

Court of Justice EU, 18 March 2010, Hotelier



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Communication to the public

- The hotelier, by installing televisions in his hotel rooms and by connecting them to the central antenna of the hotel, thereby, and without more, carries out an act of 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.

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The hotelier, by installing televisions in his hotel rooms and by connecting them to the central antenna of the hotel, thereby, and without more, carries out an act of 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.

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(...)

Order of the Court (Seventh Chamber) of 18 March 2010 (reference for a preliminary ruling from the Arios Pagos - Greece) - Organismos Sillogikis Diakhrisis Dimiourgon Theatrikon kai Optikoakoustikon Ergon v Divani Acropolis Hotel and Tourism AE (Case C-136/09) 1

(Article 104(3) of the Rules of Procedure - Copyright and related rights in the information society - Directive 2001/29/EC - Article 3 - Concept of 'communication to the public' - Works communicated by means of television sets installed in hotel rooms

Language of the case: Greek

Referring court

Arios Pagos

Parties to the main proceedings

Applicant: Organismos Sillogikis Diakhrisis Dimiourgon Theatrikon kai Optikoakoustikon Ergon

Defendant: Divani Acropolis Hotel and Tourism AE

Intervener in support of the defendant: Hellenic Chamber of Hotels

Re:

Reference for a preliminary ruling - Arios Pagos - Interpretation 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 (OJ 2001 L 167, p. 10) - Concept of 'communication to the public' - Works transmitted by means of television sets installed in hotel rooms and connected to the central antenna of the hotel with no other action by the hotel to ensure reception of a signal by hotel customers

Operative part of the order