
COPYRIGHT EXCEPTIONS AND LIMITATIONS APPLICABLE TO THE PRESS: THE RIGHT OF QUOTATION AND THE REPORTING OF CURRENT EVENTS

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Abstract: This article examines the issue of certain copyright limitations applicable to the press, such as the right of quotation and reporting of current events, as recognised in both European and national legislation. We begin by identifying the relevant aspects of the current legal framework, highlighting the characteristics of the exceptions that permit the use of original works or materials without the author’s consent. In addition, our study reviews the quotation in the mass media, not only within traditional media, but especially in online media formats. We outline several key directions in contemporary research, identifying recent trends in media analysis. The final part of the article is devoted to the case law of the Court of Justice of the European Union (CJEU), to underline the importance of press freedom and the public’s right to information, balanced against the protection of copyright.

Keywords: *copyright; quotation; press; mass media; reporting of current events;*

Introduction

In a society defined by speed and technology – one that has recently been strongly influenced by the impact of AI across all fields of activity – the press continues to hold a fundamental role in safeguarding the public’s right to receive accurate, accessible and timely information. In this context, journalists are frequently confronted with restrictions on the use of certain information due to copyright protection over specific works.

Arising from the need to offer the public a realistic depiction of events – a task that would have been frequently blocked or significantly hindered by strict copyright protection – the legislator has intervened with exceptional regulations intended to limit or restrict the author’s absolute rights over their work.

Both in international law and at the national level, efforts have been made to create a balanced framework reconciling the freedom of the press with the protection afforded to authors (regardless of the nature of their works). The present study aims to shed light on several limitations of copyright applicable to the press, such as the right of quotation, reporting on current events (present in European legislation). Through these legal limitations, the ultimate goal is to ensure an equilibrium between the protection granted to authors and the public's interest in being informed.

The right of quotation

Although it does not benefit from a statutory definition, the right of quotation has been characterised in specialist literature as “the right to limited reproduction, without the consent of the quoted author, of a work made available to the public and, as with any limitation constituting an exception to subjective rights, it must be strictly interpreted” (Roş, Livădariu & Romiţan 2025, 273).

At European level, Directive 2001/29/EC (InfoSoc) enshrines the right of quotation in Article 5(3)(d), which provides that: “Member States may provide for exceptions or limitations to the rights provided for in Articles 2 and 3 in the following cases: (...) (d) quotations for purposes such as criticism or review, provided that they relate to a work or other subject matter which has already been lawfully made available to the public, that—unless this turns out to be impossible—the source, including the author's name, is indicated, and that their use is in accordance with fair practice and to the extent required by the specific purpose” (EUR-Lex 2001).

At the national level, the right of quotation is transposed in the provisions of Article 35 (within Chapter VI, “Limitations on the Exercise of Copyright”) letter b of Law No. 8/1996 on copyright and related rights¹, which states that it is permissible to use “short quotations from a work for the purpose of analysis, commentary, or criticism, or by way of illustration, insofar as their use justifies the extent of the quotation.”

From an examination of the applicable legal framework, several characteristics can be identified that a lawful quotation in press articles or news reports must exhibit:

a. First, the work must have been disclosed, *made available to the public*, regardless of the manner in which this occurred. The exception applies both to works that are still within the protection period (whether the author is known or anonymous) and to works that have entered the public domain. Although Romanian legislation does not expressly provide for this requirement, the condition of prior disclosure derives from the corresponding provisions of the InfoSoc Directive and is applicable only to works that have been made known to the public. In

¹ Law No 8/1996 on Copyright and Related Rights entered into force on 24 June 1996, the current form of the law being based on the republication (r1) of the Official Gazette, Part I, No 489 of 14 June 2018 and including amendments made by the following acts: Law No 203/2018, Law No 15/2019, Law No 8/2020, Law No 39/2022, Law No 69/2022.

the case of undisclosed works—those that the author chose to keep confidential — the exception does not apply, as it would constitute a genuine interference with the author’s rights.

b. Furthermore, it is mandatory for the journalist to indicate *the source and the author*, except where doing so is practically impossible.

Although the InfoSoc Directive contains clear provisions on the obligation to mention the author and the source of the quotation, there are European jurisdictions that have not implemented this requirement properly or where divergent interpretations have arisen. Thus, in Germany, “search engine results cannot be qualified as quotations, whereas Dutch case law considers them to be quotations. In Spain, amendments have been introduced to the quotation exception, requiring search engine operators to pay compensation for displaying search results accompanied by fragments of the quoted text” (Eechoud 2017 in Florea 2022, 121). The obligation to indicate the author operates as a transposition of the moral, non-pecuniary right of attribution, making it mandatory to identify and acknowledge the author’s status with respect to the quoted fragment.

c. Another requirement consists in observing the principle of *proportionality* of the quotation in relation to the original work.

