

BART VAN BESIEN

Attorney at law

IP / IT / internet & media

Sirius Legal

Belgium - EU

- **Intellectual property law** (copyright, trademarks, design law, image rights, software protection, IP portfolio management),
- **Internet and media law** (domain names, e-commerce, advertising law, freedom of expression, audio-visual media & broadcasting law),
- **Privacy & data protection law**,
- **Law & the arts** (photography & visual arts, music, performing artists, television and film productions, entertainment law, publishing, designers incl. in fashion and furniture),
- **Sports law**,
- **Telecom law** (including cable & satellite reception, terrestrial networks, numbering, etc.),
- **Law & the sharing economy** (including platform agreements and regulatory compliance),
- **Commercial contract law**.

PROFESSIONAL EXPERIENCE

- 2014 – 2016: Attorney at law **Sirius Legal**, Brussels and Mechelen, Belgium
- 2013 – 2013: Visiting researcher **UC Berkeley**, California, USA
- 2010 – 2013: Researcher ULB – **Mediadem**: EU Commission research on media law
- 2006 - 2010: Senior Legal Counsel (in-house) **j2 Global Communications** (cloud services & digital media), Dublin, Ireland
- 2004 – 2006: Attorney at law **Janson Baugniet**, Brussels, Belgium
- 2002 – 2004: Attorney at law **Allen & Overy**, Antwerp, Belgium

OTHER EXPERIENCES

- 2014 – 2016: Arbitrator domain name disputes with Cepani (Belgium), “National Arbitration Forum” (USA) and “Asian Domain Name Dispute Resolution Center”
- 2012 – 2016: PhD research Ghent University

EDUCATION

- 2001: Master of Laws, Katholieke Universiteit Leuven.
- 2002: Master European Union Law, Université Libre de Bruxelles.
- 2006: Master of Arts in History, Katholieke Universiteit Leuven.

LANGUAGES

- Dutch: Mother tongue
- English: Fluent active and passive knowledge: I worked and studied more than 5 years in Ireland (Dublin) and the USA (Berkeley); I have been using

English as a working language since 2002

- French: Fluent active and passive knowledge: As a Belgian citizen, French is officially my second language; I have been using French as a working language since 2002
- Spanish: Basic active and passive knowledge: I have studied one year in Barcelona, Spain (1999-2000)
- German: Basic active and passive knowledge: As a Belgian citizen, German is officially my third language

