**Digital Copyright Directive (Estonia)**

**by lawyers from** [***Bird & Bird***](https://www.twobirds.com/) **and associated firms, curated by** [***Pawel Lipski***](https://www.twobirds.com/en/people/p/pawel-lipski) **of Bird & Bird**

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| **Law stated as of 01 Nov 2023 • Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, The Netherlands** |

**Member State Implementation: Overview**

A Practice Note providing an overview of the implementation of the Digital Copyright Directive (*(EU) 2019/790*) by the EU member states.

The [*Digital Copyright Directive ((EU) 2019/790)*](https://www.westlaw.com/Document/Iad0b54b120b911eaadfea82903531a62/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=21928C15A9E00ABD332CBAF4579F4C75D1D6816BD4BD1B8BCC09FF13A35FD0BB&contextData=(sc.Default)) (Directive) entered into force on 6 June 2019. Member states were given until 7 June 2021 to transpose the Directive into national law.

This Practice Note provides an overview of the implementation status of the Directive in each member state, including implementing laws and relevant dates, and plans for future measures where applicable. For certain member states, the Note includes commentary on selected key points regarding the extent of implementation.

For general background on the Directive and a summary of its key provisions, see [*Practice Note, Digital Copyright Directive: key provisions*](https://www.westlaw.com/Document/I8ab9cf5e50b011e9adfea82903531a62/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)).

For resources relating to the implementation of specific Articles of the Directive and summaries of key provisions of the Directive, see [*Digital Copyright Directive Toolkit (International)*](https://www.westlaw.com/Document/I2fd471d9d9d011ed8921fbef1a541940/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)).

**Estonia**

Estonia has implemented the Directive through amendments to the [*Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current), RT I 1992, 49, 615 (*Autoriõiguse seadus*).

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**Member State Implementation: Text and Data Mining, Articles 3 and 4**

A Practice Note providing a summary of the implementation of Articles 3 and 4 of the Digital Copyright Directive (*(EU) 2019/790*) by the EU member states. This Note discusses whether and how each EU member state has transposed Articles 3 and 4, including whether the member state’s implementation differs from the Directive.

The [*Digital Copyright Directive ((EU) 2019/790)*](https://www.westlaw.com/Document/Iad0b54b120b911eaadfea82903531a62/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=21928C15A9E00ABD332CBAF4579F4C75D1D6816BD4BD1B8BCC09FF13A35FD0BB&contextData=(sc.Default)) (Directive) entered into force on 6 June 2019. Member states were given until 7 June 2021 to transpose the Directive into national law.

This Practice Note provides a summary of the implementation status of Articles 3 and 4 of the Directive in each member state apart from Luxembourg.

Articles 3 and 4 concern exceptions for text and data mining.

This Note discusses the extent of implementation of Articles 3 and 4, implementing laws and relevant dates, and plans for future measures where applicable. The categorisation of the implementation in a specific jurisdiction as exactly corresponding, closely corresponding, or differing from the Directive is based on the opinion of the contributing firm or office in that jurisdiction. The categorisation reflects a judgment about whether the member state’s implementation has major substantive differences from the Directive.

For links to resources relating to the implementation of other Articles of the Directive, and resources providing a general overview and summaries of key provisions of the Directive (including Articles 3 and 4), see [*Digital Copyright Directive Toolkit (International)*](https://www.westlaw.com/Document/I2fd471d9d9d011ed8921fbef1a541940/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)).

**Text and Data Mining: Definition in Directive**

For both Articles 3 and 4 of the Directive, “text and data mining” means any automated analytical technique aimed at analysing text and data in digital form in order to generate information and includes, but is not limited to, patterns, trends and correlations (*Article 2(2), Directive*).

**Article 3: Text and Data Mining for Scientific Research Purposes**

Articles 3 to 7 of the Directive provide for certain new copyright exceptions.

Article 3(1) provides for a text and data mining exception for scientific research for reproductions and extractions made by research organisations and cultural heritage institutions of works or other subject matter to which they have lawful access.

Article 2(1) of the Directive defines “research organisation” as a university (including its libraries)***,*** research institute, or any other entity that:

1. Has the primary goal of conducting scientific research or carrying out educational activities also involving scientific research either:
2. on a not-for-profit basis or by reinvesting all the profits in its scientific research; or
3. pursuant to a public interest mission recognised by a member state.
4. Conducts the research or carries out the educational activities in such a way that the access to the results generated by such scientific research cannot be enjoyed on a preferential basis by an undertaking that exercises a decisive influence upon such organisation.

A “cultural heritage institution” is defined as a publicly accessible library or museum or an archive or a film or audio heritage institution (*Article 2(3*), *Directive*).

Copies of works or other subject matter produced under this exception must be stored with an appropriate level of security, to be retained for the purposes of scientific research, including for the verification of research results (*Article 3(2), Directive*).

Rightsholders can implement security and integrity measures for the networks and databases hosting the works or other subject matter (*Article 3(3), Directive*). The Directive requires member states to encourage research organisations and cultural heritage institutions to define commonly agreed best practices regarding the performance of their obligations and the implementation of security measures (*Article 3(4), Directive*).

Any contractual provision contrary to the exceptions in Article 3 is unenforceable (*Article 7(1), Directive*).

For more information on Article 3 of the Directive, see [*Practice Note, Digital Copyright Directive: key provisions: Scientific research text and data mining exception*](https://www.westlaw.com/Document/I8ab9cf5e50b011e9adfea82903531a62/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)#co_anchor_a769042).

**Jurisdiction-Specific Implementation of Article 3**

**Estonia**

The Estonian law implementing Article 3 closely corresponds with the text of the Directive.

