



C/2024/7142

9.12.2024

**Judgment of the Court (First Chamber) of 17 October 2024 (request for a preliminary ruling from the  
Bundesgerichtshof – Germany) – Sony Computer Entertainment Europe Ltd v Datel Design and  
Development Ltd, Datel Direct Ltd, JS**

**(Case C-159/23, <sup>(1)</sup> Sony Computer Entertainment Europe)**

***(Reference for a preliminary ruling – Intellectual property – Copyright and related rights – Legal protection  
of computer programs – Directive 2009/24/EC – Article 1 – Scope – Forms of expression of a computer  
program – Concept – Article 4(1)(b) – Alteration of a computer program – Change of the content of the  
variables stored in the computer’s RAM and used during the running of the program)***

(C/2024/7142)

Language of the case: German

**Referring court**

Bundesgerichtshof

**Parties to the main proceedings**

*Applicant:* Sony Computer Entertainment Europe Ltd

*Defendants:* Datel Design and Development Ltd, Datel Direct Ltd, JS

**Operative part of the judgment**

Article 1(1) to (3) of Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs

must be interpreted as meaning that the content of the variable data transferred by a protected computer program to the RAM of a computer and used by that program in its running does not fall within the protection conferred by that directive, in so far as that content does not enable such a program to be reproduced or subsequently created.

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<sup>(1)</sup> OJ C 223, 26.6.2023.