



C/2025/1214

3.3.2025

**Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on
14 November 2024 – Anne Frank Fonds v Anne Frank Stichting, Koninklijke Nederlandse Akademie
van Wetenschappen, Vereniging voor Onderzoek en Ontsluiting van Historische Teksten**

(Case C-788/24, Anne Frank Fonds)

(C/2025/1214)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Anne Frank Fonds

Defendants: Anne Frank Stichting, Koninklijke Nederlandse Akademie van Wetenschappen, Vereniging voor Onderzoek en Ontsluiting van Historische Teksten

Questions referred

1. Is Article 3(1) of the Copyright Directive ⁽¹⁾ to be interpreted as meaning that the publication of a work on the internet is only to be regarded as a communication to the public in a particular country if the publication is addressed to the public in that country? If so, what factors must be considered in assessing that?
2. Can there be a communication to the public in a particular country if, by means of (state-of-the-art) geo-blocking, it is ensured that the website on which the work is published can only be accessed by the public in that country by circumventing the blocking measure using a VPN or similar service? Is the extent to which the public in the blocked country is willing and able to access the website in question via such a service of relevance in that respect? In answering this question, does it make any difference whether, in addition to the measure of geo-blocking, other measures were taken to impede or discourage public access to the website in the blocked country?
3. If the possibility of circumventing the blocking measure entails the communication of the work published on the internet to the public in the blocked country within the meaning of Article 3(1) of the Copyright Directive, is that communication made by the party who published the work on the internet, even though knowledge of that communication requires the intervention of the provider of the VPN or similar service in question?

⁽¹⁾ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10).