In addition to transposing Article 3 of the Directive into its national law, the amended Estonian [*Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current), RT I 1992, 49, 615 (*Autoriõiguse seadus*) also provides, consistently with Article 7(1) of the Directive, that any contractual provisions that prejudice the free use of a work in the manner specified in section 191(1) of the Copyright Act, which implements Article 3(1) of the Directive, are void.

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**Article 4: Exception or Limitation for Text and Data Mining**

Article 4(1) of the Directive introduces an exception or limitation to database and works protection for reproductions and extractions made by any entity for general text and data mining.

Parties can retain reproductions and extractions for as long as necessary for the purposes of text and data mining (*Article 4(2), Directive*).

However, this exception does not apply if the rightsholder has made an appropriate reservation regarding use of the works (or other subject matter), for example by machine-readable means (*Article 4(3), Directive*).

For more information on Article 4, see [*Practice Note, Digital Copyright Directive: key provisions: General text and data mining exception*](https://www.westlaw.com/Document/I8ab9cf5e50b011e9adfea82903531a62/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)#co_anchor_a691907).

**Jurisdiction-Specific Implementation of Article 4**

**Estonia**

The Estonian law implementing Article 4 closely corresponds with the text of the Directive (section 192, [*Estonian Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current)).

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**Member State Implementation: Collective Licensing with an Extended Effect, Article 12**

A Practice Note providing a summary of the implementation of Article 12 of the Digital Copyright Directive (*(EU) 2019/790*) by the EU member states. This Note discusses whether and how each EU member state has transposed Article 12, including whether the member state’s implementation differs from the directive.

The [*Digital Copyright Directive ((EU) 2019/790)*](https://www.westlaw.com/Document/Iad0b54b120b911eaadfea82903531a62/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=21928C15A9E00ABD332CBAF4579F4C75D1D6816BD4BD1B8BCC09FF13A35FD0BB&contextData=(sc.Default)) (Directive) entered into force on 6 June 2019. Member states were given until 7 June 2021 to transpose the Directive into national law.

This Practice Note provides a summary of the implementation status of Article 12 of the Directive in each member state apart from Luxembourg.

Article 12 concerns measures to facilitate collective licensing, in particular extended collective licensing (ECL).

This Note discusses the extent of implementation of Article 12, implementing laws and relevant dates, and plans for future measures where applicable. The categorisation of the implementation in a specific jurisdiction as exactly corresponding, closely corresponding, or differing from the Directive is based on the opinion of the contributing firm or office in that jurisdiction. The categorisation reflects a judgment about whether the member state’s implementation has major substantive differences from the Directive.

For links to resources relating to the implementation of other Articles of the Directive and resources providing a general overview and summaries of key provisions of the Directive (including Article 12), see [*Digital Copyright Directive Toolkit (International)*](https://www.westlaw.com/Document/I2fd471d9d9d011ed8921fbef1a541940/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)).

**Article 12: Collective Licensing with an Extended Effect**

Article 12 of the Directive creates a framework for collective licensing with an extended effect.

Member states can introduce a voluntary mechanism that allows rightsholders who have not authorised any collective management organisation (CMO) to represent them by way of assignment, licence, or any other contractual arrangement to be:

1. Represented by a CMO as an entity that has a legal mandate to represent them or can be presumed to hold this mandate.
2. Covered by an extended licence agreement.

(*Article 12(1), Directive*.)

Member states can apply the ECL mechanism only within well-defined areas of use where obtaining individual authorisation from rightsholders is typically onerous and impractical (*Article 12(2), Directive*).

The purpose of the mechanism is to safeguard rightsholders’ legitimate interests. Member states must provide for various safeguards, including that:

1. The CMO is sufficiently representative for the relevant types of works or other subject matter in a given member state.
2. All rightsholders must be treated equally, and rightsholders who have not authorised the organisation to grant licences can at any time easily and effectively exclude their works or other subject matter from the licensing mechanism.
3. Appropriate, effective publicity measures are taken to inform rightsholders about the CMO’s ability to license works or other subject matter and the options available to rightsholders.

(*Article 12(3), Directive*.)

**Jurisdiction-Specific Implementation of Article 12**

**Estonia**

The Estonian law implementing Article 12 closely corresponds with the text of the Directive (section 571, [*Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current), RT I 1992, 49, 615 (*Autoriõiguse seadus*)).

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**Member State Implementation: Negotiation Mechanism, Article 13**

A Practice Note providing a summary of the implementation of Article 13 of the Digital Copyright Directive (*(EU) 2019/790*) by the EU member states. This Note discusses whether and how each EU member state has transposed Article 13, including whether the member state’s implementation differs from the directive.

The [*Digital Copyright Directive ((EU) 2019/790)*](https://www.westlaw.com/Document/Iad0b54b120b911eaadfea82903531a62/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=21928C15A9E00ABD332CBAF4579F4C75D1D6816BD4BD1B8BCC09FF13A35FD0BB&contextData=(sc.Default)) (Directive) entered into force on 6 June 2019. Member states were given until 7 June 2021 to transpose the Directive into national law.

This Practice Note provides a summary of the implementation status of Article 13 of the Directive in each member state apart from Luxembourg.

Article 13 concerns measures to improve licensing for audiovisual works on video-on-demand (VOD) platforms.

This Note considers the extent of implementation of Article 13, implementing laws and relevant dates, and plans for future measures where applicable. The categorisation of the implementation in a specific jurisdiction as exactly corresponding, closely corresponding, or differing from the Directive is based on the opinion of the contributing firm or office in that jurisdiction. The categorisation reflects a judgment about whether the member state’s implementation has major substantive differences from the Directive.

