



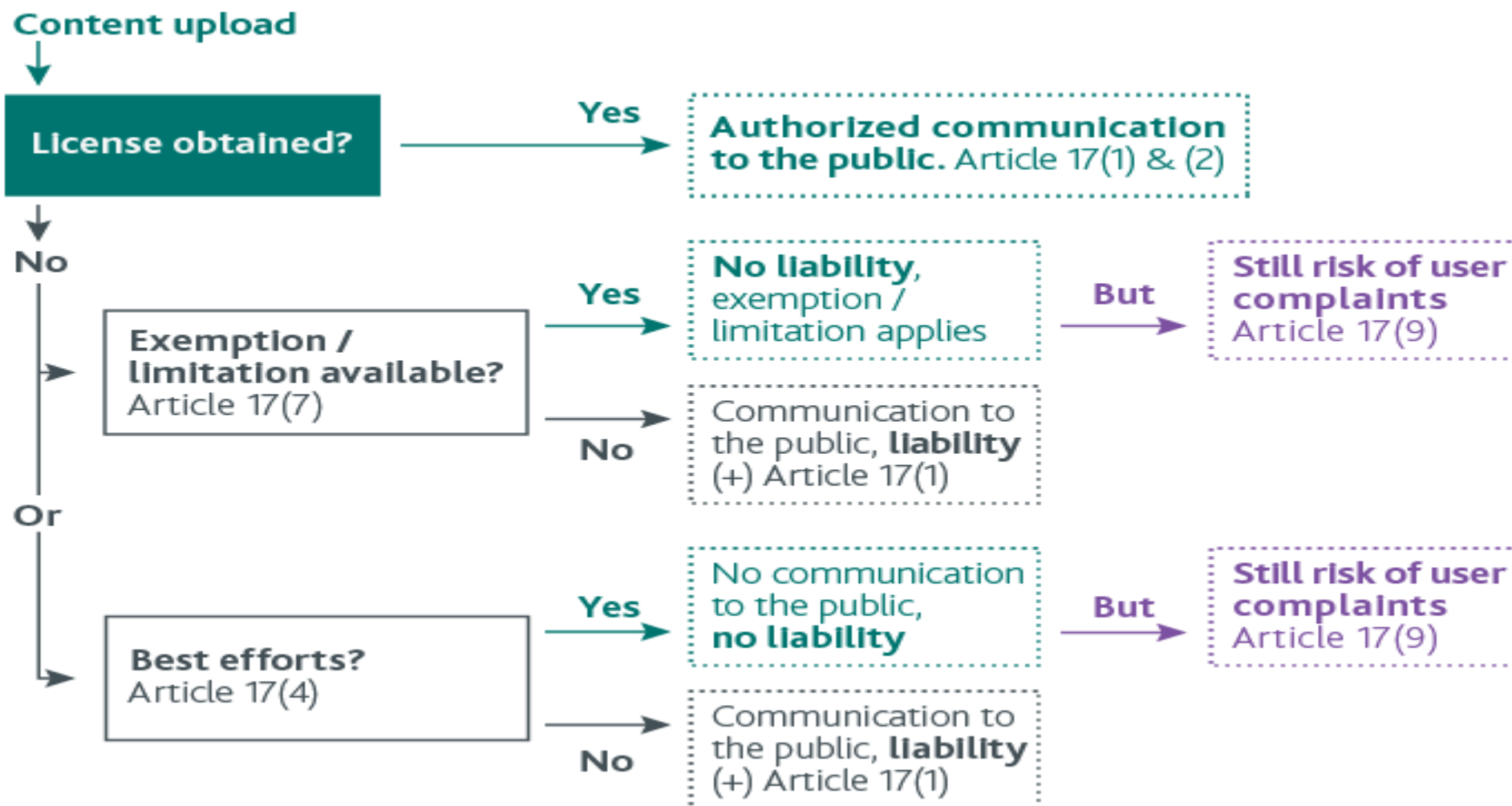
## The obligations of the online content-sharing service providers – Article 17 of the Directive 790/2019

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Are they properly structured from the perspective of EU law ?

