses by public authorities; public domain) have been subject to peer feedback and gone through the first round of amendments, while we are in the process of finalizing the remaining drafts on copyright exhaustion, cultural uses &freedom of panorama, and uses by and for persons with disabilities. A workshop has been held in Pisa on December 13, 2021 to discuss and debate their interim results and sketch the way forward. Reports will be finalized by M30 and integrate also the content of the survey addendum responses. A comprehensive analysis of their findings will be included in D2.3.

Parallel to this, the SSSA team is collecting and classifying all national primary sources (laws, other regulatory sources, court decisions, soft law documents I any) mentioned in national experts' responses to the survey. To date, a significant amount of materials have already been collected, which also helps to verify the information provided by national reports and to request, if necessary, clarifications from national experts. This iterative process is expected to be completed by M30.

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870626

The Database is expected to be launched online between M30 and M36. Further information and the assessment of the final results of Task 2.1 will be presented in the report submitted as D2.3 and discussed with relevant stakeholders at M30 (MS14).

Task 2.1.2 - Private regulatory sources

As mentioned above, background, methodologies and findings of Task 2.1.2 are channeled into the paper P.Mezei, I.Harkai, *End-User Flexibilities in Digital Copyright Law – An Empirical Analysis of End-user License Agreements,* publicly available here.

1.1 Deviations to Annex 1

☒ No changes needed project is on track

☐ Reorganisation of the project

Changes: N/A.

2. Means of verification

The preparatory materials and the data collected for the Database are enlisted below:

- For the original Database design, please see here.
- For the Excel sheet(s) generated to for the Database, please see here.
- For the Survey communicated to the national copyright experts of EU Member States, please see here.
- For national experts' reports in response to the Survey, please see here.
- For the Survey Addendum communicated to the national copyright experts of EU Member States, please see here.
- For national experts' reports in response to the Survey Addendum, please see here.
- For comparative and cross-national reports produced by the SSSA team (still in draft form and subject to further future revisions), please see here.
- For public ordering sources (e.g. national laws and court decisions) collected for the Database, please see here.
- For the report entitled '*D2.1 – Interim report on EU and national sources and private practices on legitimate uses and flexibilities'*, please see here.
- For the dataset on private ordering sources, please see here.

As already mentioned above, there is still missing data essential for the Database, which are enlisted below:

- National experts' reports in response to the Survey Addendum from Austria, Belgium, Croatia, Cyprus, Czechia, Estonia, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Slovenia, Spain, and Sweden.
- Part of national primary sources in their official language or official translation are to be uploaded in the database. Some public ordering sources indicated by national experts, in fact, could not be retrieved online, and Task 2.1.1 is now in the process of acquiring them by other means. On the other side, delays in national implementation of the CDSMD will make it necessary to wait for downloading the primary sources of some countries.

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870626

- Comparative reports on copyright exhaustion, cultural uses & freedom of panorama, and uses by and for persons with disabilities.

Besides data collection and analysis, the dissemination and public discussion of our preliminary results has been a constant priority. The SSSA team has organized and coordinated two main WP2 public events.

- On 1 June 2021, the webinar "State of Exceptions and Limitations – Copyright flexibilities in EU and its Member States" took place, gathering over 100 participants and stimulating the debate and exchange between academics, practitioners, students, and public at large about the present and future of copyright flexibilities in Europe.
- On 21 June 2021, the web conference "The implementation of the CDSM Directive: Snapshots into the future of EU copyright law" was equally successful in bringing together ReCreating Europe's researchers, scholars, experts, and stakeholders in a full-day event discussing the most recent developments in EU copyright law and the implementation process of the CDSM Directive. One of the sessions was specifically dedicated to the topic of copyright flexibilities and new copyright exceptions.