For links to resources relating to the implementation of other Articles of the Directive, and resources providing a general overview and summaries of key provisions of the Directive (including Article 13), see [*Digital Copyright Directive Toolkit (International)*](https://www.westlaw.com/Document/I2fd471d9d9d011ed8921fbef1a541940/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)).

**Article 13: Negotiation Mechanism for Audiovisual Works on Video-on-Demand Platforms**

Article 13 of the Directive introduces a negotiation mechanism for parties experiencing difficulties when seeking to conclude licences to make audiovisual works available on VOD platforms. Member states are required to appoint an official, impartial body, or mediators with relevant expertise for this purpose, to assist the parties with their negotiations, and help them to reach agreement.

Member states were required to notify the Commission of the body or mediators appointed by 7 June 2021.

**Jurisdiction-Specific Implementation of Article 13**

**Estonia**

The Estonian law implementing Article 13 closely corresponds with the text of the Directive (section 87, [*Estonian Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current), RT I 1992, 49, 615 (*Autoriõiguse seadus*)).

However, section 87 of the Estonian Copyright Act covers more than just agreements for the purpose of making available audiovisual works for VOD services. The Estonian Copyright Committee has the power to resolve, at the request of the parties or their representatives, all disputes related to copyrights and related rights.

The Estonian Copyright Committee acts a conciliation body. For more information on the Copyright Committee, see [*Republic of Estonia Patent Office: Copyright and the Estonian Patent Office*](https://www.epa.ee/en/copyright/copyright/copyright-and-estonian-patent-office).

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**Member State Implementation: Protection of Press Publications Concerning Online Uses and Claims to Fair Compensation, Articles 15 and 16**

A Practice Note providing a summary of the implementation of Articles 15 and 16 of the Digital Copyright Directive (*(EU) 2019/790*) by the EU member states.

The [*Digital Copyright Directive ((EU) 2019/790)*](https://www.westlaw.com/Document/Iad0b54b120b911eaadfea82903531a62/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=21928C15A9E00ABD332CBAF4579F4C75D1D6816BD4BD1B8BCC09FF13A35FD0BB&contextData=(sc.Default)) (Directive) entered into force on 6 June 2019. Member states were given until 7 June 2021 to transpose the Directive into national law.

This Practice Note provides a summary of the implementation status of Articles 15 and 16 of the Directive in each member state apart from Luxembourg.

Articles 15 and 16 are in Title IV on “measures to achieve a well-functioning marketplace for copyright,” specifically in Chapter 1 of Title IV on “rights in publications.”

This Note discusses the extent of implementation of Articles 15 and 16, implementing laws and relevant dates, and plans for future measures where applicable. The categorisation of the implementation in a specific jurisdiction as exactly corresponding, closely corresponding, or differing from the Directive is based on the opinion of the contributing firm or office in that jurisdiction. The categorisation reflects a judgment about whether the member state’s implementation has major substantive differences from the Directive.

For links to resources relating to the implementation of other Articles of the Directive and resources providing a general overview and summaries of key provisions of the Directive (including Articles 15 and 16), see [*Digital Copyright Directive Toolkit (International)*](https://www.westlaw.com/Document/I2fd471d9d9d011ed8921fbef1a541940/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)).

**Article 15: Protection of Press Publications Concerning Online Uses**

**Press Publication Right**

Article 15 of the Directive refers to the protection of press publications concerning online uses. Member states must provide the publishers of press publications established in a member state with two rights for the online use of their press publications by information society service providers (ISSPs). These are:

1. A right of reproduction (pursuant to Article 2 of the [*Copyright Directive (2001/29/EC)*](https://www.westlaw.com/Document/I8ca3a3f265a211e598dc8b09b4f043e0/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=05819F154352D5D6339DB8CEFEE54E411B124337E328EE25B9C62EA700A3E00A&contextData=(sc.Default)) (Copyright Directive)).
2. A right of making available to the public (pursuant to Article 3(2) of the Copyright Directive).

(*Article 15(1), Directive*.)

An “information society service” means a service within Article 1(1) of the [*Technical Standards and Regulations Directive ((EU) 2015/1535)*](https://www.westlaw.com/Document/I5a92e3ee7d1111e598dc8b09b4f043e0/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=221C5BFEA2D5875DE2DA9ED31F44E7EB917DAA70A69B7545DB91DB24BDC84AFF&contextData=(sc.Default)) (*Article 2(5), Directive*). For commentary on the meaning of Article 1(1) of the Technical Standards and Regulations Directive, see [*Practice note, Cybersecurity Directive: UK implementation: Identification as an RDSP*](https://uk.practicallaw.thomsonreuters.com/w-013-8329?originationContext=document&transitionType=DocumentItem&contextData=(sc.Default)&ppcid=0edf11d0ec9e42e28da98aaf082ceca7#co_anchor_a375008).

The rights provided for in Article 15 of the Directive do not apply to:

1. The private or non-commercial uses of press publications by individual users.
2. Hyperlinking.
3. The use of individual words or very short extracts from a press publication.

(*Article 15(1), Directive*.)

These rights expire two years after a press publication is published, calculated from 1 January of the year following the year of press publication. (*Article 15(4), Directive*.)

However, such protection does not apply to press publications first published before 6 June 2019 (*Article 15(4), Directive*).

**Definition of “Press Publications”**

Article 2(4) of the Directive defines “press publication” as a collection composed mainly of literary works of a journalistic nature, but that can also include other works or other subject matter, and that is all of the following:

1. Constitutes an individual item within a periodical or regularly updated publication under a single title, such as a newspaper or a general or special interest magazine.
2. Has the purpose of providing the general public with information related to news or other topics.
3. Is published in any media under the initiative, editorial responsibility, and control of a service provider.

Article 2(4) also states that periodicals that are published for scientific or academic purposes, such as scientific journals, are not press publications for the purpose of the Directive.

