

Concise

European Copyright Law

Second Edition

 Wolters Kluwer

Concise European Copyright Law Dreier

Irini Stamatoudi, Paul Torremans



Concise European Copyright Law Dreier:

Concise European Copyright Law Thomas Dreier, P. B. Hugenholtz, 2006 In the rapidly growing information society copyright law plays a central role in the creation production dissemination and use of creative material and the information it contains In the past 15 years the European Union has enacted no less than seven Directives aimed at harmonising copyright throughout the internal market *Concise European Copyright Law* aims to offer the reader a rapid understanding of all the provisions of copyright law in force in Europe which have been enacted at the European and international levels and features Article by article commentary on the relevant European directives and international treaties in the field of copyright and neighbouring rights Short and straightforward explanations of the principles of law to be drawn from each provision Editors and authors who are prominent specialists academics and practitioners in the field of European and international copyright law *Concise European Copyright Law* is part of *Concise IP* a series of five volumes of commentary on European intellectual property legislation edited by Professor Thomas Dreier Professor Charles Gielen and Richard Hacon The formula of this series is based on the successful German and Dutch formula *KurzKommentar* and *Tekst en Commentaar* **Propertizing**

European Copyright Caterina Sganga, 2018-02-23 With an acceleration in the last decades the language of property piracy and theft has become mainstream in copyright matters Scholars have argued that this latent propertization has progressively led to the undue expansion of copyright and an enclosure of knowledge causing clashes with users fundamental rights and EU social and cultural policies Challenging the validity of such critiques *Propertizing European Copyright* demonstrates that these distortive effects are only the result of mishandled property rhetoric and that a commitment to copyright propertization could enable a more internally consistent and balanced development of EU copyright law **Exceptions in EU Copyright**

Law Tito Rendas, 2021-02-10 *Information Law Series Volume 45* In a copyright system characterised by broad and long lasting exclusive rights exceptions provide a vital counterweight especially in times of rampant technological change The EU's controversial InfoSoc Directive now two decades old lists exceptions in which an unauthorised user will not have infringed the rightholder's copyright To reform or not to reform this legal framework that is the question considered in great depth in this book providing detailed theoretical and normative analysis of the Directive the national and CJEU case law arising from it and meticulously thought out proposals for change By breaking down the concepts of flexibility and legal certainty into a set of policy objectives and assessment criteria the author thoroughly examines such core aspects of the framework as the following the justifications for exceptions e.g. safeguarding the fundamental rights of users the regimes established in legislation and case law for key exceptions the need to promote technological development the importance of avoiding re fragmentation caused by uncoordinated national legislative responses to technological changes the legal status of digital technologies that rely on unauthorised uses of copyright protected works and the pros and cons of importing a fair use standard modelled after that of the United States In an invaluable concluding chapter the author puts forward a set of reform

proposals articulating their advantages and responding to potential objections In doing so the chapter also identifies syntheses and critically examines the various proposals that have been advanced in the academic literature In its decisive contribution to the debate around the InfoSoc Directive and the rules that guide its implementation interpretation and application this book isolates the contentious structural features of the framework and examines them in a critical fashion The author s systematised review of scholarly and policymaking proposals for increasing flexibility and legal certainty in EU copyright law will be welcomed by practitioners in intellectual property law and other areas of economic law as well as by interested policymakers and scholars