The quoted fragment must be proportionate to the intended purpose and may not substitute for the work as a whole. In the same vein, hypertext links/hyperlinks (through which users are directed to a website containing the work in its entirety) have likewise been deemed not to fall within the exception allowing quotation without the author’s consent (Roş, Livădariu, Romiţan 2025, 275). Consequently, their use will result in an infringement of copyright, as the *quotation exception* does not apply.

In order to fall within the copyright limitations applicable to the press, the proportion of the quotation must be smaller than that of the news item or journalistic information, or, put differently, “the use of the quoted work must remain secondary in relation to the creation of the person invoking the quotation” (Florea 2022, 121). At the same time, it must “not exceed what is necessary for achieving the purpose of the quotation (analysis, commentary, etc.)” (Diaconiţă 2023, 426), and, “as regards its extent, the quotation must, in relation to the text in which it is incorporated, constitute an accessory rather than the very rationale of that text” (Circa 2013). Moreover, the emphasis must rest on the interpretation and explanation of the quoted material, through the journalist’s own reflections, rather than on the quoted fragment itself².

European legal doctrine and case law have advanced the idea that a quotation should be relatively limited in scope (“brief”) compared to the remainder of the text. However, we concur with the views embraced by national legal scholarship,

² According to the judgment of the CJEU in Case C-516/17, *Spiegel Online GmbH vs Volker Beck*, “the essential characteristics of a quotation are the use of a work or of an extract from a work for the purpose of illustrating an assertion, defending an opinion, or allowing a comparison between the quoted work and the assertions of the quoting party” (Florea 2022, 121).

according to which the length criterion is insufficient unless accompanied by an assessment of “the significance that the quotation holds within its context” (Roş, Romiţan & Livădariu 2024, 58). Accordingly, we consider that, as a rule, the qualitative criterion should prevail over the quantitative one. Even so, the relevant analysis must be conducted concretely, on a case-by-case basis, with the adjudicating court giving due weight to both criteria depending on the specific circumstances of each individual situation.

d. Finally – though by no means least in terms of significance – the *use of the quotation* must be justified by purposes such as *criticism, review, analysis, commentary, information, or illustration*.

In journalistic contexts, the quotation must serve primarily and predominantly to inform the public or to support an analytical endeavour. Consistent with this purpose, quotation may not be used in a manner that interferes with, alters, or distorts the original message, as such conduct would infringe the moral right to the integrity of the work – an impermissible outcome. The quoted fragment must not be removed from its context so as to convey a different idea from that intended by the author. Moreover, the use of the quotation must not cause the author any form of prejudice, whether moral or pecuniary.

The scope of the right of quotation is a rather broad one. Although, at first sight, one might be inclined to assume that the right of quotation applies solely to written works (books, articles, reports, and texts in general), it also extends to audiovisual material and graphics (when fixed on a tangible medium), as well as to oral communications not embodied in any material form (such as speeches delivered by members of parliament or other officials, professors’ lectures, lawyers’ pleadings, sermons, and so forth).

Reporting of current events

The second relevant exception is that concerning *reporting of current events*, which permits the reproduction of a work or works when such reproduction is strictly necessary for the coverage of an event of public interest, and only to the extent required for informing the public.

Furthermore, this limitation to copyright protection is closely connected to the right to freedom of the press and the right to freedom of information. Its legal basis at the European level is found in Article 5(3)(c) and (f) of Directive 2001/29/EC³. At the national level, the current-affairs reporting exception is grounded in

³ This Directive permits, without the author’s consent, the following: “(c) the reproduction by the press, the public communication or the making available of published articles concerning current economic, political or religious topics, or of works broadcast on radio or television, or of other protected subject matter of the same nature, in cases where such uses have not been expressly reserved, and insofar as the source, including the author’s name, is indicated; or the use of works or other protected subject matter in connection with the reporting of current events, to the extent justified by the purpose of providing information and subject to the indication of the source, including the author’s name, unless this proves impossible; (f) the use of political

Article 35(2)(a), (b), and (c) of Law No. 8/1996⁴ on copyright and related rights.

From the above-mentioned legal provisions, several key features of this exception can be identified:

a. Existence of a direct connection with a current event

For the exception to apply, the material must relate to a current event – one that is ongoing or has concluded recently, yet continues to have present-day relevance and is of public interest. The nature of the subject matter is irrelevant: it may concern social, political, economic, religious, or any other issues.