ACADEMIC PUBLICATIONS

- Van Besien, B.: "De beoordeling van het 'onderscheidend vermogen' en het 'beschrijvend' karakter bij Benelux merkdepots" (*"Assessing distinctiveness and descriptive character in Benelux trademark applications"*), *RABG – Intellectuele Rechten*, Vol. 2015/18.
- Van Besien, B. en Van den Brande, B.: "Copyright – Belgium", in Sherrell, Ph. (ed.), *The International Comparative Legal Guide to Copyright 2016*, Global Legal Group, October 2015, 14-18.
- Van Besien, B.: "Over auteursrecht, parodie en *appropriation art*: een voorlopige analyse van het vonnis *Van Giel t. Tuymans* in het licht van het HJEU arrest *Deckmyn t. Vandersteen*" (*"On copyright, parody and appropriation art: a preliminary analysis of the decision in Van Giel v. Tuymans in the light of the CJEU judgment Deckmyn v. Vandersteen"*), *Auteurs & Media* 2015/2, 185-192.
- Van Besien, B.: "De *prima facie* geldigheid van octrooien: het belang van een werkelijke beoordeling van de ogenschijnlijke geldigheid van octrooien in de nieuwe benadering van het Hof van Cassatie" (*"The prima facie validity of patents: the importance of a genuine assessment of the apparent validity of patents in the new approach of the Court of Cassation"*), *RABG – Intellectuele Rechten*, Vol. 2014/18, 1275-1287.
- Van Besien, B.: "Airbnb, couchsurfing en de Belgische wet" (*"Airbnb, couchsurfing and Belgian law"*), *De Juristenkrant*, 25 juni 2014, Vol. 292, 6.
- Van Besien, B.: "Google Books is geen inbreuk op auteursrecht volgens Amerikaanse rechtbank" (*"Google Books does not infringe copyright law according to US court"*), *Auteurs & Media* 2014/2, 85-89.
- Van Besien, B.: "Copiepresse versus Google: a legal analysis of news aggregation and copyright infringement under Belgian law", *R.D.T.I.*, 2013, Vol. 51, 39-61
- Van Besien, B. and Docquir, P-F, "Changing conditions of competition for public service and commercial media in Belgium: Implications for media independence", in Psychogiopoulou, E. (ed.), *Media Policies Revisited: The Challenge for Media Freedom and Independence*, Palgrave Macmillan, January 2014, 147-159
- Van Besien, B. and Docquir, P-F, "Media policy in Belgium: How a complex institutional system deals with technological developments", in Psychogiopoulou, E. (ed.), *Understanding media policies: A European perspective*, Palgrave Macmillan, September 2012, 21-36.
- Van Besien, B. and Docquir, P-F, "Policy suggestions for free and independent media in Belgium", in Mediadem Consortium, *Policy report addressing state and non-state actors involved in the design and implementation of media policies supportive of media freedom and independence, the European Union and the Council of Europe*, September 2012, 11-18, available at <http://www.mediadem.eliamep.gr/wp-content/uploads/2012/11/D4.1.pdf>.
- Van Besien, B., Docquir, P-F, Müller, S. and Gusy, Ch., "Media Freedom and Independence: The European Judicial Approach in Fourteen Countries", in Mediadem Consortium, *Comparative Report: Media Freedom and Independence in 14 European Countries: A Comparative Perspective*, July 2012, 158-188, available at <http://www.mediadem.eliamep.gr/wp-content/uploads/2012/09/D3.1.pdf>.
- Van Besien, B., "Does media policy promote media freedom and independence? The case of Belgium", December 2011, available at <http://www.mediadem.eliamep.gr/wp-content/uploads/2012/01/Belgium.pdf>

- Van Besien, B., "Media policies and regulatory practices in a selected set of European countries, the EU and the Council of Europe: The case of Belgium", October 2010, available at: <http://www.mediadem.eliamep.gr/wp-content/uploads/2010/05/Belgium.pdf>
- Van Besien, B., "La responsabilité des gestionnaires de forums de discussion 'non commerciaux'" (*"The liability of providers of non-commercial internet discussion forums"*), *Auteurs & Media* 2010/5-6, 562-568.
- Van Besien, B., "Wet tot bescherming economische mededinging gewijzigd" (*"Changes to the Act on the Protection of Economic Competition"*), *RABG*, 2004.

