

SUMMARY

ECJ 6 March 2025, case C-575/23 (OND and Others), miscellaneous

FT, AL, ON – v – Belgian State, Orchestre national de Belgique (ONB), Belgian case

Summary

Directive 2001/29 on copyright precludes the assignment, by means of a regulatory act, of the exclusive rights in the absence of prior consent from the rightsholders, such as employees.

Question

Must Article 2(b) and Article 3(2)(a) of Directive 2001/29, and Article 3(1)(b), Article 7(1), Article 8(1) and Article 9(1)(a) of Directive 2006/115, on the one hand, and Articles 18 to 23 of Directive 2019/790, on the other, be interpreted as precluding national legislation which provides for the assignment, by means of a regulatory act, for the purpose of exploitation by the employer, of the related rights of performers engaged under an administrative law statute, in respect of the performances carried out in the context of their service to that employer, without prior consent?

Ruling

Article 2(b) and Article 3(2)(a) of Directive 2001/29, and Article 3(1)(b), Article 7(1), Article 8(1) and Article 9(1)(a) of Directive 2006/115 must be interpreted as precluding national legislation which provides for the assignment, by means of a regulatory act, for the purpose of exploitation by the employer, of the related rights of performers engaged under an administrative law statute, in respect of the performances carried out in the context of their service to that employer, without the prior consent of those performers.

Creator: European Court of Justice (ECJ)

Verdict at: 2025-03-06

Case number: C-575/23