Additionally, preliminary results and analyses stemming from the WP2 work and activities were presented by SSSA researchers in several academic conferences, such as:

- The 2021 Annual Conference of the European Policy for Intellectual Property (EPIP) "IP and the future of innovation" that saw the participation of Caterina Sganga in the roundtable "Centrifugal forces in EU copyright law" as well as Caterina Sganga and Giulia Priora's presentation "Betwixt EU and national: the present and future of copyright flexibilities";
- WIPS5 conference 2021, seeing Caterina Sganga and Peter Mezei's presentation "Re-imagining the doctrine of exhaustion in the digital domain" and Giulia Priora's presentation "The informatory purpose in copyright: towards a new autonomous concept of EU law?";
- The 2021 Creative Commons Global Summit and the 2021 Global Congress on Intellectual Property and the Public Interest, both of which saw the participation of Caterina Sganga and Giulia Priora illustrating and discussing the WP2 legal mapping, the preliminary results of the comparative analysis, the ongoing work and upcoming research outcomes.

3. Highlights and conclusions

For a detailed account of the legal mapping of copyright flexibilities in the EU acquis and EU Member States' national laws, as well as the main findings concerning the level of harmonization and fragmentation in Member States' laws, please see the report '*D2.1 Interim report on EU and national sources and private practices on legitimate uses and flexibilities'*, here.

The comparative and cross-national reports developed so far highlight a number of interesting findings.

One emerging aspect is the differences in the breadth of implementation among Member States, seeming to lead to an overlap of exceptions. For instance, the quotation exception has been implemented and/or construed broadly in some countries, such as in Italy, seeming to fulfil similar functions of the parody exception. Moreover, in several countries (e.g., France, Lithuania, Germany, and the Netherlands), the right to freedom of expression is contributing towards an expansive interpretation of the quotation exception beyond its literal constraints. In a similar vein, the Spanish provision on quotation is limited to teaching and research purposes, thereby presenting overlapping aspects with that specific exception. Other overlapping aspects are presented below.

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870626

More specifically, with regard to single clusters of exceptions already covered by comparative reports:

- **PARODY.** The implementation of this option in Member States is optional. Countries such as Latvia, Ireland and Malta have adopted a *verbatim* approach (e.g., the formulation of the exceptions does not present any additional requirement besides those laid in the directive), whereas some other countries, such as Belgium, France and Poland, adopt the parody exception laying out at least one additional requirement, scope limitation, subjective or objective condition. Some other countries (e.g., Italy, Germany, Austria) have no direct textual implementation. It is worth mentioning that even the countries that have not implemented it in their legislation have opened paths to allow parody through case-law, by reference to either freedom of expression alone, free uses, or other exceptions such as quotation.
- **QUOTATION.** The quotation exception, whereas optional, has been implemented by all Member States. However, national implementations present some differences, mainly with regards to their objective scope, which encounters limits both on *what* can be quoted (e.g., most of the countries allows quoting any protected work) and the amount that can be quoted (i.e., entire works rather than excerpts thereof), in conjunction with the proportionality test (e.g., focus on the original work vs. focus on the creative input in the new work). As regards to the allowed purpose, most countries adopt a *closed* list, even if several purposes, more than simply criticism and review, are mentioned as lawful (e.g., Belgium adds also a "polemic" purpose, and Italy a "discussion" one). Germany and Austria adopt an atypical differentiation based on the nature of the work quoted. France, Luxembourg and the Netherland restrict indirectly the purpose of the quotation by listing the *nature* of the work which is intended to incorporate the quotation, whereas Spain limits it to teaching and research purposes. Finally, Cyprus, Denmark, Estonia, Finland, Hungary, Ireland, and Sweden do not report any allowed purpose at all, maximising the application of the exception.
- **TEACHING AND RESEARCH USES.** A common trait is that, so far, most countries have embraced an expansive approach towards the number of exclusive rights to be included within the scope of such exceptions. With a rather opposite take, most countries delimited the scope of the flexibilities to short fragments or small works, sometimes even limiting the amount of work to defined percentages (e.g., Germany, Spain). A much more 'scattered' and fragmented approach can be observed regarding the subjective element, i.e. the range of eligible beneficiaries, because in some (most) cases, national courts and languages shaping the provisions tend to be restrictive, whereas in others also other socially valuable entities, such as welfare institutions or CHIs, are included within the scope of the exception. It shall be noted that the situation is still in progress, as with a few exceptions (see below interim results from national expert's responses), most countries are still in the process of implementing Articles 3-5 CDSMD on the digital teaching and TDM exception.
- **DE MINIMIS USES.** The application of the de minimis uses exception is fragmented, yet it is still possible to find some common trends, such as the importance of the prejudice suffered by rightholder's interests, and the need for the use to be economically *insignificant* and not-for-profit. The necessity benchmark, and the lawful and temporary nature of the use represent three common traits connecting de minimis exceptions related to software and databases with similar provisions concerning temporary reproduction, ephemeral recording, demonstration and repair of equipment, advertising public events, and repairment of a building. Despite these commonalities, however, it is still not possible to conceptualize a general *de minimis* principle in EU copyright law, which could act as an independent defence against infringement. In fact, the concept is mostly used as an interpretative tool to balance authors' and users' rights when applying specific exceptions in concrete cases.
- **USES FOR INFORMATORY PURPOSES.** Belgium, Denmark, Estonia, Greece, Luxembourg, Latvia, Ireland, Portugal, Romania, and Sweden did not textually implement this optional exception.