Karol Kościński

## The relations between rightsholders and online content sharing service providers

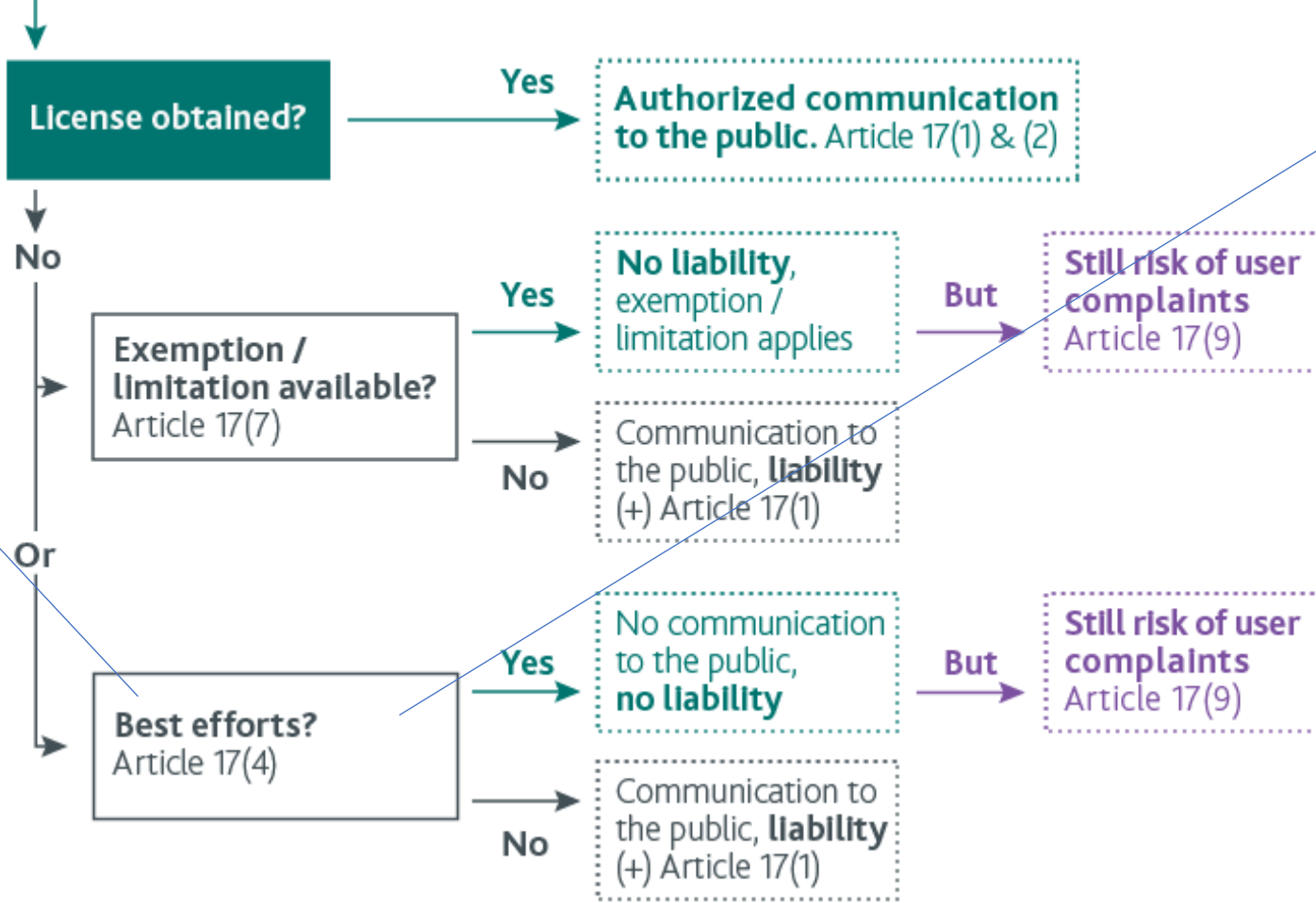


## The relations between rightsholders and online content sharing service providers – current Moldovan legal framework

Article 64 (2) of the  
Copyright Law

- unpractical/  
unclear criteria of  
assessment  
(e.g. proportionality,  
market practices in  
the sector);
- too low level of  
expectations from  
the providers.

