

**IPI/BLACA SEMINAR
LONDON, 21 October 2009**

THE THREE STEP TEST: ACHIEVING A BALANCE

The test under the German author's right law

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OUTLINE

- 1. The legal concept of exceptions under the German Law on Author's Right ("UrhG")**
 - a. Catalogue of exceptions (§§ 44a – 63a UrhG)
 - b. Nature of exceptions

- 2. The three step test in German law**
 - a. Adherence to the Stockholm/Paris Acts of the Berne Convention
 - b. Implementation of the EC Copyright Directive (2001/29/EC)

- 3. Case law**
 - a. CB Infobank I
BGH NJW 1997,1363
 - b. "Elektronischer Pressespiegel" (Electronic Press Review)
BGHZ 151,300
 - c. "Kopienversanddienst" (Copy Dispatch Service)
BGHZ 141,13

- 4. Conclusion**