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Collective Management of Copyright and Related Rights

EDITED BY PROF. DR. DANIEL GERVAIS

Second Edition



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Law & Business

Collective Management Of Copyright And Related Rights 2nd Edition

Paul Torremans



Collective Management Of Copyright And Related Rights 2nd Edition:

Collective Management of Copyright and Related Rights World Intellectual Property Organization, 2022-12-22 This third edition of Collective Management of Copyright and Related Rights presents an in depth revision with invaluable updates on the different systems legislative options and best practices of CMOs worldwide As with previous editions the book is written to reach a wide audience with a special focus on questions that might emerge for governments as they prepare adopt and apply collective management norms and regulations The edition also sheds light on new copyright and related rights developments including digital technological and business trends from all over the world Additionally there is detailed discussion on topics such as aspects of competition national treatment and different models of collective management

The Oxford Handbook of Mobile Music Studies, Volume 1 Sumanth Gopinath, Jason Stanyek, 2014-03-21 The two volumes of The Oxford Handbook of Mobile Music Studies consolidate an area of scholarly inquiry that addresses how mechanical electrical and digital technologies and their corresponding economies of scale have rendered music and sound increasingly mobile portable fungible and ubiquitous At once a marketing term a common mode of everyday life performance and an instigator of experimental aesthetics mobile music opens up a space for studying the momentous transformations in the production distribution consumption and experience of music and sound that took place between the late nineteenth and the early twenty first centuries Taken together the two volumes cover a large swath of the world the US the UK Japan Brazil Germany Turkey Mexico France China Jamaica Iraq the Philippines India Sweden and a similarly broad array of the musical and nonmusical sounds suffusing the soundscapes of mobility Volume 1 provides an introduction to the study of mobile music through the examination of its devices markets and theories Conceptualizing a long history of mobile music extending from the late nineteenth century to the present the volume focuses on the conjunction of human mobility and forms of sound production and reproduction The volume s chapters investigate the MP3 copyright law and digital downloading music and cloud computing the iPod the transistor radio the automated call center sound and text messaging the mobile phone the militarization of iPod usage the cochlear implant the portable sound recorder listening practices of schoolchildren and teenagers the ringtone mobile music in the urban soundscape the boombox mobile music marketing in Mexico and Brazil music piracy in India and online radio in Japan and the US

EU Copyright Law Irini 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

Individualism and Collectiveness in Intellectual Property Law Jan Rosén, 2012 This title embraces fundamental eternal and yet very contemporary elements in IP law dealt with in all parts of the world

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

Copyright's Broken Promise John Willinsky, 2022-12-06 A comprehensive proposal for reforming copyright law to ensure sustainable public access to research and scholarship Open access is widely supported by researchers librarians scholarly societies and research funders as well as large and small publishers Yet despite this support and the pandemic s demonstration of the importance of open access for scientific progress the scholarly publishing market is failing to deliver open access quickly enough In *Copyright's Broken Promise* John Willinsky presents the case for reforming copyright law so that it supports rather than impedes public access to research and scholarship He draws on the legal strategy of statutory licensing to set out the terms and structures by which the Copyright Act could ensure that publishers are fairly compensated for providing immediate open access What sets Willinsky s analysis apart is its focus on the current state of scholarly publishing Because copyright offers so little legal support for moving publishing to open access though it is best for science he says it is time to stop regarding the Copyright Act as a law of nature that can only be circumvented contravened or temporarily set aside Specifically he proposes that the Copyright Act

add a new category of work called research publications which would be subject to statutory licensing This would allow publishers to receive royalty payments from the principal institutional users universities industry R D research institutes and so on and sponsors of the work foundations and government agencies while providing immediate open access

Handbook on the Economics of Copyright Richard Watt, 2014-09-26 Featuring expert contributors from around the world this book offers insight into the vital theoretical and practical aspects of the economics of copyright Topics discussed include fair use performers rights copyright and trade online music streaming

Research Handbook on Copyright Law Paul Torremans, 2017-10-27 This second edition is a timely presentation of the state of the art in copyright research Copyright law is currently at the centre of many debates and the subject of substantive new developments The new edition of the Research Handbook captures these fast moving developments and goes far beyond a mere update of the chapters All of the topical chapters are completely new and the authors have been chosen for their expertise and excellence in the areas concerned Research Handbook on Copyright Law offers global coverage both in terms of substance and in terms of author expertise and maps both the present and future of the discipline It will prove an invaluable research tool for all those involved in copyright research who wish to keep up with the pace at which this area of law is evolving

Methodology for the Development of National Intellectual Property Strategies, 2nd ed. World Intellectual Property Organization, 2020-10-27 This core reference for national project teams developing IP strategies has been fully revised to give clear step by step guidance through every phase of the lifecycle of a strategy from initiation through to monitoring and evaluation It includes a new implementation tool with best practices for the efficient navigation of this essential phase of the process a detailed guide to data collection by economic sectors institutions and clusters and a number of essential templates and other resources

Holyoak and Torremans Intellectual Property Law Paul Torremans, 2013-06-13 Holyoak and Torremans Intellectual Property Law provides a complete introduction and overview of UK intellectual property law It examines how the law has developed through key statutory provisions and leading cases and highlights the increasing influence of the EU and other international jurisdictions in shaping the law in its global context

