

YouTube's landmark Copyright win

In the long-running battle between Europe's \$1 trillion creative industry and online platforms, the European Court of Justice ruled that Google's YouTube and other online platforms are not liable for copyright-infringing works uploaded by users.

The Court found that *“operators of online platforms do not, in principle, themselves make a communication to the public of copyright-protected content illegally posted online by users of those platforms”*.

However, such platforms could still be liable under certain conditions:

- *“those operators do make such a communication in breach of copyright where they contribute, beyond merely making those platforms available, to giving access to such content to the public”;*
- *“has specific knowledge that protected content is available illegally on its platform and refrains from expeditiously deleting it or blocking access to it.”;*
- *“refrains from putting in place the appropriate technological measures ... in order to counter credibly and effectively copyright infringements on that platform”;* OR
- *“participates in selecting protected content illegally communicated to the public, provides tools on its platform specifically intended for the illegal sharing of such content or knowingly promotes such sharing”,*

This judgment arose from the Joined Cases C 682/18 (Youtube) and C 683/18 (Cyando).

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