Foreword

Over the past few years, political and academic attention has focused on the future of copyright at the EU level. Following two decades of piecemeal legislative interventions, which have resulted in a limited harmonization of the copyright laws of EU Member States, a debate has ensued as to the feasibility and desirability of achieving full copyright harmonization. This might be obtained either through an EU copyright code, encompassing a codification of the present body of copyright directives, or by way of a regulation (to be enacted pursuant to new Article 118(1) TFEU) aimed at creating a unitary copyright title.

Thus far, however, no such legislative initiatives have been undertaken. Despite this impasse, the CJEU has been acting in a proactive way, inching towards full harmonization. With its 2009 decision in Case 5/08 *Infopaq*, the Court provided an EU-wide understanding of an important principle of copyright: the originality requirement. The CJEU further elaborated upon this in subsequent case law (notably, Case C-393/09 *Bezpečnostní softwarová asociace*, Joined Cases C-403/08 and C-429/08 *Murphy*, Case C-145/10 *Painer*, Case C-604/10 *Football Dataco* and Case C-406/10 *SAS*).

The meaning of originality adopted by the CJEU as an EU-wide standard is akin to that traditionally envisaged in certain continental Member States' copyright laws, thus differing from the loose notion of originality under UK law. As such, an examination as to the implications of CJEU harmonizing jurisprudence in this Member State shall be undertaken, with regard to the scope of copyright protection and subject-matter categorization.

Overall, the contribution wishes to assess how, and to what extent, CJEU case law has resulted in *de facto* EU copyright harmonization. In addition, it will attempt to foresee the fate of EU copyright in light of copyright reform projects which are currently being discussed in political and academic circles both in the US and Europe.