Content upload



Article 64 (5) of the  
Copyright Law

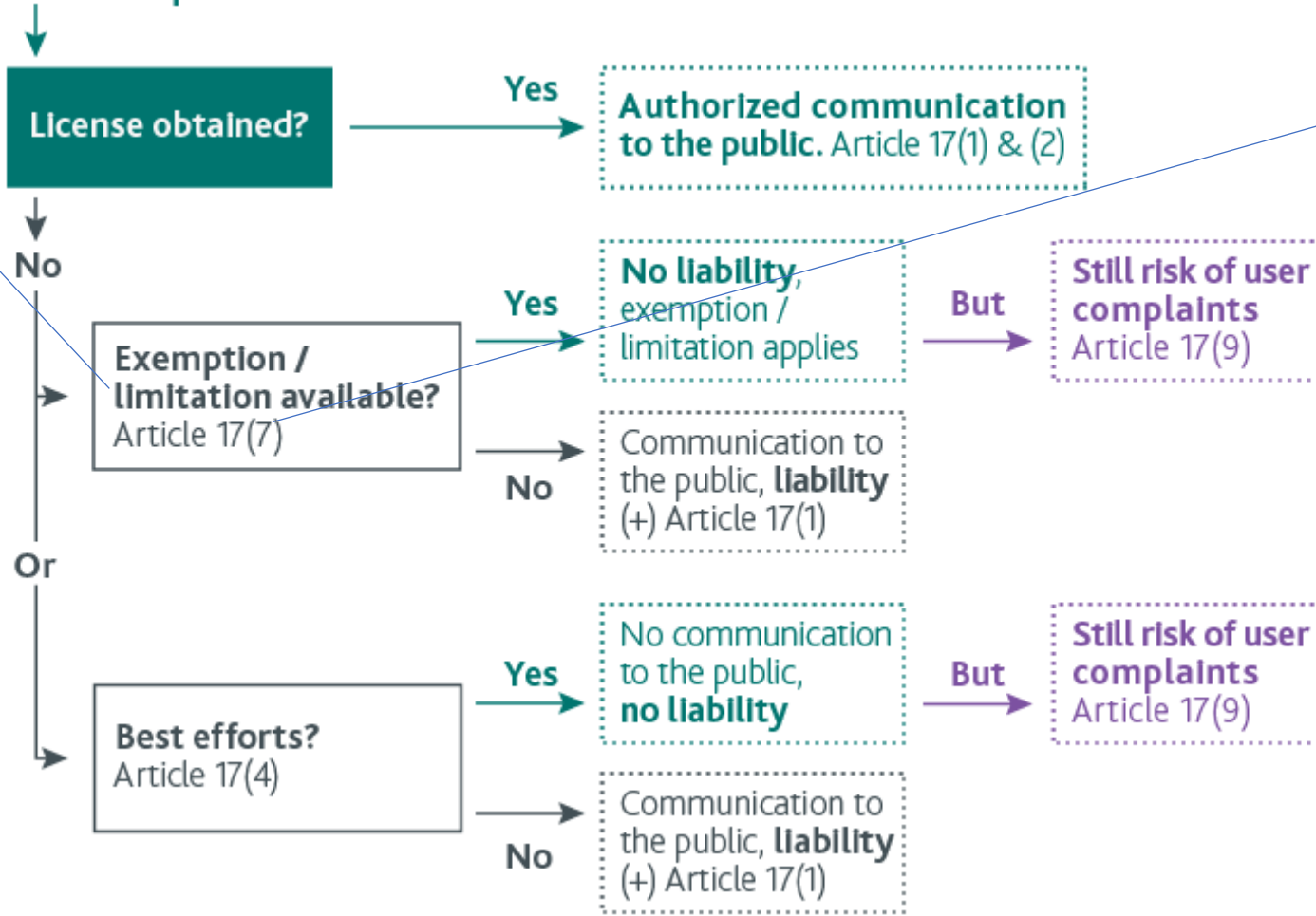
- additional, vague  
criteria for  
rightsholders to  
remove/ disable  
access to content;
- assesement of those  
criteria in the hands of  
the providers.

## The relations between rightsholders and online content sharing service providers – current Moldovan legal framework

Article 65 (5) – (6) of  
the Copyright Act

- regulate how the providers are supposed to use the content recognition tools and then assess the results of such recognition;
- another set of vague and unnecessary criteria.

Content upload



Article 65 (1) and (3) –  
(7) of the Copyright Act

- some provisions are superfluous and do not bring any additional legal value
- relation between the provisions is unclear.

## The relations between rightsholders and online content sharing service providers – current Moldovan legal framework

Article 66 (3) of the  
Copyright Act

does not introduce an  
obligation to ensure  
that user complaints  
are subject to human  
review as part of the  
resolution process.

Content upload



License obtained?

Yes

Authorized communication  
to the public. Article 17(1) & (2)

No

Exemption /  
limitation available?  
Article 17(7)

Yes

No liability,  
exemption /  
limitation applies

But

Still risk of user  
complaints  
Article 17(9)

No

Communication to  
the public, **liability**  
(+) Article 17(1)

Or

Best efforts?  
Article 17(4)

Yes

No communication  
to the public,  
**no liability**

But

Still risk of user  
complaints  
Article 17(9)

No

Communication to  
the public, **liability**  
(+) Article 17(1)

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