

**Artículo del Comité de Tecnologías de Información y  
Comunicación AMPPI – Blog AMPPI de Julio 2019  
"Entorno Digital Internacional y la Función de los Tribunales,  
ante nuevas formas de Infracción en Internet (*Linking*) Caso  
*Svensson*."**

**Por: Lic. Alejandro Díaz Morales**

**Bibliografía Seleccionada**

**A) Libros.**

1. Arezzo Emanuela, "*Hyperlinks and Making Available Right in the European Union – What Future for the Internet After Svensson*", (IIC) International Review of Intellectual Property and Competition Law, Springer Berlin Heidelberg, Volume 45, Issue 5, August 2014.
2. Granmar Claes, "*A New Public in the Old World*" / *Liber Amicorum Jan Rosén*, Eddy.se AB, Visby, 2016.
3. Computer Science and Telecommunications Board National Research Council, "*The Digital Dilemma, Intellectual Property in the Information Age*", The National Academy Press, Washington D.C., 2000.
4. Gringras Clive, *et al*, "*The Laws of Internet*" 2<sup>nd</sup> ed., Butterworths LexisNexis, London, 2002.
5. Khare Rohit "It's the World's Biggest Copy Machine", PC Week, United States, January 27, 1997.

**B) Tratados Internacionales y Directivas Europeas.**

1. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).
2. Berne Convention for the Protection of Literary and Artistic Works
3. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market.

4. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society (OJ L 167 , 22/06/2001 P. 0010 – 0019).
5. Directive 2009/24/ EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs.
6. Directiva de Derechos de Autor del Parlamento Europeo y del Consejo sobre los Derechos de Autor y Derechos Afines en el Mercado Único Digital y por la que se modifican las Directivas 96/9/CE y 2001/29/CE.
7. Preamble of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).
8. Preamble of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society (OJ L 167 , 22/06/2001 P. 0010 – 0019).

### **C) Casos.**

1. *A&M Records, Inc. v. Napster, Inc.*, 239 F.3d 1004 (2001).
2. C-348/13 *BestWater International GmbH v Michael Mebes, Stefan Potsch*, ECLI:EU:C:2014:2315.
3. Case C-306/05 *Sociedad General de Autores y Editores de España (SGAE) v Rafael Hoteles S.L.*, ECLI:EU:C:2006:764.  
<http://curia.europa.eu/juris/showPdf.jsf?text=&docid=66355&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1549502>
4. Case C-466/12 *Nils Svensson and Others v Retriever Sverige A*, ECLI:EU:C:2014:76.  
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=147847&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1802117>

5. Case C-306/05 *Sociedad General de Autores y Editores de España (SGAE) v Rafael Hoteles S.L.* ECLI:EU:C:2006:479 / Conclusions.  
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=56493&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=373924>
6. C-160/15 *GS Media BV v Sanoma Media Netherlands BV and others*, ECLI:EU:C:2016:644. Opinion from the Advocate General.  
[http://curia.europa.eu/juris/document/document.jsf?docid=183124&doclang=E\\_N](http://curia.europa.eu/juris/document/document.jsf?docid=183124&doclang=E_N)
7. C-160/15 *GS Media BV v Sanoma Media Netherlands BV and others*, ruling September 8, 2016.  
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=183124&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=711784>
8. C-279/13, *C More Entertainment AB v Linus Sandberg*, ECLI:EU:C:2015:199.  
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=175626&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=940134>

#### **D) Fuentes de Internet:**

1. Association Littéraire et Artistique International (ALAI) "REPORT and OPINION on the making available and communication to the public in the internet environment – focus on linking techniques on the Internet".  
<http://www.alai.org/assets/files/resolutions/201503-hyperlinking-report-and-opinion-2.pdf>
2. Association Littéraire et Artistique International (ALAI) "*REPORT and OPINION on the making available and communication to the public in the internet environment – focus on linking techniques on the Internet*".  
<http://www.alai.org/assets/files/resolutions/201503-hyperlinking-report-and-opinion-2.pdf>
3. Association Internationale pour la Protection de la Propriété Intellectuelle (AIPPI), contributors SZKALEJ Kacper et al., "AIPPI Study Report 2016 – Study Question (Copyright) - Linking and making available on the Internet", April 25, 2016.  
  
[http://aippi.org/wp-content/uploads/2016/05/2016\\_Study\\_Question\\_Copyright\\_Linking\\_and\\_making\\_available\\_on\\_the\\_Internet\\_GroupReport\\_Sweden\\_25-04-2016.pdf](http://aippi.org/wp-content/uploads/2016/05/2016_Study_Question_Copyright_Linking_and_making_available_on_the_Internet_GroupReport_Sweden_25-04-2016.pdf)
4. Bellan Alberto, "Compared to Svensson, GS Media is not that bad after all" October, 4 2016.  
<http://ipkitten.blogspot.mx/2016/10/compared-to-svensson-gs-media-is-not.html>
5. Bellan Alberto and Rosati Eleonora, "*Post-Svensson Stress Disorder #1: Does it matter whether linked content is lawful?*", IPKat blog, February 21, 2014. <http://ipkitten.blogspot.mx/2014/02/post-svensson-stress-disorder-1-does-it.html>
6. Bercovitz, Raul, Bird & Bird, July 27, 2016.