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870626

However, uses for informatory purpose feature their national laws within the lawful purposes backing the quotation exception (Luxembourg), or are generally authorized under the latter in the practice of courts, subject to the proportionality test. All other Member States have implemented the press review exception, but with very diverse outcomes. The most peculiar difference lies in beneficiaries, which vary highly across the Union, and range from every individual to only traditional media. Inconsistencies exist also regarding the subject matter, from a stricter approach (e.g., Bulgaria, Finland, Germany, Hungary, and Slovenia which allow only uses of *articles*), to more expansive formulations (e.g. Cyprus, Italy, Malta, and the Netherlands, which allow the use of articles, broadcast works and *other similar subject matters*). As to the influence of new technologies and news-dissemination models, such as news websites and online information services on the application of this exception, national judicial decisions vary. For instance, Austrian courts tend to exclude them from the exception, whereas Bulgarian courts generally include all websites, without distinguishing them based on their function, commercial purpose, or connection with traditional offline journals or broadcasting stations. Dutch courts, instead, feature a range of diverse outcomes, assessed on a case-by-case basis.

- **DISABILITIES.** A brief glance at the SSSA legal mapping shows the uniform presence of disability exceptions already before or under the InfoSoc Directive. These provisions, however, vary in their beneficiaries, scope of permitted uses of copyright content, remuneration schemes, and most importantly, in their approaches to define 'disability'. For instance, most national laws centers around visual impairment, whereas France Germany cover hearing impairment as well. In defining visual impairments, Bulgaria, Cyprus, France, and Romania stand out as interesting examples, due to adopting a broader approach, taking into account one or more of intellectual, learning, perceptual, and physical disabilities. Another highlight would be related to the categories of intellectual works included within the scope of the exception. Regarding this, Malta offers an interesting example, due to encompassing not only literary, artistic and musical works but also databases and audio-visual works. The mapping of national implementations of the Marrakesh Directive, which introduced a mandatory exception in the field and promised to reach a greater harmonization across the Union, is covered by a journal article authored by the Maynooth team, about to be published in the European Intellectual Property Review in 2022, which will soon be made available on Zenodo and other institutional repositories.
- **USES BY PUBLIC AUTHORITIES.** While the implementation of this exception can be considered wide-ranging among the Member States, certain differences remain, for instance, regarding the purpose of application, leading to three declinations of the exception (public security, official proceedings and official ceremonies). Austria, Greece, Hungary, Poland and Sweden do not have any provision on the exception for purposes of public security, whereas Estonia, France, Italy, Luxembourg, and Slovenia, lack references to uses in official ceremonies. Croatia, Cyprus, Denmark, Finland, and Ireland have implemented only the exception for administrative, parliamentary or court proceedings. Differences exist also in 1) the subjects who can carry out the permitted uses, (2) the works or subject matter for which the exceptions are enforceable, (3) additional conditions which may further restrict the scope of such flexibilities.
- **PUBLIC DOMAIN.** Although EU law does not directly address the definition and implementation of a structural public domain, national laws of Member States have envisaged certain shared features in this area. For instance, most countries provide for the exclusion of documents and acts which related to official spheres, sometimes adopting a broad catalogue of excluded work (e.g., Latvia, Lithuania, Romania and Slovakia), or making specific references to a particular type of public document, (e.g. Finland). A second common exclusion is the one revolving around the idea-expression dichotomy. It is also worth mentioning the exclusion that Bulgarian, Romanian and Croatian laws make for works of folklore.