**Works Incorporated in Press Publications: Provisions**

The authors of works incorporated in a press publication must receive an appropriate share of the revenues that press publishers receive for the use by ISSPs of their press publications (*Article 15(5), Directive*).

These rights cannot be invoked:

1. Against the authors and other rightsholders regarding the works and other subject matter incorporated in a press publication.
2. To prohibit use by other authorised users.
3. To prohibit the use of works or other subject matter for which protection has expired.

(*Article 15(2), Directive*.)

Article 15(3) states that Articles 5 to 8 of [*Copyright Directive 2001/29/EC*](https://www.westlaw.com/Document/I8ca3a3f265a211e598dc8b09b4f043e0/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=05819F154352D5D6339DB8CEFEE54E411B124337E328EE25B9C62EA700A3E00A&contextData=(sc.Default)), the [*Orphan Works Directive (2012/28/EU)*](https://www.westlaw.com/Document/I2538111363f011e598dc8b09b4f043e0/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=86003C19786AF9346AE489F5D87B61B4049B956A4279D2D143FB0D8A1DEC58D5&contextData=(sc.Default)), and [*Directive ((EU) 2017/1564) (Marrakesh Directive)*](https://www.westlaw.com/Document/I2ba523c6943d11ea80afece799150095/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=2977A5034E5A002133A44DC6BFA4F0581A5F78C9C56B9B8D9467ADBAAA2FA0DE&contextData=(sc.Default)) apply *mutatis mutandis* regarding the rights provided in Article 15(1).

**Jurisdiction-Specific Implementation of Article 15**

**Estonia**

The Estonian law implementing Article 15 closely corresponds with the text of the Directive.

The amended Estonian [*Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current), RT I 1992, 49, 615 (*Autoriõiguse seadus*) implements the Directive as follows:

1. Article 15(1) of the Directive was implemented in section 732, subsections 1 and 3.
2. Article 15(2) of the Directive was implemented in section 732, subsection 4.
3. Article 15(3) of the Directive was implemented in section 253, subsection 1, and section 75, clause 6.
4. Article 15(4) of the Directive was implemented in section 74, subsections 11 and 2, and section 881, subsection 34.
5. Article 15(5) of the Directive was implemented in section 732, subsection 5.

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**Article 16: Claims to Fair Compensation**

The first paragraph of Article 16 of the Directive provides that member states may provide that the transfer of rights, or the granting of a licence, by an author to a publisher is a sufficient legal basis for the publisher to be entitled to a share of the compensation for the use of the work made under an exception or limitation in respect of the transferred or licensed right.

The second paragraph of Article 16 states that the first paragraph is without prejudice to existing and future arrangements in Member States concerning public lending rights.

Article 16 is an optional provision of the Directive that member states may choose not to implement. Article 16 was included in the original proposal for the Directive published in September 2016 (then numbered Article 12) to, according to the explanatory memorandum, “address existing legal uncertainty as regards the possibility for all publishers to receive a share in the compensation for uses of works under an exception” (see [*Legal Update, European Commission publishes proposal for Digital Copyright Directive*](https://www.westlaw.com/Document/Ib6db56767b2611e698dc8b09b4f043e0/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default))). As explained in recital 60 to the Directive, Article 16 is concerned with giving member states discretion to provide that publishers have a right to a share of remuneration where works, in relation to which authors have transferred or licensed their rights to the publisher, are used under exceptions or limitations, such as those for private copying and reprography or under public lending schemes. It allows member states that provide for compensation for uses under those exceptions or limitations to be shared between authors and publishers to maintain them. It is not intended to require member states without compensation-sharing schemes to introduce them, but member states have discretion to do so. (See recital 60 of the Directive for more information on the rationale behind Article 16.)

**Jurisdiction-Specific Implementation of Article 16**

**Estonia**

The [*Estonian Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current) already provided for the ability of a publisher to obtain fair compensation for compensated free use before Estonia implemented the Directive.

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**Digital Copyright Directive Member State Implementation: Use of Protected Content by Online Content-Sharing Service Providers, Article 17**

A Practice Note providing a summary of the implementation of Article 17 of the Digital Copyright Directive (*(EU) 2019/790*) by the EU member states.

The [*Digital Copyright Directive ((EU) 2019/790)*](https://www.westlaw.com/Document/Iad0b54b120b911eaadfea82903531a62/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=21928C15A9E00ABD332CBAF4579F4C75D1D6816BD4BD1B8BCC09FF13A35FD0BB&contextData=(sc.Default)) (Directive) entered into force on 6 June 2019. Member states were given until 7 June 2021 to transpose the Directive into national law.

This Practice Note provides a summary of the implementation status of Article 17 of the Directive in each member state apart from Luxembourg.

Article 17 concerns the use of protected content by online content-sharing service providers.

This Note discusses the extent of implementation of Article 17, implementing laws and relevant dates, and plans for future measures where applicable. The categorisation of the implementation in a specific jurisdiction as exactly corresponding, closely corresponding, or differing from the Directive is based on the opinion of the contributing firm or office in that jurisdiction. The categorisation reflects a judgment about whether the member state’s implementation has major substantive differences from the Directive.

For links to resources relating to the implementation of other Articles of the Directive and resources providing a general overview and summaries of key provisions of the Directive (including Article 17), see [*Digital Copyright Directive Toolkit (International)*](https://www.westlaw.com/Document/I2fd471d9d9d011ed8921fbef1a541940/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)).

**Article 17: Use of Protected Content by Online Content-Sharing Service Providers**

Article 17 of the Directive creates a specific regime for authorisation from rightsholders and the limitation of liability for infringement of copyright and related rights that applies to online content-sharing service providers (OCSSPs).

