

## 2025–2026 Highlights

In the new update, a number of changes and additions are worth mentioning. First, the chapter on **Singapore** was enriched by new parts on performers' protection and criminal proceedings; in addition, it may be interesting to read that Singapore also provides, in certain cases, for statutory remuneration rights in context with permitted uses.

In **Poland**, the EU's Online Satellite and Cable Directive and the Directive on the Digital Single Market of 2019 were finally transposed, after Poland had—without success—questioned before the European Court of Justice the compatibility of some of the new rules on online content service providers (in particular user uploaded platforms) with, among others, the fundamental right of free expression. The implementation was close to the text of the Directive, without any particular, “creative” way of implementation. Major updates have also been made to the **Swedish chapter** to include, in particular, the implementation of the EU's Directives of 2019.

Also, the **Russian Federation** amended its law by introducing new rules on orphan works, allowing CMOs to grant non-exclusive licenses for remuneration for authors, performers, and phonogram producers for certain uses of their orphan literary works and works of visual arts, applied art, photography and analogous works, as well as music with or without lyrics, performances and phonograms. The application of this new legislation is pending, requiring the adoption of additional regulations. Another important amendment of the law concerns the calculation of compensation for the violation of exclusive rights, among others extending the maximum amount of damages for violations of copyright and technical protection measures. Interestingly, there is a presumption that the activity of the person who created an output that corresponds to the formal characteristics of a work is of a creative nature. Also, case law on quotation confirmed that the use of a work as a mere illustration in a book is not sufficient for a quotation; for a parody, a court held that it presupposes that an existing work is used to create a derivative work; this was not the case where an object of fine art was used as the background of a movie theater.

In **Korea**, in an unusual move, the government, in a Guide to Copyright of Choreographic Works, recognized dance sequences as copyrightable, though the issue of copyrightability should be for the judiciary to decide. However, the government thereby aims at promoting a stable market for serial dance, being a

decisive part of K-Culture. As to case law, the first case applying the new fair use rules is to be noted. An institution responsible for examinations in Korea had uploaded examinations and protected material on a website without consent of the authors. The Supreme Court denied fair use since a market for school books already existed. As regards the temporal scope of application of law, the Supreme Court interestingly admitted retroactive application of newly enacted provisions that decriminalize acts that were previously considered infringements.

The **Canadian chapter** reports, among other things, about a law extending an exception to TPM protection by allowing circumvention of TPMs for diagnosis, maintenance or repair of products and, in addition, for obtaining information and taking necessary steps to achieve interoperability between computer programs and devices or components containing software. Another major change in legislation concerned proceedings before the Copyright Board, which, as a result, adopted new Copyright Board Rules of Practice and Procedures. These are more comprehensive than the previous ones, provide stricter deadlines and requirements, i.e. on CMOs (e.g., on the grounds for their tariffs and the proposed royalty rates) and clarify how non-parties to the proceeding can intervene therein. Overall, the measures aim at making proceedings more efficient and reducing delays.

Furthermore, court cases on the employer's copyright, exceptions, illegal streaming of live sports broadcasts, statutory damages for illegal online platforms commercializing public TV programs are worth mentioning.

The **Danish update** reports in particular about a decision by the Danish Supreme Court on private copy remuneration regarding certain built-in storage devices like smartphones, tablets, and computers and about the introduction of a parody exception, which only codifies the pre-existing non-statutory parody principle.

In the **US chapter**, the update concerns in particular new draft bills (among others, on voice protection against AI use) and new case law; similarly, smaller updates have been made to the **Argentinian, German, Italian and Indian chapters**.