The European Directive, however, imposes certain restrictions: the limitation of copyright protection applies only where “such uses have not been expressly reserved.” Scholarly literature has raised the question of „whether mere notice to the press publisher is sufficient. In the digital context, the issue is what technological measures a press publisher could employ to instruct search engine and news aggregator algorithms not to reproduce or make available articles that have been expressly reserved” (Florea 2022, 119) – an issue for which no clear answer has yet been identified.

With respect to the requirement of highlighting a current event, the applicability of the exception has also been analysed in relation to a “press review” and a “press panorama” (Roş, 277–278). Only the former – defined as “a unified and comparative presentation of various journalists’ commentaries concerning the same topic and the same event” – constitutes an exception to the requirement of obtaining the author’s consent. The latter, which consists of “a juxtaposed presentation of several articles on the same topic,” necessarily requires the author’s approval and therefore falls outside the scope of this exception.

b. The use must be necessary, not merely convenient.

This criterion requires that the reproduction be motivated by, and necessary for, informing the public – by the general interest of society in perceiving and accessing a fact occurring in the present – without pursuing any other objective. Moreover, insofar as the use takes place after the disclosure of the quoted fragment, it will not enter into “competition” with it (Roş 2025, 278). The use of such materials is permitted solely because the intended purpose is that of current reporting for the public, not a commercial purpose or the exploitation of the disclosed work.

speeches, as well as extracts from public lectures or from works or other similar protected subject matter, to the extent justified by the informational purpose pursued and on condition that the source, including the author’s name, is indicated, unless this proves impossible.” (EUR-Lex, accessed at 05.11.2025).

⁴ The law ensure that journalists, in the absence of an author’s consent and without any payment of remuneration, may engage in the “reproduction, distribution, broadcasting or communication to the public, without any direct or indirect commercial or economic advantage: (a) of short extracts from press articles and radio or television reports, for the purpose of informing the public about current issues, except where such use has been expressly reserved; (b) of short fragments of lectures, addresses, pleadings and other works of a similar nature that have been delivered orally in public, provided that such uses serve solely the purpose of informing the public about current events; (c) of short fragments of works, within information concerning current events, but only to the extent justified by the purpose of informing the public” (Sintact.ro, accessed at 03.11.2025).

c. Compliance with the principle of *proportionality* regarding the extracted fragment.

The requirement of proportionality between the quoted fragment and the original work implies that the extent of the extract must be justified by the purpose of informing the public. It must, however, be emphasised that the work may not be reproduced in its entirety (see Diaconiță, p. 437), as this would no longer constitute reporting for informational purposes, but a genuine appropriation of the work.

The legal text does not establish a specific number of words/characters, nor a particular percentage, for determining whether the reproduced content falls within the exception to the requirement of the author's consent. Consequently, analogy is not applicable, and one cannot rely on the limit of 120 characters provided under Article 94¹ (2)(c) of Law No. 8/1996. What is essential is that the material used be genuinely intended to inform the public.

d. Indication of the source

As in the case of the use of short quotations, the obligation to mention the author and the cited source also arises in situations involving current-affairs reporting; failure to do so constitutes an infringement of the moral right of attribution.

Examples of current-affairs reporting in the press that do not require the author's consent include: footage of protests in which graphic works, sculptures, or ambient music appear incidentally; the presentation of a short extract from a speech (delivered by a member of parliament) in order to report on the subject of the news; the use of a recording made by an eyewitness present at an accident or at a natural event (such as an earthquake or a fire).

Quotation in mass media – types and features

Drawing on the legislative considerations previously outlined in this article, it becomes clear that, within the field of mass media and journalism, the issue of quotation is a topic of ongoing discussion and debate, particularly in recent years. Nevertheless, the phenomenon itself is not new; it has existed since the emergence of modern mass media.

In printed journalism, for example, there are genres whose core structural element is the quotation – such as the interview or the social reportage. Quoting or reproducing content (text, images, audiovisual material, etc.) requires familiarity with, and observance of, the rules and regulations previously examined. Correct quotation requires, first and foremost, reference to the source (with the exception of the special cases mentioned earlier, where journalists are exempted from indicating their sources). Failure to cite the source constitutes plagiarism or contributes to the creation of fake news.