**Understanding OCSSPs**

Article 2(6) of the Directive defines an OCSSP as “a provider of an information society service of which the main, or one of the main purposes is, to store and give the public access to a large amount of copyright-protected works or other protected subject matter uploaded by its users, which it organises and promotes for profit-making purposes.”

Article 2(6) also states that providers of services, such as the following, are not OCSSPs:

1. Not-for-profit online encyclopedias or educational and scientific repositories.
2. Open source software-developing and-sharing platforms.
3. Providers of electronic communications services as defined in the [*European Electronic Communications Code (Directive ((EU) 2018/1972))*](https://www.westlaw.com/Document/I88f67f23292e11e9a5b3e3d9e23d7429/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=08DF5EEB06FF478ABD6F03C9A988C288721392692E440E462C696A1D54E15E2C&contextData=(sc.Default)).
4. Online marketplaces.
5. Business-to-business cloud services and cloud services that allow users to upload content for their own use.

**Article 17: Key Provisions**

Article 17(1) provides that:

1. An OCSSP performs an **act of communication to the public** or an **act of making available to the public** (acts that infringe copyright under Articles 3(1) and (2) of the [*Copyright Directive (2001/29/EC)*](https://www.westlaw.com/Document/I8ca3a3f265a211e598dc8b09b4f043e0/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=05819F154352D5D6339DB8CEFEE54E411B124337E328EE25B9C62EA700A3E00A&contextData=(sc.Default)) (Copyright Directive) (see [*Practice Note, Copyright: communication to the public right: key legislation and test: Article 3, Copyright Directive*](https://www.westlaw.com/Document/Ib6db8ef7ec9f11ec9f24ec7b211d8087/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)#co_anchor_a342602))) when it gives the public access to copyright-protected works or other protected subject matter uploaded by its users (*Article 17(1), first paragraph, Directive*).
2. Therefore, the OCSSP must obtain authorisation from the rightsholder, for instance by concluding a licensing agreement, to communicate or make available to the public works or other subject matter (*Article 17(1), second paragraph, Directive*).

This authorisation must also cover acts carried out by OCSSPs’ users falling within the scope of Article 3 of the Copyright Directive when they are not acting on a commercial basis or where their activity does not generate significant revenues (*Article 17(2), Directive*).

The limitation of liability in Article 14 of [*E-Commerce Directive (2000/31/EC)*](https://www.westlaw.com/Document/Ia840ca0c65fc11e598dc8b09b4f043e0/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=697C834A17176038C6D55F4BE07450BF6BFC8316EE4DA32443E8D350D4BC9D80&contextData=(sc.Default)) (which limits information society service providers’ liability, where they are hosting material, for users’ acts of copyright infringement) does not apply to situations covered by Article 17 of the Directive (*Article 17(3), Directive*). (Effective 17 February 2024, Article 6 of the [*EU Digital Services Act ((EU) 2022/2065)*](https://www.westlaw.com/Document/If9d3a06b60d811ed8636e1a02dc72ff6/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=7C3C08A384F1DA12F3ECBA08C2CC789D13688CE1F3D91978612DC8E764D2850A&contextData=(sc.Default)) will replace Article 14 of the E-Commerce Directive, but this has limited relevance in the context of this Note, which is focused on implementation of the Directive, the deadline for which was 7 June 2021.)

If the rightsholder does not grant authorisation, the OCSSP is liable for unauthorised acts of communication to the public (including acts of making available to the public) of copyright-protected works unless the OCSSP shows that it has done all of the following:

1. Made best efforts to obtain an authorisation.
2. In accordance with high industry standards of professional diligence, made best efforts to ensure the unavailability of specific works for which the rightsholders have provided the relevant and necessary information.
3. Acted expeditiously, on receiving a sufficiently substantiated notice from the rightsholders, to do the following:
4. either disable access to or to remove from their websites the works that are the subject of the notice; and
5. made best efforts to prevent future uploads of the works.

(*Article 17(4), Directive*.)

Whether the OCSSP is liable for non-compliance with Article 17(4) must be determined in the light of principle of proportionality and various elements will be taken into account, such as the type, audience and size of the service and types of works or other subject matter uploaded by users (*Article 17(5), Directive*).

A special limitation of liability applies to new OCSSPs, defined as those offering services in the EU for less than three years and with an annual turnover below EUR10 million, with the liability of such new OCSSPs being limited to compliance with making best efforts to obtaining authorisation and to acting expeditiously upon receiving a sufficiently substantiated notice, to disable access to the notified works or other subject matter or to remove them from their websites (*Article 17(6), Directive*).

Cooperation between OCSSP and rightsholders must not result in the prevention of the availability of non-infringing works uploaded by users (*Article 17(7), Directive*). Member states must also ensure that users can rely on various specific existing copyright exceptions and limitations when uploading and making content available on OCSSPs’ services, including the exceptions for quotation, criticism and review and use for the purpose of caricature (*Article 17(7), Directive*).

The Directive states expressly that the application of Article 17 should not lead to any general monitoring obligation (*Article 17(8), Directive*).

The Directive also requires member states to provide that OCSSPs put in place a complaint and redress mechanism for users of their services in the event of disputes over the disabling of access to, or the removal of, works that users have uploaded (*Article 17(9), Directive*).

**Jurisdiction-Specific Implementation of Article 17**

**Estonia**

The Estonian law implementing Article 17 closely corresponds with the text of the Directive.

