INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Order of the Court (Ninth Chamber) 21 October 2014 — BestWater International

(Case C-348/13)[1]

(Reference for a preliminary ruling — Approximation of laws — Copyright and related rights — Directive 2001/29/EC — Information society — Harmonisation of certain aspects of copyright and related rights — Article 3(1) — Communication to the public — Definition — Internet links giving access to protected works — Use of the 'framing' technique)

1. *Questions referred for a preliminary ruling — Questions the answer to which may be clearly deduced from the Court's existing case-law — Application of Article 99 of the Rules of Procedure (Rules of Procedure of the Court of Justice, Art. 99) (see para. 12)*

2. *Approximation of laws — Copyright and related rights — Directive 2001/29 — Harmonisation of certain aspects of copyright and related rights in the information society — Communication to the public — Concept — Making available to the public, on a website, by means of clickable links to works freely available on another website — Not included — Use of the 'framing' technique to insert into a website a work recovered from another site — No effect (European Parliament and Council Directive 2001/29, Art. 3(1)) (see paras 14-19, operative part)*

Operative part

The mere fact that a protected work, freely available on an internet site, is inserted into another internet site by means of a link using the 'framing' technique, such as that used in the case in the main proceedings, cannot be classified as 'communication to the public' within the meaning of Article 3(1) of 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, since the work at issue is not transmitted to a new public or communicated a specific technical method different from that of the original communication.

1 — OJ C 325, 9.11.2013