

Judgment of the Court (Fifth Chamber) of 8 September 2022 (request for a preliminary ruling from the Supremo Tribunal de Justiça — Portugal) — RTL Television GmbH v Grupo Pestana S.G.P.S., S.A., SALVOR — Sociedade de Investimento Hoteleiro, S.A.

(Case C-716/20) ⁽¹⁾

(Reference for a preliminary ruling — Copyright and related rights — Satellite broadcasting and cable retransmission — Directive 93/83/EEC — Article 1(3) — Concept of ‘cable retransmission’ — Provider of the retransmission not having the status of a cable operator — Simultaneous, unaltered and unabridged distribution of television and radio programmes broadcast by satellite and intended for reception by the public, performed by the operator of a hotel establishment, by means of a satellite dish, a cable and television or radio sets — None)

(2022/C 408/14)

Language of the case: Portuguese

Referring court

Supremo Tribunal de Justiça

Parties to the main proceedings

Applicant: RTL Television GmbH

Defendants: Grupo Pestana S.G.P.S., S.A., SALVOR — Sociedade de Investimento Hoteleiro, S.A.

Operative part of the judgment

Article 1(3) of Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission, read in conjunction with Article 8(1) thereof,

must be interpreted as meaning:

- that it does not provide for an exclusive right for broadcasting organisations to authorise or prohibit cable retransmission, within the meaning of that provision, and
- that the simultaneous, unaltered and unabridged distribution of television or radio programmes broadcast by satellite and intended for reception by the public, where that retransmission is carried out by a person other than a cable operator, within the meaning of that directive, such as a hotel, does not constitute cable retransmission.

⁽¹⁾ OJ C 110, 29.3.2021.