

The Portability Regulation - cross-border portability of online content

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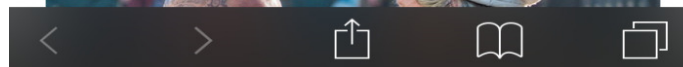


The Netflix-addicted Nordics are the undisputed streaming kings of Europe

Tom Turula

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Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on ensuring the cross-border portability of online content services in the internal
market
COM(2015)627 final



Main provisions



- An obligation to provide cross-border access to an online content service which is provided against payment of money (Article 3(1)).
- The service shall be deemed to occur where subscriber usually resident (Article 4).
- Override of contractual provisions, including between copyright holders and service providers (Article 5).
- Same quality of service not required (Article 3(2-3)).
- 12 months grace period for preparations and evaluations by three-year intervals (Articles 7a and 8).

Some outstanding issues

- What does "temporarily present" mean?
- How will Member State of residence be verified (Article 3B(2))?



What can content owners and providers do to prepare?

- Review of contracts.
 - How to verify the Member State of residence of a subscriber – cross-border access granted only for temporary stay.
 - Other matters, e.g. level of quality to expect upon cross-border access.
- Technical measures needed?



THANK
YOU!



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