



Press and Information

Court of Justice of the European Union

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Judgment in Case C-299/17

VG Media Gesellschaft zur Verwertung der Urheber- und  
Leistungsschutzrechte von Medienunternehmen mbH v Google LLC

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**A German provision prohibiting internet search engines from using newspaper or magazine snippets without the publisher's authorisation must be disregarded in the absence of its prior notification to the Commission**

*That provision constitutes a rule on information society services and, therefore, a 'technical regulation' the draft of which is subject to prior notification to the Commission*

VG Media, a German copyright management organisation, brought an action for damages against Google before the Landgericht Berlin (Regional Court, Berlin, Germany) claiming that Google infringed rights related to copyright of some of its members, namely publishers of newspapers or magazines. It claims that since 1 August 2013 Google has used, on its search engine and its automated news site 'Google News', newspaper or magazine snippets (short excerpts or short summaries of newspaper or magazine articles which may be accompanied by images) produced by VG Media's members without paying a fee in return.

The Landgericht Berlin expresses doubts as to whether VG Media may rely vis-à-vis Google on **the relevant German provision which took effect on 1 August 2013 and which aims to protect publishers of newspapers or magazines.**

That provision **prohibits only commercial operators of search engines** (and commercial service providers that similarly publish content) **from making newspapers or magazines or parts thereof, excluding individual words and very short text excerpts, available to the public.**

**The Landgericht Berlin seeks to ascertain whether such a provision constitutes a 'technical regulation' within the meaning of Directive 98/34 concerning technical standards and regulations,<sup>1</sup> which should, accordingly, have been notified to the Commission in order for it to be enforceable against individuals.**

**In today's judgment, the Court of Justice answers in the affirmative.**

A provision such as that at issue constitutes a rule on information society services and, therefore, a 'technical regulation'.

That provision specifically targets the services in question since it appears that its main aim and object was to protect publishers of newspapers and magazines against copyright infringements by online search engines. In that context, protection appears to have been considered necessary only for systematic infringements of works of online publishers by information society service providers.

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<sup>1</sup> Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ 1998 L 204, p. 37), as amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 (OJ 1998 L 217, p. 18). That directive was repealed by Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ 2015 L 241, p. 1), which came into force on 7 October 2015 which was subsequent to the events at issue.

**In so far as such a rule is specifically aimed at information society services, the draft technical regulation must be subject to prior notification to the Commission. Failing that, an individual may rely on it being disapplied.**

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**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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