In traditional media, “quotation represents the repetition or recall of the words, statements or speech of others” (Suba 2025, 69). These reproductions are frequently marked by quotation marks or other explicit textual or graphic indicators, such as italics. The use of quotation signals that the fragment is reproduced verbatim, without alteration, from an individual involved in the event being re-

ported. Ilie Rad similarly underscores the importance of quotation by dedicating a distinct category to quotation-based titles within journalistic title typologies (2005). In such cases – especially in interviews – “the quotation must be used with utmost rigour; omissions or additions are not permitted, as an informed reader who follows the interview will be unpleasantly surprised if the title is not reproduced identically within the body of the text” (Rad 2006, 154). This highlights the importance of accurate reproduction and the use of quotations for legitimate and clearly defined journalistic purposes. Paraphrasing is likewise permissible, meaning a reproduction that omits certain phrases, adds words, or rearranges text – provided the source is indicated.

Traditional press practices also signal the introduction of quotations through verbs such as *states*, *declares*, *says*, or *claims*. Notably, quotations often function as the primary indicator of authenticity within the journalistic text. Thus, the role of quotation becomes clear: “to enrich the message, make it more attractive, bolster the author’s credibility and undermine the adversary’s prestige” (Kula & Grzelka 2022, 82).

Journalists must possess specific competencies when integrating quotations into their work. As Stan notes, “the art of using quotations lies in the ability to choose, use, paraphrase or discard them” (Stan 2005, 137). We do not focus in detail on these skills here, but it is worth noting that they must be balanced, especially given the increasing number of errors and legal violations concerning improper citation and the ways in which another person’s opinions, thoughts, emotions, or statements are represented.

Quotations may appear either in direct form or as indirect quotation. “The predominant type of quotation is the direct quotation. Informational journalism – news reporting – prefers the exact, literal reproduction of the words and thoughts of politicians, public figures, cultural event organisers, etc., over indirect quotation, which may involve reformulations or omissions” (Suba 2025:69). Foreign researchers also support this view, emphasising the importance of the phenomenon across all journalistic genres: “Direct quoting is a distinctive and essential phenomenon in the media. Albeit, how it materialises varies according to the medium in which it occurs.” (Haapanen & Perrin 2017). However, even though direct quotation is the most frequently used, indirect quotation offers greater expressive freedom while also carrying higher risks – such as misinterpretation, the introduction of evaluative attitudes towards individuals or events, or distortion of the original message. These risks are repeatedly mentioned in recent literature: “the risk of incorrect quotation, of exploiting sensational aspects, of superficial, distorted or biased interpretation is extremely high” (Mureşan 2023, 22). Such risks also contribute to a certain reluctance among individuals – particularly scientists – to engage with the media, given their focus on accuracy, reliability, credibility and rigour.

Quotation and sharing in online journalism – trends and challenges

Recent decades have marked the transformation and adaptation of mass media to the online environment, together with the challenges that have emerged and continue to arise from this shift.

Regarding the phenomenon of quotation and its related practices, the online environment has generated various forms of *appropriating* ideas, information, or opinions. *Sharing* is one such form. “Even without going into too much detail, one can observe that sharing and quotation have numerous points in common. The most important of these is communicational in nature: both sharing and citing, in principle, promote or disseminate the ideas and expressions of others” (Terian 2022, 2). This phenomenon of sharing – visible not only from mass media towards individual online accounts, but also between mainstream and alternative media (new forms of online journalism) – has recently attracted increasing scholarly attention (see Horne, Nørregaard, Adalı 2019).

A key issue in the online environment concerns the fact that a text may be redistributed indefinitely, sometimes without any knowledge of its original author. This raises the question: Does such unattributed reuse or quotation amount to a rights infringement? Moreover, another increasingly relevant concern involves the consequences of reusing, sharing, or citing information or sources that fall under the category of fakenews. Are individuals responsible for such dissemination? Numerous theorists and researchers have explored these issues in recent years.

Recent theories thus emphasise that these practices of recirculating ideas are essential and highly widespread today. For example, three dimensions (Barchas-Lichtenstein 2023) of textual recirculation in online environments have been identified – dimensions that may be linked to the notion of copying, as a means of acquiring and redistributing information. These include *publicness*, referring to the degree of visibility of the message; *ephemerality*, concerning the duration for which the information remains visible (the permanent versus the ephemeral); and the notion of *voice*, understood as the intervention of individuals who (re)transmit a message online. Each of these dimensions plays a significant role in the overall process of information circulation.

Scholars’ perspectives differ regarding quotation and the right to cite in online spaces (in online media and on social networks)⁵. Some approaches treat all forms of information sharing in the digital environment as a type of quotation, while others observe a broader complexity within the process, framing it as one of *recontextualisation* (Haapanen & Perrin 2017). The latter refers to the practice of integrating an excerpt from a journalistic source into another article, within a different context, while explicitly marking it as reused. Moreover, as this second perspective highlights, the emphasis lies not on replication through verbatim reproduction, but rather on “purpose-oriented recontextualisation of a segment of prior discourse, marking it appropriately as a quotation” (Haapanen & Perrin 2017). Yet

⁵ In this regard, for more information, see Barchas-Lichtenstein 2023; Haapanen & Perrin 2017; Bertrand 2021; Horne, Nørregaard & Adalı 2019; Kula & Grzelka 2022.

what occurs when this phenomenon leads to a distortion of the original meaning and intent of the message? Applied research on journalistic practice can identify such cases, in which individual preferences and ideological aims make contextual alteration a deliberate process on the part of the journalist or media institution.