OTHER PUBLICATIONS AND BLOG POSTS

- Van Besien, B.: "Invoering van panoramavrijheid in het Belgisch auteursrecht: wetsvoorstel aangenomen door Kamercommissie", 12 May 2016, <http://siriuslegaladvocaten.be/invoering-van-panoramavrijheid-in-het-belgisch-auteursrecht-wetsvoorstel-aangenomen-door-kamercommissie/>
- Van Besien, B.: "Inbreuk op intellectuele rechten: zowel materiële als morele schade moet vergoed worden", 21 March 2016, <http://siriuslegaladvocaten.be/inbreuk-op-intellectuele-rechten-zowel-materiele-als-morele-schade-moet-vergoed-worden/>
- Van Besien, B.: "In hoeverre kan een kunstenaar zich baseren op een bestaand werk? De grens tussen auteursrecht en artistieke expressie-vrijheid", 10 September 2015, <http://siriuslegaladvocaten.be/in-hoeverre-kan-een-kunstenaar-zich-baseren-op-een-bestaand-werk-de-grens-tussen-auteursrecht-en-artistieke-expressie-vrijheid/>
- Van Besien, B.: "Belgische Privacy Commissie roept Facebook op het matje i.v.m. tracking & tracing", 17 May 2015, <http://siriuslegaladvocaten.be/belgische-privacy-commissie-roept-facebook-op-het-matje-i-v-m-tracking-tracing-aanbeveling-nr-042015-van-13-mei-2015/>
- Van Besien, B.: "Hoe kan je de overdracht van een '.be' domeinnaam claimen? Een korte juridische uitleg i.v.m. de Cepani ADR procedure voor geschillen rond Belgische domeinnamen", 17 March 2015, <http://siriuslegaladvocaten.be/hoe-kan-je-een-be-domeinnaam-claimen-een-korte-juridische-uitleg-i-v-m-de-cepani-adr-procedure-voor-geschillen-rond-belgische-domeinnamen>
- Van Besien, B.: "Freelance journalisten mogen volledig in auteursrechten uitbetaald worden, bevestigt Minister van Financiën", 26 February 2015, <http://siriuslegaladvocaten.be/freelance-journalisten-mogen-wel-degelijk-volledig-auteursrechten-uitbetaald-worden-bevestigt-minister-van-financien/>
- Van Besien, B.: "Het vonnis Van Giel t. Tuymans: over parodie in het auteursrecht en de grens tussen inspiratie en plagiaat", 12 February 2015, <http://siriuslegaladvocaten.be/het-vonniss-van-giel-t-tuymans-over-parodie-in-het-auteursrecht-en-de-grens-tussen-inspiratie-en-plagiaat/>
- Van Besien, B.: "Facebook op het werk: het belang van een degelijk sociaal media beleid voor uw onderneming", 10 November 2014, <http://siriuslegaladvocaten.be/facebook-op-het-werk-het-belang-van-een-degelijk-sociaal-media-beleid-voor-uw-onderneming/>
- Van Besien, B.: "Vordering tegen een onderneming tot betaling reis: verjaring pas na 10 jaar", 5 November 2014, <http://siriuslegaladvocaten.be/vordering-tegen-een-onderneming-tot-betaling-reis-verjaring-pas-na-10-jaar/>
- Van Besien, B.: "Belgian Media Law: overview of main acts and regulations", 30 July 2014, available at <http://siriuslegaladvocaten.be/en/belgian-media-law-overview-of-main-acts-and-regulations/>
- Van Besien, B.: "Ambush marketing rond de Rode Duivels of de Wereldbeker?", 17 June 2014, <http://www.lexgo.be/en/papers/2014/06/Ambush%20marketing%20rond%20de%20Rode%20Duivels%20of%20de%20Wereldbeker%20,87463.html>
- Van Besien, B.: "Afschaffing BTW op reizen buiten de EU", 4 June 2014, <http://www.travel360.be/nieuws/actueel-nieuws/detail/afschaffing-btw-op-reizen-buiten-de-eu?gn=6739>
- Van Besien, B.: "Europees Hof van Justitie erkent 'recht op vergeten' – wat nu voor de nieuwsmedia?", *De Journalist*, 30 May 2014, Vol. 179, 6.
- Van Besien, B.: "EU Commissie publiceert rapport over naleving rechten van luchtvaartpassagiers", 19 May 2014, <http://www.travel360.be/nieuws/actueel-nieuws/detail/eu-commissie-publiceert-rapport-over-naleving-rechten-van-luchtvaartpassagiers?gn=6676>
- Van Besien, B.: "Airbnb, Couchsurfing and Belgian law: what are the rules on home-sharing in Belgium?", 13 May 2014, available at <http://siriuslegaladvocaten.be/wordpress/airbnb-couchsurfing-and-belgian-law-what-are-the-rules-on-home-sharing-in-belgium/?lang=en>

