[NL] Dutch Court Recognises “Electronic Rights of Journalists”

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Mediaforum
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On 24 September 1997, the District Court of Amsterdam decided in favour of three Dutch free-lance journalists in ruling that the unauthorised re-publication of articles on CD-ROM and via the World Wide Web amounts to copyright infringement. The Court held, in the first place, that electronic uses such as CD-ROM and Internet are restricted acts, which are subject to the authorization of the rights holders. Secondly, the Court rejected the argument put forward by the defendant, De Volkskrant (a major Dutch newspaper), that the journalists had tacitly granted permission for electronic usages, since they had never previously objected to the storage of their articles for archival purposes.

The Court concluded that the journalists' authors' rights and moral rights had been infringed upon; De Volkskrant was held liable for damages. The decision was hailed by the Dutch Association of Journalists NVJ, who sponsored the proceeding on the journalists' behalf, as a major victory.

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Amsterdam District Court, Judgment of 24 September 1997, no. H97.0627 (Heg c.s. v. De Volkskrant)

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