European Intermediary Liability in Copyright: A Tort-Based Analysis Christina Angelopoulos, 2016-09-15 In step with its rapid progress to the centre of modern social political and economic life the internet has proven a convenient vehicle for the commission of unprecedented levels of copyright infringement Given the virtually insurmountable obstacles to successful pursuit of actual perpetrators it has become common for intermediaries providers of internet related infrastructure and services to face liability as accessories Despite advances in policy at the European level the law in this area remains far from consistently applicable This is the first book to locate and clarify the substantive rules of European intermediary accessory liability in copyright and to formulate harmonised European norms to govern this complicated topic With a detailed comparative analysis of relevant regimes in three major Member State jurisdictions England France and Germany the author elucidates the relationship between these rules and the demands of EU law on fundamental rights and the principles of European tort law She clearly presents the interrelations between such areas as the following accessory liability in tort joint tortfeasance European fault based liability fault causation defences negligence negligence balancing rights based or utility based Germany s disturbance liability Störerhaftung fair balance in human rights end users fundamental rights The European Commission s 2015 Communication on a Digital Single Market Strategy for Europe The E Commerce Directive and other relevant provisions Safe harbours mere conduit caching hosting Intermediary actions monitoring filtering blocking removal of infringing content and application of remedies damages and injunctions The strong points of each national system are highlighted as are the commonalities between them and the author uses these to build a proposed harmonised European framework for intermediary liability for copyright infringement She concludes with suggestions for the future possible integration of the proposed framework into EU law The issue of the liability of internet intermediaries for third party copyright infringement has entered into the political agenda across the globe giving rise to one of the most complex contentious and fascinating debates in modern copyright law This book offers an opportunity for a re conceptualisation and rationalisation of the applicable law in a way which additionally better accounts for the cross border nature of the internet It will be of inestimable value to many interested parties lawyers internet intermediaries NGOs policymakers universities libraries researchers lobbyists in matters regarding the information society

EU Copyright Law
Irina Stamatoudi, Paul Torremans, 2021-03-26 This significantly revised and updated second edition addresses the rapid

development of EU copyright law in relation to the advancement of new technologies the need for a borderless digital market and the considerable number of EU legal instruments enacted as a result Taking a comparative approach the Commentary provides comprehensive coverage and in depth commentary on each of the EU legal instruments and policies both from an EU and an international perspective Alongside full legislative analysis and article by article commentary the Commentary illustrates the underlying basic principles of free movement and non discrimination and provides insights into the influence of copyright on other areas of EU policy including telecoms and bilateral trade agreements

EU Copyright Law Morten Rosenmeier, Kacper Szkalej, Sanna Wolk, 2019-03-25 EU Copyright Law Subsistence Exploitation and Protection of Rights Morten Rosenmeier Kacper Szkalej and Sanna Wolk Against a background in which technology continues to change the ways we create use distribute and consume cultural content and where there has been a noticeable increase in the body of case law of Court of Justice of the European Union CJEU relating to copyright copyright protection has become an essential component of the knowledge based economy and the information society This book structured around the various rights and issues rather than the legislative instruments greatly facilitates an understanding of the complex legal area of European Union EU copyright law and provides for a more conscious application of these rules Among the issues and topics covered are the following the CJEU s interpretation of EU copyright law and application of fundamental rights authorship and ownership of copyright protection of computer programs and databases scope of exclusive rights such as communication to the public and distribution including rental and lending application of limitations and exceptions cross border access to online content services digital exhaustion of copyright and enforcement of copyright and cross border issues With its practical approach to the substance of the various legal rules and principles both at EU level and in the various EU Member States the book clearly describes in detail how copyright law functions throughout the EU Professionals business entities and academics who must be familiar with this dynamic legal area especially in the digital environment will benefit greatly from the book s clear consideration of legal questions that arise in connection with copyright issues

Harmonizing European Copyright Law Mireille M. M. van Eechoud, 2009-01-01 The European concern with copyright and related rights Object subject and duration of protection Exclusive rights and limitations Rights management information and technological protection measures Term extension for sound recordings Term calculation for co written musical works Orphan works The blessings and curses of harmonization The last frontier territoriality

The Software Interface Between Copyright and Competition Law Ashwin van Rooijen, 2010-01-01 The success of computer programs often depends on their ability to interoperate or communicate with other systems In proprietary software development however the need to protect access to source code including the interface information

