



1. Content should be available to everyone, without any access restrictions (for example in the form of a paywall).
2. It may be the consent of the author or copyright holder (unless such consent is not required under the copyright law).
3. The profit can relate to the publication of the link itself or relate to the site where the link is published. The profit may be direct (from fees or revenue from ads) or indirect (posting a link is an activity supporting other activities of the website owner that are conducted for financial gain).
4. Knowledge of the unlawful nature of the work to which the link leads (in particular about the absence of an authorization for publication on the Internet) means that such link constitutes "communication to the public", thus creating liability of the individual (entity) posting the link, regardless of the purpose (private or commercial) of the link's publication.
5. Publication of the link for profit is tantamount to the presumption that linking was made with the full knowledge that the work to which the link leads is protected and with the awareness of a possible lack of consent of the copyright holder for posting on the Internet. This presumption can be rebutted by showing that it could not be reasonably known about the unlawfulness of the publication of the linked work or that the work is freely available on another website with the consent of the copyright holder.
6. Publication of a link for private purposes is tantamount to presumption that the publishing individual is not aware of the possible illegality of such work. This presumption can be rebutted by showing that the individual knew or should have known that the posted link allows access to the work published illegally on the Internet (e.g. the individual was notified by the copyright holder or circumstances indicate that the illegality of publication was obvious).
7. Liability depends on proof by a copyright holder that the individual/entity knew or could reasonably have known about the illegality of the publication of the linked work.