[NL] Damages for Electronic Rights Infringement

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On 22 December 1999, the Amsterdam Court awarded damages to three freelance journalists whose newspaper articles had been republished in electronic form without their permission. For several years, newspaper publisher De Volkskrant had posted a selection of articles from its printed version on its Internet web site, and had produced quarterly CD-ROM compilations containing all newspaper copy in full-text. De Volkskrant was ordered to pay 3 % of the journalists' annual honorarium for each initial year of web site republication, and 1,5 % for each subsequent year. For CD-ROM uses the percentages were set at 4 % and 2 % respectively.

In an earlier decision (see IRIS 1997-10: 6), the Court had ruled that the unauthorised republication of articles on CD-ROM and via the World Wide Web amounted to copyright infringement. According to the Court, such electronic uses constitute restricted acts, subject to the right holders' authorisation. The Court rejected the argument put forward by De Volkskrant, that the journalists had tacitly granted permission for electronic uses by submitting their articles for publication in the journal.

Rechtbank Amsterdam 22 December 1999, no. H99.1468 (Heg c.s. v. De Volkskrant).

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