Some researchers even identify the use of links – hyperlinks – within redistributed content as a form of quoting: „With the emergence of Internet 2.0 and, mainly, social media, the concept of quoting has further evolved. With social media platforms, it is easy to share links to media items published all over the web. Posting links can be considered a (new) kind of quoting in itself” (Haapanen, Perin 2017, 424). We thus observe, through the aforementioned studies, the extent to which the phenomena of quoting, reproducing, and disseminating material have become increasingly diverse in contemporary online media.

Relevant Case Law from the European Court of Human Rights and the Court of Justice of the European Union concerning the limits of Copyright applicable to the press

The following discussion addresses issues related to the right of quotation and the reproduction or distribution of information in the media, highlighting relevant case law. The tension between press freedom and the public’s right to information, on the one hand, and the protection of copyright, on the other, has been the subject of analysis by European courts, including the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU).

Regarding the topic analysed in this article, we will briefly present a few illustrative cases from CJEU jurisprudence:

a. Infopaq International (EUR-Lex, CJEU, Judgment of 16 July 2009)

The Infopaq Case represents one of the most influential CJEU rulings concerning copyright protection in the digital environment. The decision clarified the concepts of “work,” “partial reproduction,” and how copyright applies in digital text processing.

In this case, the Danish company Infopaq International conducted media monitoring, scanning newspapers and automatically extracting fragments of 11 characters deemed relevant for clients. The Danish Publishers’ Association, Danske Dagblades Forening, argued that this procedure involved unauthorised reproductions of copyrighted works. The matter reached the CJEU through preliminary questions regarding the interpretation of Directive 2001/29/EC (the InfoSoc Directive), specifically whether: 1. *a very short fragment – 11 characters – could constitute a “partial reproduction” protected by copyright?*; and 2. *the technical operations involved in scanning and analysing texts were covered by the exception for “temporary acts of reproduction”* (Article 5(1) of Directive 2001/29/EC).

The CJEU held that any element reflecting the author’s originality, i.e., an “intellectual creation of the author,” even a fragment of 11 characters, requires the author’s authorisation. Moreover, the technical processing (scanning, conversion into text files, extraction of fragments, temporary storage) does not fall within the exception for temporary acts and therefore requires the author’s consent.

b. *Painer* (EUR-Lex, CJEU, Judgment of 1 December 2011)

In this case, Eva-Maria Painer, a professional photographer, took a series of photographs of a young girl who had been abducted. The story was covered in the press, and several Austrian and German newspapers and news agencies published Painer's photographs without her permission and, in some cases, without attribution.

The CJEU, considering preliminary questions regarding potential copyright infringements, confirmed that quotation is permissible, including for images such as photographs (which may constitute copyrightable works), provided that the author is acknowledged and the use is for the purpose of informing the public.

c. *Svensson* (EUR-Lex, CJEU, Judgment of 13 February 2014)

A Swedish court referred questions in a case in which Mr Svensson and several journalists sued a news aggregation website (Retriever Sverige). The platform provided hyperlinks to articles previously published freely on a newspaper's website. The claimants argued that including such links constituted a communication to the public without their authorisation, thereby infringing copyright.

The CJEU held that hyperlinks to works already legally published online do not constitute communication to the public. The press may direct readers to materials published on social media, but it may not reproduce them in full without the consent of the author who has restricted access. The *Svensson* case clarified that simply providing hyperlinks to content already freely available to the public does not infringe copyright; only links to illegal or restricted content may trigger legal liability.

Conclusions

Exceptions and limitations to copyright are essential for the functioning of the press in a democratic society. They enable access to information, foster public debate, and protect citizens' right to be informed, without undermining creators' rights to protect their works. The present article identifies such exceptions and limitations, namely the right of quotation and the reporting of current events, and highlights several approaches to this topic found in the specialist literature.

For the press, copyright exceptions and limitations are indispensable tools. The right of quotation facilitates debate and analysis, while reporting current events allows rapid reflection of public developments. Nevertheless, the use of copyrighted works remains a sensitive area, where proportionality, source attribution, and demonstration of public interest are essential.

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