Estonia implemented Article 17 of the Directive in the amended [*Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current), RT I 1992, 49, 615 (*Autoriõiguse seadus*) as follows:

1. Article 17(1) was implemented in section 579(1).
2. Article 17(2) was implemented in section 579(2).
3. Article 17(3) was implemented in section 579(6).
4. Article 17(4) was implemented in section 579(3).
5. Article 17(5) was implemented in section 579(4).
6. Article 17(6) was implemented in section 5710.
7. Article 17(7) was implemented in section 579(5), section 5711, chapter IV, and section 75.
8. Article 17(8) was implemented in section 579(5) and section 5712.
9. Article 17(9) was implemented in section 5711, section 87(1) clause 14, and section 87(14).

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**Member State Implementation: Appropriate and Proportionate Remuneration, Transparency, and Contract Adjustment Mechanism, Articles 18 to 20**

A Practice Note providing a summary of the implementation of Articles 18 to 20 of the Digital Copyright Directive (*(EU) 2019/790*) by the EU member states.

The [*Digital Copyright Directive ((EU) 2019/790)*](https://www.westlaw.com/Document/Iad0b54b120b911eaadfea82903531a62/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=21928C15A9E00ABD332CBAF4579F4C75D1D6816BD4BD1B8BCC09FF13A35FD0BB&contextData=(sc.Default))) (Directive) entered into force on 6 June 2019. Member states were given until 7 June 2021 to transpose the Directive into national law.

This Practice Note provides a summary of the implementation status of Articles 18 to 20 of the Directive in each member state apart from Luxembourg.

Articles 18 to 20 concern measures to improve the functioning of the copyright market by providing guidelines for fair remuneration in exploitation contracts of authors and performers. The categorisation of the implementation in a specific jurisdiction as exactly corresponding, closely corresponding, or differing from the Directive is based on the opinion of the contributing firm or office in that jurisdiction. The categorisation reflects a judgment about whether the member state’s implementation has major substantive differences from the Directive.

This Note discusses the extent of implementation of Articles 18 to 20, implementing laws and relevant dates, and plans for future measures where applicable.

For links to resources relating to the implementation of other Articles of the Directive and resources providing a general overview and summaries of key provisions of the Directive (including Articles 18 to 20), see [*Digital Copyright Directive Toolkit (International)*](https://www.westlaw.com/Document/I2fd471d9d9d011ed8921fbef1a541940/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)).

**Article 23: Common Provision Applicable to Articles 18 to 22**

Article 23 provides that any contractual provision that prevents compliance with Articles 19, 20, and 21 is unenforceable in relation to authors and performers (*Article 23(1), Directive*).

Also, it states that Articles 18 to 22 of Directive do not apply to authors of a computer program within the meaning of Article 2 of [*Directive 2009/24/EC*](https://www.westlaw.com/Document/I614f4739640411e598dc8b09b4f043e0/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=874DA29A848FE6AC74FDE85753B77BEAD3A3B97457E3D2750D7D8AD5941E7C72&contextData=(sc.Default)) (*Article 23(2), Directive*). For more information about Article 23 and its implementation by the member states, see [*Practice Note, Digital Copyright Directive Member State Implementation: Alternative Dispute Resolution Procedure and Right of Revocation, Articles 21 to 23: Article 23: No Binding Force of Contractual Diverging Clauses*](https://www.westlaw.com/Document/I7cfbc9fac32a11ed8636e1a02dc72ff6/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)#co_anchor_a365543).

**Article 18: Principle of Appropriate and Proportionate Remuneration**

Article 18(1) of the Directive requires member states to ensure that authors and performers who license or transfer their exclusive rights for the exploitation of their works or other subject-matter are entitled to receive appropriate and proportionate remuneration.

Member states are free to use different mechanisms and to take into account the principle of contractual freedom and a fair balance of rights and interests to implement this principle (*Article 18(2), Directive*).

**Jurisdiction-Specific Implementation of Article 18**

**Estonia**

The Estonian laws implementing Article 18 closely correspond to the text of the Directive (sections 14(1) and 68(1), [*Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current), RT I 1992, 49, 615 (*Autoriõiguse seadus*) (Estonian Copyright Act)).

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**Article 19: Transparency Obligation**

Article 19 provides that member states must ensure that authors and performers receive, at least once a year, up-to-date, relevant, and comprehensive information on the exploitation of their works and performances from the parties to whom they have licensed or transferred their rights (*Article 19(1), Directive*).

This right to receive information should also be extended to sub-licensees if the first contractual counterpart does not hold all the information and the authors, performers, or their representatives request the information from the sub-licensee. Member states may provide that any request to sub-licensees pursuant to Article 19(1) is made directly or indirectly through the contractual counterpart of the author or the performer. (*Article 19(2), Directive.*)

The Directive provides that the obligation to provide information should be proportionate and effective in ensuring a high level of transparency, but member states can provide limitations where the administrative burden would become disproportionate in the light of the revenues generated by the exploitation (*Article 19(3), Directive*).

Member states can also decide that this right does not extend to authors or performers whose contribution to the overall work or performance is not significant, unless the author or performer demonstrates that they require the information for the exercise of their rights under Article 20(1) (contract adjustment mechanism) and requests the information for that purpose (*Article 19(4), Directive*).

Member states also can provide that, for agreements subject to or based on collective bargaining agreements, the transparency rules of the relevant collective bargaining agreement apply (*Article 19(5), Directive*).

This obligation in Article 19(1) does not apply in respect of agreements concluded by entities defined in Article 3(a) and (b) of [*Directive 2014/26/EU*](https://www.westlaw.com/Document/I2538112363f011e598dc8b09b4f043e0/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=D8EA1803F15EFA2DDC2E7C2A4F226978EC452290F1B3B50C69C3CC979946DE77&contextData=(sc.Default)) on collective rights management (CRM Directive) (that is, certain CMOs and independent management entities) or by other entities subject to the national rules implementing the CRM Directive (*Article 19(6), Directive*).