Conceptualizing Copyright Exceptions in China and South Africa Jia Wang, 2018-03-01 This book critically evaluates the current copyright law system in a digital environment from a comparative perspective Since many developing countries modelled their copyright laws on more advanced jurisdictions they

have not benefitted from such a law as much as intended due to their inherently embedded social economic conditions Moreover the copyright law system has been under constant challenges from rapidly developing digital technology and the Internet All in all there is a pressing need for developing countries to reevaluate their copyright law in light of their national needs the developmental stage of their economy their culture and tradition and their legal system The book poses the question of whether copyright law should be reformed to fulfill its fundamental purpose of serving education and research that are in the public interest in the digital era It examines whether the legal frameworks adequately address developing countries educational and research requirements in view of the opportunities and restrictions posed by electronic communication media Further it provides a comprehensive study that addresses the various critical issues relevant to the reform of the copyright law system and offers recommendations for developing countries to revamp their copyright law system to better serve their education and research sector

The Cambridge Handbook of Copyright Limitations and Exceptions Shyamkrishna Balganesh,Ng-Loy Wee Loon,Haochen Sun,2021-01-07 While copyright law is ordinarily thought to consist primarily of exclusive rights the regime s various exemptions and immunities from liability for copyright infringement form an integral part of its functioning and serve to balance copyright s grant of a private benefit to authors creators with the broader public interest With contributors from all over the world this handbook offers a systematic thorough study of copyright limitations and exceptions adopted in major jurisdictions including the United States the European Union and China In addition to providing justifications for these limitations the chapters compare differences and similarities that exist in major jurisdictions and offer suggestions about how to improve the enforcement of copyright limitations domestically and globally This work should appeal to scholars policymakers attorneys teachers judges and students with an interest in the theories policies and doctrines of copyright law

Challenges of Copyright in the Digital Age Arpi Abovyan,2014-06-26 The adaption of copyright law to the digital age is currently one of the EU s main concerns regarding intellectual property This thesis analyses whether European legislation in this field can be successfully implemented in the same way in countries with different levels of development Taking the examples of Germany and Armenia will help to evaluate the problems of developed and transition countries concerning the challenges of copyright in the digital age The comparison between these two countries shows that a one size fits all approach is not appropriate in the digital environment The socio economic situation and the legal environment of transition countries call for a different solution In this respect the example of Armenia may be instructive for other transition countries as well especially CIS countries A recommendation for adopting a certain system for drafting European legislation in the future which will meet the needs of all countries considering their social economic and legal situation has been developed in this thesis

Art and Copyright Simon Stokes,2021-03-11 First published in 2001 Art and Copyright has established itself as a leading text in the field Revised and updated this third edition includes additional coverage of the following topics The relationship between designs law and artistic works EU and Brexit developments AI