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870626

Whereas the interim results and highlights above derive from the responses we have received from national copyright experts' responses to the Survey, our Database design continues to evolve in accordance with national experts' reports in response to the Survey Addendum. As mentioned earlier, to date, we received reports from ten out of twenty-seven EU Member States.

Among these ten countries, Germany and Hungary set a unique precedent, given that they have already implemented the CDSM. The national expert from Romania explained that the draft proposal for the implementation of the CDSM is pending at the Romanian Parliament; however, no dates or terms were specified in the report regarding the parliamentary debates or the expected date of entry into force of the new regulation. National experts from Denmark and Finland indicated that the CDSM is expected to be implemented in late 2022. Yet, it is worth mentioning that certain provisions envisioned by the CDSM (e.g those related to extended collective-licensing and quotation) are already part of Danish Copyright Law; whereas the parody exception envisioned by Article 17 of the CDSM was implemented in 2021, by amending the existing Copyright Law. Yet, it is worth mentioning that certain provisions envisioned by the CDSM (e.g those related to the general clause regarding extended collective-licensing; and quotation) are already part of Danish Copyright Law; whereas the parody exception envisioned by Article 17 of the CDSM was implemented in 2021, by amending the existing Copyright Law. The implementation of other (mandatory) provisions such as the exception envisaged in article 8(2) CDSM, and the TDM exception are to be expected in early 2022.

As to Finland, the national expert's report provides information about a draft proposal of implementation of the CDSMD, which was published in October 2021. Though the text is not official and expected to be subjected to alterations, its analysis still offers interesting snapshots on the directions taken by the Finnish government in response to the Directive. For instance, the use of works in digital and cross-border teaching activities is subject to compensation to the right holder to be paid by the State. Also, the proposed provision allows only temporary reproduction of work aimed for the educational market.

The French implementation introduces a limitation of the TDM exception for research purposes when the mined data is commissioned by and/or in a partnership with a company which has privileged access to the results. A similar rule can be found in the German TDM which also rules out the TDM exception for research purposes to research organizations which cooperate with a private enterprise which has a determining influence on the research organization and preferential access to the results of the scientific research.

Last, the national experts from Bulgaria, Greece, Luxembourg, and Slovakia clarified that the CDSM is neither implemented in their countries nor there is publicly available information regarding the prospective implementation date. Additionally, the national expert from Greece emphasized that the Greek copyright law is out-of-date and is not capable of responding to online copyright-matters. Thus, the expert claimed that any attempt to implement the CDSMD into the Greek national law would cause further fragmentation in Greek copyright law, rather than harmonizing it with the rest of the EU Member States', since Greece is in need for a comprehensive copyright reform.

It shall be highlighted that the data collection and empirical analysis processes of this task are still ongoing, mainly because of the delay in the EU Member States' implementation of the CDSM. Thus, the findings mentioned herein constitute merely fragments of preliminary findings. A comprehensive analysis of this task will be available in the report submitted as D2.3 in M30.

On the basis of the new data coming from the Survey Addendum, and as a consequence of the CDSMD, the SSSA team is considering whether to change the structure of the database and to classify the TDM exception autonomously and separated from the "teaching and research purposes". This will depend upon analysis and conclusions made after the national implementation process is completed.

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870626

Highlights and conclusions on Task 2.1.2 are reported in the Mezei-Harkai's article mentioned above.

4. Annexes

Annex I – Original Database design

Annex II – Excel sheet generated for the Database

Annex III – Survey

Annex IV – National experts' reports in response to the Survey

Annex V – Survey Addendum

Annex VI – National experts' reports in response to the Survey Addendum

Annex VII – Comparative and cross-national reports on national experts' responses

Annex VIII – Compilation of the public ordering sources (e.g. national laws and court decisions) mentioned in national experts' reports

Annex IX – D2.1 Interim report on EU and national sources and private practices on legitimate uses and flexibilities.

Annex X – Dataset on private ordering sources.

To access the annexes, please visit the links provided in the 'Means of verification' within this report.

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870626