

## SUMMARIES

### FALLING OUT OF TWO CHAIRS INTO THE VALUE GAP? ARTICLE 17 OF THE CDSM DIRECTIVE AND THE DIFFICULTIES OF ITS APPLICATION

*Szabolcs Stock*

The paper focuses on the new liability regime set out by Article 17 of the Copyright in the Digital Single Market Directive. Starting from a general conceptual examination of 'general monitoring', the paper examines the relevant CJEU case law in connection with the general monitoring regulation of the E-Commerce, InfoSoc and IPRED Directives. The paper further examines the new rules of the CDSM Directive and the difficulties it carries. Automated monitoring, as one of the main concerns of the new liability rules, is examined in detail from IT perspective as well as punctuality, applicability and an existing method as well. The paper also analyzes the fundamental rights aspects of the new monitoring obligations under Article 17, such as the relation between freedom of expression, the right to freedom of enterprise or data protection and the new liability regime. Lastly, the paper proposes possible ways of compromise between the above mentioned problems and the strict liability rules.

### THE QUALIFICATION OF AI UNDER THE HUNGARIAN COPYRIGHT ACT

*Dr. Péter Gyertyánfy*

The HCA protects AI as software work, and, exceptionally, as database. A copyright use takes place if identifiable works, performances or their parts are transferred to the database during the development of the AI. Data mining as free use is hardly applicable. Due to the excessively high number of works in the learning pattern of AI the individual licensing is not practicable. The products of AI cannot be protectable works or performances under HCA. Prompt engineering can, in extreme cases, result in copyright works. AI aided creation is acceptable if the result is premeditated. The use of the products of AI can lead to harm the cultural market and the education.

## THE COST OF PROTECTION 2. REMUNERATION OF CREATORS OF ARCHITECTURAL CREATIONS AND TECHNICAL ESTABLISHMENTS

*Zoltán Károly Kiss PhD*

The study summarizes the characteristics and jurisprudence of awarding authors who design architectural works and technical structures with the greatest impact in terms of their size and market weight among the visual arts. Comparing the remuneration and fee calculations of the designers of architectural works with the fees of the designers of technical structures, it can be established that there are significant differences between the remuneration of the two circles of authors both in the method of determining the fees and in the amount of the fee amounts. The engineering daily rates for architectural services are 15-20 percent higher than the daily rates for the design of technical structures in all activity categories.