

1. In interpreting national law, is account to be taken of the directive in respect of events which occurred after the directive entered into force on 22 June 2001, but before it became applicable on 22 December 2002?
2. Do reproductions effected by means of printers constitute reproductions effected by the use of any kind of photographic technique or by some other process having similar effects within the meaning of Article 5(2)(a) of the directive?
3. If Question 2 is answered affirmatively: can the requirements laid down in the directive relating to fair compensation for exceptions or limitations to the right of reproduction under Article 5(2) and (3) of the directive, having regard to the fundamental right to equal treatment under Article 20 of the EU Charter of Fundamental rights, be fulfilled also where the appropriate reward must be paid not by the manufacturers, importers and traders of the printers but by the manufacturers, importers and traders of another device or several other devices of a chain of devices capable of making the relevant reproductions?
4. Does the possibility of applying technological measures under Article 6 of the directive abrogate the condition relating to fair compensation within the meaning of Article 5(2)(b) thereof?
5. Is the condition relating to fair compensation (Article 5(2)(a) and (b) of the directive) and the possibility thereof (see recital 36 in the preamble to the directive) abrogated where the rightholders have expressly or implicitly authorised reproduction of their works?

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(<sup>1</sup>) OJ 2001 L 167, p. 10.

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**Reference for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 5 September 2011 — Verwertungsgesellschaft Wort (VG Wort) v Canon Deutschland GmbH**

**(Case C-458/11)**

(2011/C 362/16)

*Language of the case: German*

**Referring court**

Bundesgerichtshof

**Parties to the main proceedings**

*Applicant:* Verwertungsgesellschaft Wort (VG Wort)

*Defendants:* Canon Deutschland GmbH

**Questions referred**

The following questions concerning the interpretation of Directive 2001/29/EC (<sup>1</sup>) 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 are hereby referred to the Court of Justice of the European Union for a preliminary ruling:

1. In interpreting national law, is account to be taken of the directive in respect of events which occurred after the directive entered into force on 22 June 2001, but before it became applicable on 22 December 2002?
2. Do reproductions effected by means of printers constitute reproductions effected by the use of any kind of photographic technique or by some other process having similar effects within the meaning of Article 5(2)(a) of the directive?
3. If Question 2 is answered affirmatively: can the requirements laid down in the directive relating to fair compensation for exceptions or limitations to the right of reproduction under Article 5(2) and (3) of the directive, having regard to the fundamental right to equal treatment under Article 20 of the EU Charter of Fundamental rights, be fulfilled also where the appropriate reward must be paid not by the manufacturers, importers and traders of the printers but by the manufacturers, importers and traders of another device or several other devices of a chain of devices capable of making the relevant reproductions?
4. Does the possibility of applying technological measures under Article 6 of the directive abrogate the condition relating to fair compensation within the meaning of Article 5(2)(b) thereof?
5. Is the condition relating to fair compensation (Article 5(2)(a) and (b) of the directive) and the possibility thereof (see recital 36 in the preamble to the directive) abrogated where the rightholders have expressly or implicitly authorised reproduction of their works?

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(<sup>1</sup>) OJ 2001 L 167, p. 10.