

The EU-court entitled NJORD's client MIRCOM in cases of file sharing

On 17 June 2021, the European Court of Justice rendered their decision in case C-597/19, which concerns NJORD's client MIRCOM and other key elements of the process in file sharing cases. The judgement sets out four very important aspects that will be important for the future case law regarding file sharing within the EU.



WHAT DOES THE EU-JUDGEMENT CONCLUDE?

In case C-597/19, the EU-court has ruled as follows for NJORD's client MIRCOM:

1. that MIRCOM, as a specialised company, has the right to legal standing to bring proceedings (right to act), paragraphs 61, 62, 68, 69, 76, 77, 79, 80, 82, 83, 84, 95 and 96.
2. that specialised companies (such as MIRCOM and CMS) should not be treated less favorably under the EU law than the film producers' own enforcement, paragraph 77.
3. that downloading parts of a work constitutes a copyright infringement, paragraphs 32, 42, 43, 45 and 57.
4. that the storage and processing of personal data in file sharing cases is compatible with the General Data Protection Regulation, paragraphs 97, 106, 109 and 110.

WHAT DOES THE EU-JUDGEMENT ENTAIL?

It is a concrete and principal decision that deals with many aspects of file sharing cases. Due to the clear decision of the European Court of Justice, it can be concluded that civil lawsuits are and have always been in accordance with EU law and Danish law.

We hope that the clear message from the European Court of Justice will be read and spread, and that we can once again focus on the fact that piracy of films is not legal and that lawyers who assist the rights holders, together with the police and other authorities, play an important role in society.

- Lars Lokdam, Managing Partner, NJORD Law Firm

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