**Jurisdiction-Specific Implementation of Article 19**

**Estonia**

The Estonian law implementing Article 19 closely corresponds with the Directive. Noteworthy points are the following:

1. The [*Estonian Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current) establishes two exceptions from the general transparency and notification obligation:
2. when the performance of the notification obligation would be unreasonably burdensome or expensive when compared to the revenue to be received from the use of the work or performance, the obligation is limited to the type and level of information the submission of which can be reasonably expected (section 491(4), Estonian Copyright Act); and
3. the notification obligation does not apply if the contribution of the author or performer is not significant considering the entire work or performance, unless the author or performer submits a reasoned request for information necessary for exercising their rights to demand adjustment of the contract (section 491(5), Estonian Copyright Act).
4. Estonia has not transposed Article 19(5) of the Directive as collective bargaining agreements are not common in the relevant sectors in Estonia.
5. Parties who are subject to the notification obligation are experiencing difficulties in determining which authors and performers need to be notified (that is, in determining whose contribution should be considered as significant with regard to the work or performance as a whole) and what kind of information they must submit (that is, what exactly should be included under “all revenues generated”).

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**Article 20: Contract Adjustment Mechanism**

Article 20 provides a contract adjustment mechanism for authors and performers who agreed to original remuneration that turned out to be disproportionately low compared to all the subsequent relevant revenues derived from the exploitation of their works or performances. In these cases, the authors and performers can claim additional, appropriate, and fair remuneration from the party with whom they entered into a contract for the exploitation of their rights (*Article 20(1), Directive*).

This provision does not apply to agreements concluded by entities defined in Article 3(a) and (b) of the [*CRM Directive*](https://www.westlaw.com/Document/I2538112363f011e598dc8b09b4f043e0/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=D8EA1803F15EFA2DDC2E7C2A4F226978EC452290F1B3B50C69C3CC979946DE77&contextData=(sc.Default)) (that is, certain CMOs and independent management entities) or by other entities subject to the national rules implementing the CRM Directive (*Article 20(2), Directive*).

**Jurisdiction-Specific Implementation of Article 20**

**Estonia**

The Estonian law implementing Article 20 closely corresponds with the text of the Directive. Estonia implemented Article 20 as follows:

1. Article 20(1) of the Directive was implemented in section 492 of the [*Estonian Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current).
2. Article 20(2) of the Directive was implemented in section 494, subsection 1, of the Estonian Copyright Act.

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**Member State Implementation: Alternative Dispute Resolution Procedure and Right of Revocation, Articles 21 to 23**

A Practice Note providing a summary of the implementation of Articles 21 to 23 of the Digital Copyright Directive (*(EU) 2019/790*) by the EU member states.

The [*Digital Copyright Directive ((EU) 2019/790)*](https://www.westlaw.com/Document/Iad0b54b120b911eaadfea82903531a62/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=21928C15A9E00ABD332CBAF4579F4C75D1D6816BD4BD1B8BCC09FF13A35FD0BB&contextData=(sc.Default)) (Directive) entered into force on 6 June 2019. Member states were given until 7 June 2021 to transpose the Directive into national law.

This Practice Note provides a summary of the implementation status of Articles 21 to 23 of the Directive in each member state apart from Luxembourg.

Articles 21 to 23 concern measures to improve the functioning of the copyright market by providing guidelines for fair remuneration in exploitation contracts, specifically:

1. Alternative dispute resolution (ADR) procedures (Article 21).
2. The right of revocation of authors and performers (Article 22).
3. The unenforceability of contractual provisions that prevent compliance with Articles 19 to 21 of the Directive (Article 23).

Article 19 concerns transparency and Article 20 concerns a contract adjustment mechanism. These provisions, and Article 18 of the Directive, which concerns the principle of appropriate and proportionate remuneration of authors and performers who license or transfer their exclusive rights for the exploitation of their works, are discussed in [*Practice Note, Digital Copyright Directive: Member State Implementation: Appropriate and Proportionate Remuneration, Transparency, and Contract Adjustment Mechanism, Articles 18 to 20*](https://www.westlaw.com/Document/I93217c46c32311ed8636e1a02dc72ff6/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)).

This Note discusses the extent of implementation of Articles 21 to 23, implementing laws and relevant dates, and plans for future measures where applicable. The categorisation of the implementation in a specific jurisdiction as exactly corresponding, closely corresponding, or differing from the Directive is based on the opinion of the contributing firm or office in that jurisdiction. The categorisation reflects a judgment about whether the member state’s implementation has major substantive differences from the Directive.

For links to resources relating to the implementation of other Articles of the Directive and resources providing a general overview and summaries of key provisions of the Directive (including Articles 21 to 23), see [*Digital Copyright Directive Toolkit (International)*](https://www.westlaw.com/Document/I2fd471d9d9d011ed8921fbef1a541940/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)).

**Article 21: Alternative Dispute Resolution**

Article 21 of the Directive provides the possibility of submitting to a voluntary ADR procedure disputes concerning the transparency obligation in Article 19 of the Directive, and the contract adjustment mechanism in Article 20 (see [*Practice Note, Digital Copyright Directive: Member State Implementation: Appropriate and Proportionate Remuneration, Transparency, and Contract Adjustment Mechanism, Article 19: Transparency Obligation*](https://www.westlaw.com/Document/I93217c46c32311ed8636e1a02dc72ff6/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)#co_anchor_a505949) and [*Article 20: Contract Adjustment Mechanism*](https://www.westlaw.com/Document/I93217c46c32311ed8636e1a02dc72ff6/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.Default)#co_anchor_a840706)). Article 21 states that representative organisations of authors and performers may initiate the procedure at the request of one or more authors or performers.

