

## European Union

### “VCAST”

#### Decision of the European Court of Justice (Third Chamber) 29 November 2017 – Case No. C-265/16

*VCAST Limited v. RTI SpA*

Directive 2001/29/EC, Arts. 3(1), 5(2)(b)

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**Keywords** Private copying exception · Communication to the public · Cloud computing · Service provider · Remote video recording · Consent

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, in particular Article 5(2)(b) thereof, must be interpreted as precluding national legislation which permits a commercial undertaking to provide private individuals with a cloud service for the remote recording of private copies of works protected by copyright, by means of a computer system, by actively involving itself in the recording, without the rightholder’s consent.