- Van Besien, B.: “Airbnb en de Belgische wet: op welke regels moet je letten als je gastenkamers aanbiedt in België?”, 9 May 2014, <http://siriuslegaladvocaten.be/wordpress/airbnb-couchsurfing-en-de-belgische-wet-op-welke-regels-moet-je-letten-als-je-gastenkamers-aanbiedt-in-belgie/>
- Van Besien, B.: “Legal update domain name disputes: how can a trademark owner claim back a domain name?”, 29 April 2014, <http://siriuslegaladvocaten.be/wordpress/legal-update-how-can-a-trademark-owner-claim-back-a-domain-name/?lang=en>
- Van Besien, B.: “Hof van Justitie EU: Richtlijn 2006/24/EG i.v.m. gegevensbewaring is ongeldig”, 8 April 2014, <http://siriuslegaladvocaten.be/wordpress/hof-van-justitie-eu-richtlijn-200624eg-i-v-m-gegevensbewaring-is-ongeldig/>
- Van Besien, B.: “EU-Hof laat hyperlinks toe (naar vrij toegankelijke webinhoud)”, *De Journalist*, 28 maart 2014, Vol. 177, 7
- Van Besien, B.: “When are journalists liable for defamation and breach of privacy under Belgian law?”, 20 February 2014, <http://www.fondspascaldecroos.org/en/inhoud/nieuws/when-are-journalists-liable-defamation-and-breach-privacy-under-belgian-law>
- Van Besien, B.: “De wettelijke bepalingen rond het recht van antwoord voor Belgische media”, 18 February 2014, <http://www.fondspascaldecroos.org/inhoud/nieuws/wettelijke-bepalingen-rond-het-recht-antwoord-belgische-media>
- Van Besien, B.: “Zin en onzin van geografische afbakeningen van media content”, 18 February 2014, <http://www.bloovi.be/nieuws/detail/zin-en-onzin-van-geografische-afbakeningen-van-media-content>
- Van Besien, B.: “Your essential guide on Benelux trademarks”, 13 February 2014, <http://siriuslegaladvocaten.be/wordpress/your-essential-legal-guide-on-benelux-trademarks/?lang=en>
- Van Besien, B.: “Analysis of the Proposal for a New Belgian Copyright Act”, 7 February 2014, <http://siriuslegaladvocaten.be/wordpress/legal-update-how-can-a-trademark-owner-claim-back-a-domain-name/?lang=en>
- Van Besien, B.: “How can you register a Benelux trademark?”, 6 February 2014, <http://www.newmedia-law.com/news/how-can-you-register-a-benelux-trademark/>
- Van Besien, B.: “Review of the EU’s proposal for a new data protection regulation”, 4 February 2014, <http://siriuslegaladvocaten.be/wordpress/review-of-the-eus-proposal-for-a-new-data-protection-regulation/?lang=en>
- Van Besien, B.: “Domain name disputes in Belgium: how to claim back a ‘.be’ domain name?”, 30 January 2014, <http://siriuslegaladvocaten.be/wordpress/review-of-the-eus-proposal-for-a-new-data-protection-regulation/?lang=en>
- Van Besien, B.: “How can a trademark owner claim back a domain name?”, 22 January 2014, available at <http://www.lexgo.be/nl/artikels/2014/05/Update%20-%20how%20can%20a%20trademark%20owner%20claim%20back%20a%20domain%20name%20,86429.html>
- Van Besien, B.: “How to claim back a .eu domain name?”, 21 January 2014, available at <http://www.newmedia-law.com/news/how-to-claim-back-a-eu-domain-name/>
- Van Besien, B.: “US court finds that Google Books does not infringe copyright”, 15 November 2013, available at <http://www.newmedia-law.com/news/us-court-finds-that-google-books-does-not-infringe-copyright/>
- Van Besien, B.: “The essential guide to Belgian Copyright Law”, 30 September 2013, available at <http://www.newmedia-law.com/news/guide-to-belgian-copyright-law/>
- Van Besien, B.: “Facebook ‘Like’ is protected free speech under First Amendment says US court”, 20 September 2013, available at <http://www.newmedia-law.com/news/facebook-like-is-protected-free-speech-under-first-amendment-says-us-court/>
- Van Besien, B.: “Copiepresse versus Google: a legal analysis of news aggregation and copyright infringement under Belgian law”, 17 September 2013, available at <http://www.newmedia-law.com/news/copiepresse-versus-google-a-legal-analysis-of-news-aggregation-and-copyright-infringement-under-belgian-law/>
- Van Besien, B.: “The essential guide to Belgian Media Law”, 27 August 2013, available at <http://www.newmedia-law.com/news/the-essential-guide-to-belgian-media-law/>
- Van Besien, B.: “What state subsidies are available for Belgian media?”, 21 August 2013, available at <http://www.newmedia-law.com/news/what-state-subsidies-are-there-for-belgian-media/>
- Van Besien, B.: “What are the risks of copyright infringement on Pinterest?”, 12 August 2013, available at <http://www.newmedia-law.com/news/what-are-the-risks-of-copyright-infringement-on-pinterest/>