created works graffiti and other non conventional works blockchain and rights management orphan works new exceptions to copyright and digital copyright art databases and online platforms This book remains an invaluable work for all those involved in art law and for intellectual property lawyers involved with the exploitation and or sale of artistic works as well as for intellectual property academics researchers law students curators publishers artists gallery owners auction houses and those developing and running online art platforms databases and technology to transact in art *Copyright in the Age of Online Access* João Pedro Quintais, 2017-05-15 In addition to proving virtually impossible online enforcement of copyright may be undesirable because it risks encroaching upon fundamental rights and freedoms However the problem remains that creators are often not fairly remunerated for the online use of their works This book addresses the urgent need to study pragmatic legal solutions that enable Internet users to access works in the digital environment while assuring remuneration to rights holders and promoting the development of the information society This study examines legalisation schemes that favour remunerated access over exclusivity and enforcement for large scale online use by individuals It investigates whether and to what extent these schemes referred to as alternative compensation systems are admissible under EU copyright law and consistent with its objectives responding to such questions as the following in depth What existing copyright schemes provide an alternative to the exclusive right in copyright law What online rights apply to the activities of Internet users What types of models exist for the legalisation of online use of copyright works How can the public interest shape the scope of protection of copyright Can and should we legalise non commercial file sharing and online use in EU copyright law The book carefully examines these questions in light of EU primary law relevant directives with a focus on the InfoSoc Directive case law especially that of the CJEU and legal literature in the field of copyright The analysis culminates with a proposed blueprint for a compensated limitation for non commercial individual use that is consistent with EU copyright law As a thoroughly researched and balanced response to the urgent need to rethink EU copyright law in light of its lack of social acceptance and technological adequacy this book will be of inestimable value to lawyers policymakers and scholars in the field as well as to interest groups involved in discussions for reform and modernisation of EU digital copyright law 3D Printing, Intellectual Property and Innovation Rosa Maria Ballardini, Marcus Norrgård, Jouni Partanen, 2016-04-24 3D printing or more correctly additive manufacturing is the general term for those software driven technologies that create physical objects by successive layering of materials Due to recent advances in the quality of objects produced and to lower processing costs the increasing dispersion and availability of these technologies have major implications not only for manufacturers and distributors but also for users and consumers raising unprecedented challenges for intellectual property protection and enforcement This is the first and only book to discuss 3D printing technology from a multidisciplinary perspective that encompasses law economics engineering technology and policy Originating in a collaborative study spearheaded by the Hanken School of Economics the Aalto University and the University of Helsinki in Finland and engaging an international consortium of legal design and

production engineering experts with substantial contributions from industrial partners the book fully exposes and examines the fundamental questions related to the nexus of intellectual property law emerging technologies 3D printing business innovation and policy issues Twenty five legal technical and business experts contribute sixteen peer reviewed chapters each focusing on a specific area that collectively evaluate the tensions created by 3D printing technology in the context of the global economy The topics covered include current and future business models for 3D printing applications intellectual property rights in 3D printing essential patents and technical standards in additive manufacturing patent and bioprinting private use and 3D printing copyright licences on the user generated content UGC in 3D printing copyright implications of 3D scanning and non traditional trademark infringement in the 3D printing context Specific industrial applications including aeronautics automotive industries construction equipment toy and jewellery making medical devices tissue engineering and regenerative medicine are all touched upon in the course of analyses In a legal context the central focus is on the technology s implications for US and European intellectual property law anchored in a comparison of relevant laws and cases in several legal systems This work is a matchless resource for patent copyright and trademark attorneys and other corporate counsel innovation economists industrial designers and engineers and academics and policymakers concerned with this complex topic

Constructing an Eco-Balanced Copyright Regime for the Video Game Industry in China Zhaoxia Deng, 2025-07-30 This book aims to address the copyright issues surrounding VGs and to balance the interests of the various stakeholders in both legal and social contexts in order to promote the sustainable development of the VG industry for the benefit of society Sustainable development is an approach to development that protects society in the long term taking into account both present and future needs In this book sustainable development refers to the steady economic development of the video game industry without causing serious damage to social welfare This can only be achieved by harmonizing three core processes stimulating innovation promoting access to information and reducing the negative externalities of video games This book identifies loopholes in the current copyright regime for video games considers both internal and external aspects of the ecosystem and proposes some new schemes to help solve the problems posed by technological innovation and the negative externalities of video games in order to facilitate the construction of an eco balanced copyright regime This book can serve as a useful tool for scholars or researchers interested in the copyright issues surrounding video games It can also be of great help to policymakers who wish to enact laws or regulations to regulate the negative externalities of video games and to IP judges who are faced with copyright disputes involving video games It is also useful for game companies to know how to protect the copyright of their video games and how to promote innovation in their industry What s more some video game players or live game streamers may be interested in reading this book