**Jurisdiction-Specific Implementation of Article 21**

**Estonia**

The Estonian law implementing Article 21 closely corresponds with the text of the Directive (section 87, subsection 1, clause 4, [*Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current), RT I 1992, 49, 615 (*Autoriõiguse seadus*) (Estonian Copyright Act)).

The [*Estonian Copyright Committee*](https://www.epa.ee/en/copyright/copyright/copyright-committee) acts as a conciliation body under Article 21 of the Directive.

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**Article 22: Right of Revocation**

Article 22(1) of the Directive requires member states to ensure that an author or a performer who has transferred or licensed their rights in a work or other protected subject matter on an exclusive basis can revoke, in whole or in part, the licence or the transfer of rights where there is a lack of exploitation of the work or other protected subject matter.

The first paragraph of Article 22(2) states that member states may provide specific additional provisions for the revocation mechanism, taking into account:

1. The specificities of the different sectors and the different types of works and performances (*Article 22(2)(a), Directive*).
2. Where a work or other subject matter contains the contribution of more than one author or performer, the relative importance of the individual contributions, and the legitimate interests of all authors and performers affected by the application of the revocation mechanism by an individual author or performer (*Article 22(2)(b), Directive*).

Under the second, third, and fourth paragraphs of Article 22(2), member states may also:

1. Exclude works or other subject matter from the application of the revocation mechanism if the works or other subject matter usually contain contributions of a plurality of authors or performers.
2. Provide that the revocation mechanism can only apply within a specific time frame, where this restriction is justified by the specificities of the sector or of the type of work or other subject matter concerned.
3. Provide that authors or performers can choose to terminate the exclusivity of the contract instead of revoking the licence or transfer of the rights.

Member states shall provide that the revocation provided for in Article 22(1) can be exercised only after a reasonable time after the conclusion of the licence or the transfer of the rights. The author or performer must notify the person to whom the rights have been licensed or transferred and set an appropriate deadline by which the exploitation of the licensed or transferred rights is to take place. After the expiry of that deadline, the author or performer may choose to terminate the exclusivity of the contract instead of revoking the licence or the transfer of the rights (*Article 22(3), Directive*).

If the lack of exploitation is predominantly due to circumstances that the author or the performer can reasonably be expected to remedy, then the right of revocation does not apply (*Article 22(4), Directive*).

Member states may provide that any contractual provision derogating from the revocation mechanism provided for in Article 22(1) is enforceable only if it is based on a collective bargaining agreement (*Article 22(5), Directive*).

**Jurisdiction-Specific Implementation of Article 22**

**Estonia**

The Estonian laws implementing Article 22 closely correspond with the text of the Directive.

Specifically, Estonia has implemented Article 22 as follows:

1. Article 22(1) of the Directive was implemented through section 493(1) of the amended [*Estonian Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current).
2. Article 22(2) of the Directive was implemented through section 493(3) and (4) of the amended Estonian Copyright Act.
3. Article 22(3) of the Directive was implemented through section 493(2) and (3) of the amended Estonian Copyright Act.
4. Article 22(4) of the Directive corresponds to the principle established in section 101(3) of the [*Estonian Law of Obligations Act*](https://www.riigiteataja.ee/en/eli/506112013011/consolide), RT I 2001, 81, 487 (*Võlaõigusseadus*).
5. Article 22(5) of the Directive was implemented through section 494(2) of the amended Estonian Copyright Act.

Article 22(2) of the Directive states that member states may provide that the revocation mechanism can only apply within a specific time frame. Section 493 of the amended Estonian Copyright Act does this by stating that an author or performer can partially or fully cancel an exclusive licence agreement or a contract on the transfer of economic rights entered into for the use of a work or performance, or withdraw from this contract, if the work or performance has not been put into use within two years after the transfer of the rights or grant of authorisation for the exercise of the rights.

The parties can also agree contractually on a different term of commencement for the use of a work or performance, but this term cannot be longer than five years after the transfer of the rights to the user or grant of authorisation for exercising such rights.

For a work created by two or more authors as a result of their joint creative activity, the right to cancel or withdraw from the contract can only be exercised jointly by the joint authors who have contributed significantly to the creation of the work. However, where a work consists of parts, each of which has independent meaning, each co-author can cancel or withdraw from the contract independently, if this does not prejudice the interests of using the work as a whole.

For a performance by a group of persons collectively, the joint performers who have significantly contributed to the creation of the performance can only exercise the right to cancel or withdraw form contract jointly, if this does not prejudice the interests of using the performance as a whole.

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**Article 23: No Binding Force of Contractual Diverging Clauses**

Article 23 requires member states to ensure that any contractual provision that prevents compliance with Articles 19, 20, and 21 will be unenforceable in relation to authors and performers (*Article 23(1), Directive*).

Also, it requires member states to provide that Articles 18 to 22 of the Directive do not apply to authors of a computer program within the meaning of Article 2 of [*Directive 2009/24/EC*](https://www.westlaw.com/Document/I614f4739640411e598dc8b09b4f043e0/View/FullText.html?originationContext=document&vr=3.0&rs=cblt1.0&transitionType=PLDocumentLink&billingHash=874DA29A848FE6AC74FDE85753B77BEAD3A3B97457E3D2750D7D8AD5941E7C72&contextData=(sc.Default)) on the legal protection of computer programs (*Article 23(2), Directive*).

**Jurisdiction-Specific Implementation of Article 23**

**Estonia**

The Estonian laws implementing Article 23 of the Directive closely correspond with the text of the Directive.

Article 23(1) of the Directive was implemented through section 494(2) and section 87(13) of the [*Estonian Copyright Act*](https://www.riigiteataja.ee/en/eli/ee/519062017005/consolide/current).

Article 23(2) of the Directive was implemented through section 494(3) of the Estonian Copyright Act.

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