- Van Besien, B.: “The liability of administrators and moderators of internet forums: analysis under Belgian law”, 12 August 2013, available at <http://www.newmedia-law.com/news/the-liability-of-administrators-and-moderators-of-internet-forums-analysis-under-belgian-law/>
- Van Besien, B.: “Search engines urged to better distinguish between advertisements and search results”, 30 July 2013, available at <http://www.newmedia-law.com/news/search-engines-asked-to-better-distinguish-between-advertisements-and-search-results1/>
- Van Besien, B.: “Copyright and social media: rules of thumb under Belgian law”, 24 July 2013, available at <http://www.newmedia-law.com/news/copyright-and-social-media-rules-of-thumb-under-belgian-law/>
- Van Besien, B.: “La responsabilité des gestionnaires de forums de discussion sur internet”, 11 juillet 2013, disponible <http://www.newmedia-law.com/news/la-responsabilite-des-gestionnaires-de-forums-de-discussion-sur-internet/>
- Van Besien, B., “Reform but no abolition of internet suspension regime under new French Hadopi law”, 10 July 2013, available at <http://www.newmedia-law.com/news/no-more-internet-suspensions-in-france-under-new-hadopi-law/>
- Van Besien, B., “Overview of the Belgian media landscape”, 5 July 2013, available at <http://www.newmedia-law.com/news/overview-of-the-belgian-media-landscape/>
- Van Besien, B., “Google News switches to ‘Opt-In’ in Germany to avoid copyright fees”, 3 July 2013, available at <http://www.newmedia-law.com/news/google-news-switches-to-opt-in-in-germany-to-avoid-copyright-fees/>
- Van Besien, B., “Advertising for political parties in Belgian media: is it legal or not?”, 27 June 2013, available at <http://www.newmedia-law.com/news/advertising-for-political-parties-in-belgian-media-is-it-legal-or-not/>
- Van Besien, B., “Advertising rules for Belgian media”, 27 June 2013, available at <http://www.newmedia-law.com/news/advertising-rules-for-belgian-media/>
- Van Besien, B., “How to protect your trademark in Belgium (and the Benelux)?”, 27 June 2013, available at <http://www.newmedia-law.com/news/how-to-protect-your-trademark/>
- Van Besien, B., “Tips for choosing a good trademark”, 27 June 2013, available at <http://www.newmedia-law.com/news/tips-for-choosing-a-good-trademark/>
- Van Besien, B., “The protection of freedom of expression and freedom of the press in Belgian media law”, 26 June 2013, available at <http://www.newmedia-law.com/news/the-protection-of-freedom-of-expression-and-freedom-of-the-press-in-belgian-media-law/>
- Van Besien, B., “The principle of ‘stepped liability’ and its implications for the liability of journalists working in Belgium”, 26 June 2013, available at <http://www.newmedia-law.com/news/the-principle-of-stepped-liability-and-its-implications-for-the-individual-liability-of-journalists-working-in-belgium/>
- Van Besien, B., “The protection of journalistic sources in Belgium: what do you need to know?”, 26 June 2013, available at <http://www.newmedia-law.com/news/the-protection-of-journalistic-sources-in-belgium-what-do-you-need-to-know/>
- Van Besien, B., “Competition and ownership rules applicable to the Belgian media sector”, 26 June 2013, available at <http://www.newmedia-law.com/news/competition-and-ownership-rules-applicable-to-the-belgian-media-sector/>
- Van Besien, B., “Right of reply in Belgian media: all you need to know”, 26 June 2013, available at <http://www.newmedia-law.com/news/right-of-reply-in-belgian-media-what-do-you-need-to-know/>
- Van Besien, B., “Parliament publishes recommendations on freedom of expression and freedom of the press”, 25 June 2013, available at <http://www.newmedia-law.com/news/parliament-publishes-recommendations-on-freedom-of-expression-and-freedom-of-the-press/>
- Van Besien, B., “The essential ‘who is who’ of media policy in Belgium”, 26 June 2013, available at <http://www.newmedia-law.com/news/the-essential-who-is-who-of-media-policy-in-belgium/>
- Van Besien, B., “Streaming content over the internet capable of copyright infringement”, 14 May 2013, available at <http://www.newmedia-law.com/news/streaming-content-over-the-internet-capable-of-copyright-infringement/>
- Van Besien, B., “European Court asked for advise in ‘Spike and Suzy’ parody case”, 14 May 2013, available at <http://www.newmedia-law.com/news/european-court-asked-for-advise-in-spike-and-suzy-parody-case/>
- Van Besien, B., “Shopping online – what are your rights under Belgian law?”, 13 May 2013, available at <http://www.newmedia-law.com/news/shopping-online-what-are-your-rights-under-belgian-law/>