- <http://www.twobirds.com/en/news/articles/2016/spain/linking-and-its-consideration>
7. Bolin Brad and Tysver Daniel A. "Linking and Liability".  
<http://www.bitlaw.com/internet/linking.html>
  8. EUR-Lex Access to European Union Law, Copyright and related rights in the information society, Summary of Directive 2001/29/EC on the harmonization of certain aspects of copyright and related rights in the information society. <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l26053&from=EN>
  9. Garrote Ignacio Javier, "Linking and Framing: A Comparative Law Approach,"  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=280596](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=280596) and  
at  
<https://poseidon01.ssrn.com/delivery.php?ID=209124067117017122018065017093090006056032057016025011126065103123116014021061049007123102051067103098013029015016004037026008104001004073123093090014115005088011010021015092001079112099099126070120084015073106121091114113000024087119065101083&EXT=pdf>
  10. Harvey Nicola "Linking to a 'New Public': Parallels with the Principle of Exhaustion", Faculty of Law, Lund University.  
[http://lup.lub.lu.se/luur/download?func=downloadFile&recordOId=7451304&file\\_OId=7451305](http://lup.lub.lu.se/luur/download?func=downloadFile&recordOId=7451304&file_OId=7451305)
  11. IFPI "The WIPO Treaties: 'Making Available' Right".  
<http://www.ifpi.org/content/library/wipo-treaties-making-available-right.pdf>
  12. International Chamber of Commerce "The freedom of expression and the free flow of information on the Internet", Document No. 373/510, prepared by the ICC Commission on the Digital Economy June, 15 2012.

[www.iccwbo.org/.../ICC-policy-statement-on-the-freedom-of-expression-and-the-free-flow-of-information-on-the-internet](http://www.iccwbo.org/.../ICC-policy-statement-on-the-freedom-of-expression-and-the-free-flow-of-information-on-the-internet) and <http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2012/ICC-policy-statement-on-the-freedom-of-expression-and-the-free-flow-of-information-on-the-Internet/>

13. Malovic Nedim, "*Linking to unlawful content: what will the CJEU say?*", The IPKat blog, January 21, 2016.

<http://ipkitten.blogspot.mx/2016/01/linking-to-unlawful-content-what-will.html>

14. Rosati Eleonora, "*Making available does not mean communication: still on the C More decision*" The IPKat blog, March 31, 2015.

<http://ipkitten.blogspot.mx/2015/03/making-available-does-not-mean.html>

15. Rosén Jan, "*CJEU on New Public*", Medunarodna Autorska Kreativna Konferencija, Croatia, Zagreb 201.

<http://slideplayer.com/slide/4646068/>.

16. Rosén Jan, "*What happened to Svensson and his friends after the CJEU decision?*" The IPKAT blog, December 7, 2014.

<http://ipkitten.blogspot.mx/2014/12/what-happened-to-svensson-and-his.html>

17. World Intellectual Property Organization, "*Intellectual Property on the Internet: A Survey of Issues*", December 2002.

[www.wipo.int/freepublications/en/intproperty/856/wipo\\_pub\\_856.pdf](http://www.wipo.int/freepublications/en/intproperty/856/wipo_pub_856.pdf) and <http://docplayer.net/12254109-Intellectual-property-on-the-internet-a-survey-of-issues.html>

18. World Intellectual Property Organization, Frequently Asked Questions: Internet Domain Names.

<http://www.wipo.int/amc/en/center/faq/domains.html>.

19. World Intellectual Property Organization, WIPO Internet Treaties.

[http://www.wipo.int/copyright/en/activities/internet\\_treaties.html](http://www.wipo.int/copyright/en/activities/internet_treaties.html)

20. World Intellectual Property Organization, Summary of the Berne

Convention for the Protection of Literary and Artistic Works (1886).  
[http://www.wipo.int/treaties/en/ip/berne/summary\\_berne.html#\\_ftn1](http://www.wipo.int/treaties/en/ip/berne/summary_berne.html#_ftn1)

21. World Intellectual Property Organization, WIPO administered treaties.  
<http://www.wipo.int/treaties/en/ip/berne/>
22. World Intellectual Property Organization, *"Guide To The Copyright And Related Rights Treaties Administered By Wipo And Glossary Of Copyright And Related Rights Terms"*.  
[http://www.wipo.int/edocs/pubdocs/en/copyright/891/wipo\\_pub\\_891.pdf](http://www.wipo.int/edocs/pubdocs/en/copyright/891/wipo_pub_891.pdf)
23. World Intellectual Property Organization, WIPO administered treaties. <http://www.wipo.int/treaties/en/ip/wct/>
24. World Intellectual Property Organization, WIPO-Administered Treaties.  
<http://www.wipo.int/treaties/en/ip/wppt/>
25. World Intellectual Property Organization, Summary of the WIPO Performances and Phonograms Treaty (WPPT).  
[http://www.wipo.int/treaties/en/ip/wppt/summary\\_wppt.html](http://www.wipo.int/treaties/en/ip/wppt/summary_wppt.html).
26. World Trade Organization *"Legal Texts: the WTO Agreements"*.  
[http://www.wto.org/english/docs\\_e/legal\\_e/ursum\\_e.htm#Introduction](http://www.wto.org/english/docs_e/legal_e/ursum_e.htm#Introduction)
27. World Trade Organization/ Agreement on Trade-Related Aspects of Intellectual Property Rights.  
[https://www.wto.org/english/tratop\\_e/trips\\_e/t\\_agm0\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm)