

## Three-Step-Test

### Ratio:

Restriction of the national legislator to introduce limitation provisions to protect the author from the erosion of his rights

### Origin:

Originally in Art. 9 (2) RBÜ

Later also in Art. 13 TRIPS

From there in Art. 10 (1), (2) WCT as well as Art. 16 (1), (2) WPPT

Finally, in Art. 5 (5) of Directive 2001/29/EG

### Content:

1. Limitation to certain special cases,
2. that do not impair the normal evaluation of the work and
3. not unreasonably prejudice the legitimate interests of the author

Example: Screen and cache copies (+)

(ECJ GRUR 2014, 654 para. 54 et seq. – *PRCA/NLA*)

Movie player with preloaded link lists (-)

(ECJ GRUR 2017, 610 para. 70 et seq. – *Stichting Brein/Wullems*)