Technologie et concurrence - Technology and Competition Josef Drexler, 2009 Hanns Ullrich this highly renowned legal scholar has had a tremendous influence on legal research and the development of the law in the fields of both Technology and Competition His expertise dates back to the

late 1970s and early 1980s when he served as a member of the research staff at the Max Planck Institute for Intellectual Property in Munich In 1985 he became professor of law at the Universität der Bundeswehr Munich and finally in 2000 professor at the European University Institute Florence He has acted as visiting professor at a number of Universities around the world including in particular the College of Europe Bruges The authors of the contributions in this book feel greatly indebted to Hanns Ullrich Much earlier than others he recognised and explained that in the absence of pressure from competition intellectual property will not be able to fulfil its mission of enhancing innovation In concentrating on the fields of interest of this eminent scholar the contributions address a number of the most burning issues of the regulation of intellectual property competition law and of course the application of competition law to IP related cases The Competence of the European Union in Copyright Lawmaking Ana Ramalho, 2016-03-08 This book inquires into the competence of the EU to legislate in the field of copyright and uses content analysis techniques to demonstrate the existence of a normative gap in copyright lawmaking To address that gap it proposes the creation of benchmarks of legislative activity reasoning that EU secondary legislation such as directives and regulations should be based on higher sources of law It investigates two such possible sources the activity of the EU Court of Justice in the pre legislative era and the EU treaties From these sources the author establishes concrete benchmarks of legislative activity which she then tests by applying them to current EU copyright legislation This provides examples of good and bad practices in copyright lawmaking and also shows how the benchmarks could be implemented in copyright legislation Finally the author offers some recommendations in this regard *Injunctions Against Intermediaries in the European Union* Martin Husovec, 2017-11-30 This book explores an emerging type of intellectual property remedy an injunction that can compel innocent third parties to provide enforcement assistance *Access-right* Zohar Efroni, 2011 Copyright law has become the subject of general concerns that reach beyond the limited circles of specialists and prototypical rights holders The role scope and effect of copyright mechanisms involve genuinely complex questions Digitization trends and the legal changes that followed drew those complex matters to the center of an ongoing public debate In *Access Right The Future of Digital Copyright Law* Zohar Efroni explores theoretical normative and practical aspects of premising copyright on the principle of access to works The impetus to this approach has been the emergence of technology that many consider a threat to the intended operation and perhaps even to the very integrity of copyright protection in the digital setting It is the ability to control digital works already at the stage of accessing them by means of technological protection measures The pervasive shift toward the use of digital technology for the creation dissemination exploitation and consumption of copyrighted material warrants a shift also in the way we perceive the structure of copyright rules Premising the copyright order on the concept of digital access first calls for explaining the basic components of proprietary access control over information in the abstract The book then surveys recent developments in the positive law while showing how the theoretical access right construct could explain the logic behind them Finally the book

critically analyzes existing approaches to curbing the resulting problems of imbalance and overprotection which are said to disadvantage users In conclusion the book advocates for a structural overhaul of our current regulative apparatus The proposed reform involves a series of changes in the way we define copyright entitlements and in the way in which those entitlements may interrelate within a single coherent scheme

Formalities in Copyright Law

Stef van Gompel, 2011-01-01 This book examines whether reintroducing copyright formalities is legally feasible Based on a comprehensive and thorough analysis of copyright formalities it sets out to establish the extent to which the current copyright system allows for their reintroduction To this end the author describes the role and functions of formalities revisits the history of formalities at the national and international levels examines the scope of the international prohibition on formalities and scrutinizes the rationales behind this prohibition including an in depth examination of the validity of the argument that copyright is a natural right and therefore should be protected independently of formalities The author skilfully evaluates and contrasts the conflicting theories according to which formalities on the one hand add legal certainty to claims on the ownership of property and on the other hamper individual authors from seeking adequate protection for their works This book makes an important contribution to legal science by answering questions that so far have been neglected or only marginally addressed To the degree that current copyright law permits reintroducing formalities the author posits the specifications that will determine to a great extent what role and functions they may eventually fulfil depending on the aims to be achieved lawmakers must choose which types of formalities shall be imposed and what their legal consequences shall be This book goes a long way towards reinforcing the foundation for those decisions

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