- Van Besien, B., “Does copyright conflict with freedom of expression? First round – The Ashby Donald case”, 26 April 2014, available at <http://www.newmedia-law.com/news/copyright-and-freedom-of-expression-first-round-the-ashby-donald-case/>
- Van Besien, B. and Docquir, P.F., “Financing public service broadcasting in the digital era”, 21 December 2010, available at <http://www.mediadem.eliamep.gr/financing-public-service-broadcasting-in-the-digital-era/>

CONFERENCE PRESENTATIONS

- “Auteursrecht en architectuur”, NAV – Vlaamse Architectenorganisatie, Gent en Antwerpen, december 2015
- “Intellectuele eigendom en e-commerce”, Comeos e-commerce legal university, 6 oktober 2015
- “Data Protection and Privacy: the Regulatory Challenges Ahead”, LawTech Europe Congress, INsig2 – LTEC, Brussels, October 2015
- “Privacy: nieuwe Europese regelgeving, cookies en het recht op vergetelheid”, Confocus, Gent en Hasselt, augustus 2015
- “Legal update e-commerce”, Sirius Legal expert class e-commerce, 27 mei 2015
- “Het belang van IP in uw bedrijf”, Sirius Friday Seminars, Mechelen, 21 november 2014
- “Intellectuele eigendom op het internet”, Comeos e-commerce legal university, 13 maart 2014
- “Update i.v.m. octrooien”, Sirius Friday Seminars, Zaventem, 28 februari 2014
- “Privacy & Cookies, stand van zaken”, eLegal seminar Safeshops, Brussel, kantoren Google, 5 februari 2014
- “La liberté d’expression : présentation des recommandations formulées dans le cadre du projet Mediadem de l’EU”, Audition Etats généraux des medias d’information, atelier 3, liberté d’expression, Parlement Fédération Wallonie-Bruxelles, Rue de la Loi 6, Bruxelles, 24 janvier 2013.
- “The Reflection of regional and cultural diversity in devolved powers: lessons from abroad – The case of Belgium”, Conference “Devolution and Independence – The Future of the Media in Scotland”, University of Edinburgh, 7 January 2013.
- Organisation of conference “Policy Suggestions for Free and Independent Media”, ULB, Av. Jeanne 44, Building S, Salle Henri Janne, Brussels, 10 December 2012.
- “Media policy for the written press in Belgium: will governments, parliaments and courts be the ones who save the press?”, ECREA, 4th European Communication Conference, panel “The politics of media policy in Europe”, Istanbul, Turkey, 24-27 October 2012.
- “Technical Convergence and Media Policy on Free and Independent Media: unfair competition and copyright in the relation between online information suppliers”, International Conference on Online Journalism “Towards Neo-Journalism? Redefining, Extending or Reconfiguring a Profession”, UCL-FUNDP, Brussels, Belgium, 3-4 October 2012.
- Organisation of conference “Nouveaux écrans, nouvelles régulations” (“New Screens, New Regulations”), organised by ULB and “Conseil supérieur de l’audiovisuel” (CSA), Palais des Académies, Brussels, 5-6 July 2012.
- “Copyright and the media: Western European practices”, International Conference “Challenges of Online Media in S.E.E.”, Press Council BiH & Konrad Adenauer Stiftung, Hotel Bosnia, St. Kulovica 9, Sarajevo, Bosnia-Herzegovina, 15-16 March 2012.
- Various presentations during meetings for the Mediadem research project (E.U. 7th Framework Program on policies that promote or hinder the freedom and independence of the media).
- “Le projet Mediadem”, Seminar “Ce qu’Internet fait à l’information”, ULB, Institut d’Etudes Européennes, Salle Spaak, Brussels, Belgium, 29 November 2010.