Copyright Reconstructed: Rethinking Copyright's Economic Rights in a Time of Highly Dynamic Technological and Economic Change P. Bernt Hugenholtz, 2018-04-11 About this book Copyright Reconstructed is the result of a collaborative research project Reconstructing Rights funded by Microsoft Europe that normatively examined the core economic rights protected under EU copyright law with the aim of realigning these rights with economic and technological realities It follows an interdisciplinary approach combining economic and legal methods The book presents various concurring future models of reconstructed copyright law The historical evolution of copyright has led to a growing disconnect between the legal definitions of economic rights and the business and technological realities they regulate eroding copyright's normative content and distorting the scope of its economic rights What's in this book This book is structured as follows Following a historical chapter that illustrates how a structure of media specific economic rights has

developed in international copyright law as copyright's catalogue of rights a number of alternative models for reconstructing rights are presented in the form of chapters by Europe's most respected copyright scholars and economists focusing on potentially copyright relevant acts that lie at the borders of exclusive rights digital resale private copying hyperlinking and embedding cable retransmission and text and data mining How this will help you Offering the most incisive current thinking on copyright's economic rights in an increasingly networked world where acts of usage of works occur on a global or regional scale rather than on a purely national territorial basis this book will be of immeasurable value not only to academics but also to practitioners and professionals in intellectual property law This book guides copyright lawyers and scholars in the fields of international and EU copyright law in understanding the nexus between copyright law and technological and economic change It also helps lawmakers and judges at the European national and international levels formulate legislative responses to the challenges of the digital environment

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 Drafting Copyright Exceptions Emily Hudson,2020-04-02 This is a detailed account of interpretative practices and the law in action that draws lessons for the drafting of copyright exceptions *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 Remuneration of Copyright Owners Kung-Chung Liu,Reto M. Hilty,2017-05-04 This book evaluates existing and explores new mechanisms for the adequate payment of copyright owners for the use of their works The underlying assumption is that adequate rewards to creators and subsequent right holders will continue to be a goal of copyright law particularly to incentivize further creation and investment In the search for viable methods it first focuses on the reduction of transaction costs and the role of new technologies It also discusses the further development and broader application of new mechanisms that might be necessary to enhance the adequacy and efficiency of payment systems since the more onerous payment systems are the more irrelevant copyright risks become due to lack of acceptance and the less likely both are to fulfill their functions *Remuneration for the Use of Works* Silke von Lewinski,2016-12-19 Royalty payments are once again becoming a hot button issue for authors and artists as well as other holders of copyright or related rights because they fail to receive adequate compensation for the use of their work on the internet This volume from the 2015 ALAI Congress contributes to the international discussion of this issue by examining the causes of the problem and possible solutions including a set of business models to compensate for internet usage The volume contains mainly English as well as French and Spanish contributions International Copyright Paul Goldstein,P. Bernt Hugenholtz,2019-08-30 International Copyright Principles Law and Practice surveys and analyzes the legal doctrines

affecting copyright practice around the world in both transactional and litigation settings It provides a step by step methodology for advising clients involved in exploiting creative works in or from foreign countries Written by two of the most esteemed experts of copyright law in the United States and Europe this volume is a unique synthesis of copyright law and practice taking into account the Berne Convention the TRIPs Agreement the ongoing harmonization of copyright in the European Union and the impact of the Internet National copyright rules on protectible subject matter ownership term and rights are covered in detail and compared from country to country as are topics on moral rights and neighboring rights Separate sections cover such important topics as territoriality national treatment and choice of law as well as the treaty and trade arrangements that underlie substantive copyright norms

The Global Political Economy of Intellectual

Property Rights, 2nd ed Christopher May, 2015-04-10 The first edition established itself as one of the leading books to situate the issue of intellectual property within the discipline of International Political Economy IPE Since its publication intellectual property has continued to rise up the global agenda reflecting expanding interest in the area among policy makers and advocacy groups linked to the increasingly fraught politics of the global governance of IPRs Significantly revised and updated to take account of developments within the World Trade Organization and the World Intellectual Property Organization this edition incorporates the author's recent research on IPRs It retains the theoretical and analytical elements of the first edition whilst offering students and researchers a detailed analysis of how intellectual property is politically constructed and how it is linked to the economics of knowledge and information in the contemporary global political economy Rapidly developing issues addressed in the work include arguments around the implementation of the Agreement on Trade Related Aspects of IPRs TRIPs the WIPO Development agenda and the resistance to socialization programmes the AIDS crisis and the pharmaceutical industry Digital Rights Management This book will be of interest to students and researchers of international political economy international relations and intellectual property law

International Intellectual Property

Daniel J. Gervais, 2015-01-30 International Intellectual Property A Handbook of Contemporary Research provides researchers and practitioners of international intellectual property law with the necessary tools to understand the latest debates in this incredibly dynamic and complex

Lion's Share Veit Erlmann, 2022-10-28

In the aftermath of apartheid South Africa undertook an ambitious revision of its intellectual property system In Lion's Share Veit Erlmann traces the role of copyright law in this process and its impact on the South African music industry Although the South African government tied the reform to its postapartheid agenda of redistributive justice and a turn to a postindustrial knowledge economy Erlmann shows how the persistence of structural racism and Euro modernist conceptions of copyright threaten the viability of the reform project In case studies ranging from antipiracy police raids and the crafting of legislation to protect indigenous expressive practices to the landmark lawsuit against Disney for its appropriation of Solomon Linda's song Mbube for its hit The Lion Sleeps Tonight from The Lion King Erlmann follows the intricacies of musical copyright through the criminal justice system

parliamentary committees and the offices of a music licensing and royalty organization Throughout he demonstrates how copyright law is inextricably entwined with race popular music postcolonial governance indigenous rights and the struggle to create a more equitable society

Collective Management Of Copyright And Related Rights 2nd Edition Book Review: Unveiling the Magic of Language

In a digital era where connections and knowledge reign supreme, the enchanting power of language has become more apparent than ever. Its power to stir emotions, provoke thought, and instigate transformation is actually remarkable. This extraordinary book, aptly titled "**Collective Management Of Copyright And Related Rights 2nd Edition**," published by a very acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we will delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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