[NL] Systematical Deeplinking Not Prohibited

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Several daily newspapers published by PCM Uitgevers (PCM Publishers) have a web site on the Internet, which contains a selection of news reports and articles originating from their published newspapers. Each of these reports and articles has a title and the homepage of every newspaper contains a complete list of titles that are inserted on the web site. Eureka, a company that provides internet services, has a web site at "www.kranten.com" ("kranten" means newspapers). One of the web pages of this site contains the names of the daily newspapers and also a list (updated daily) of the titles of reports and articles placed on the web site of these newspapers. The titles and title lists on Eureka's site correspond with the ones on the site of the daily newspapers. These titles and lists inserted by Eureka are deeplinks: when you click on the title, you will be directly transferred to the corresponding page on the site of the relevant newspaper, passing over the homepage of the newspapers web site.

According to The President of the District Court of Rotterdam, PCM Uitgevers has not invested substantially in publishing the newspaper titles. Therefore, there has not been a violation of the Databankenwet (Database Act). Neither is the systematic offering of lists of articles by way of hyperlinks in conflict with the Auteurswet 1912 (Copyright Act 1912), because under the Auteurswet 1912 it is permitted to present a summary of reports and articles originating from several daily newspapers in this manner. At the same time the "linking" did not take place by "framing", therefore the course of action taken by Eureka is not unlawful. The President is of the opinion that the service offered by Eureka does not interfere with the exploitation of web sites by PCM Uitgevers. According to the President it is not likely that PCM Uitgevers sustains any damage as a result of Eureka's publications.

Judgement of 22 August 2000, case 139609/KG ZA 00-846, PCM Publishers v. Eureka Internet Services.

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