

DSM Directive Survey

Questions for Mediators and Independent Bodies (Article 13)

Section 2.6: Mediation and dispute resolution

Experience with negotiation, mediation and dispute resolution mechanisms (especially Articles 13, 17.9, and 21).

Q131. What disputes or negotiations do you handle under the Directive?

Instructions: Please select all that apply.

1. Article 13 — negotiation mechanism to support the licensing between rightholders and VoD services
2. Article 17.9 — Out-of-court dispute resolution for the settlement of disputes related to the use of copyright-protected content on online content sharing platforms
3. Article 21 — Alternative Dispute Resolution for disputes related to transparency obligations and contract adjustment mechanism for authors and performers

Q132. What is the legal basis (if applicable) and operational structure of your body?

OPEN QUESTION

Q133. [If Q131=1,2] How many cases have you received since the Directive's implementation?

Open numeric

- I don't know

Q134. [If Q131=3] How many cases have you received since the Directive's implementation?

Instructions: Please distinguish between cases received regarding Article 19 transparency disputes and Article 20 contract adjustments.

Open numeric (for Article 19)

Open numeric (for Article 20)

- I don't know

Q135. Based on your industry knowledge, how often do stakeholders come to you for mediation / dispute resolution?

Instructions: Please select one option.

1. Never
2. Rarely
3. Often
4. Always
5. I do not know

Q136. [If Q131=1] What types of licensing negotiations difficulties have most frequently been brought before your body?

OPEN QUESTION

Q138. What suggestions do you have for improving the effectiveness or efficiency of the negotiation / dispute resolution mechanism?

OPEN QUESTION

Section 2.5: Other impacts

The following questions concern the value added by the Directive, as an EU-level intervention, compared to the pre-existing situation in the Member States. Please respond based on your direct experience.

Q126. Based on your experience, please indicate one key benefit or value added by the DSM Directive, if any?

OPEN QUESTION

The following questions concern the efficiency of the Directive and aim to assess the incurred costs of the Directive. Please respond based on your direct experience.

Q127. To what extent has your organisation incurred compliance costs because of the Directive?

Instructions: Please select one option.

1. To a great extent
2. To some extent
3. To a little extent
4. Not at all
5. I don't know

Q128. What is the nature and level of those compliance costs and in relation to which of the Directive's provisions are they incurred?

OPEN QUESTION

The following questions concern the coherence of the Directive and aim to assess to what extent the provisions of the Directive are coherent with other national or international laws.

Q129. How well do the DSM Directive's provisions align with other relevant EU legislation (e.g., GDPR, AI Act, Digital Services Act, Orphan Works Directive)?

Instructions: with 1 being not at all aligned and 5 being fully aligned.

1. Slider: 1 2 3 4 5

Q129_1 [If Q129=1 or 2] Please specify any particular laws where you have noticed alignment or conflict.

OPEN QUESTION

Q130. Have you experienced any legal or practical tensions or conflicts between the DSM Directive as implemented and other national laws in your country?

Instructions: Please select one option.

1. Yes
2. No
3. I don't know

Q130_1 [If Q130=Yes] Please describe the tension or conflict and its impact.

OPEN QUESTION