

COPYRIGHT EXCEPTIONS: DEFINITION & TYPES



Copyright Exceptions Copyright Exceptions

PT Brinkman



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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

Copyright Exceptions Robert Burrell, Allison Coleman, 2005-02-24 This book examines why copyright exceptions are necessary and the forces that have shaped the UK legislation

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

Copyright Law in an Age of Limitations and Exceptions Ruth L. Okediji, 2017-03-30 Copyright Law in an Age of Limitations and Exceptions brings together leading copyright scholars and the field's foremost authorities to consider the critical role of copyright law in shaping the complex social economic and political interaction critical for cultural productivity and human flourishing The book addresses defining issues facing copyright law today including justifications for copyright law's limitations and exceptions L Es the role of authors in copyright users rights fair use politics and reform the three step test in European copyright law the idea expression principle with respect to functional works limits on the use of L Es in scientific innovation and L Es as a tool for economic development in international copyright law The book also presents case studies on the historical development of the concept of neighboring rights and on Harvard Law School's pioneering model of global copyright education made possible by the exercise of L Es across national borders

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 synthesises 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

Antitrust Analysis of Online Sales Platforms & Copyright Limitations and Exceptions Bruce Kilpatrick, Pierre Kobel, Pranvera Këllezi, 2018-07-03 This book gathers international and national reports from across the globe on key questions in the field of antitrust and intellectual property The first part discusses the application of competition law to online sales platforms which is increasingly a focus for anti trust authorities around the world A detailed international report explores which are the major challenges for competition law generated by the growth of online platforms It provides an excellent comparative study of this complex and challenging subject The second part of the book gathers contributions from various jurisdictions on the topic To what extent do current exclusions and limitations to copyright strike a fair balance between the rights of owners and fair use by private individuals and others This section presents an international report which offers an unparalleled comparative analysis of this topic bringing together common themes and contrasting the various national provisions dealing with exceptions to copyright amongst other things The book also includes the resolutions passed by the General Assembly of the International League of Competition Law LIDC following a debate on each of these topics which include proposed solutions and recommendations The LIDC is a long standing international association that focuses on the interface between competition law and intellectual property law including unfair competition issues

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

International Perspectives on Disability Exceptions in Copyright Law and the Visual Arts Jani McCutcheon, Ana Ramalho, 2020-09-27 This book provides an overview of disability exceptions to copyright infringement and the international and human rights legal framework for disability rights and exceptions The focus is on those exceptions as they apply to visual art while the book presents a comprehensive study of copyright s disability exceptions per se and the international and human rights law framework in which they are situated 3D printing now allows people with a visual impairment to experience 3D reproductions of paintings drawings and photographs through touch At the same time the uncertain application of existing disability exceptions to these reproductions may generate concerns about legal risk hampering sensory art projects and reducing inclusivity and equity in cultural engagement by people with a visual impairment The work adopts an interdisciplinary approach with contributions from diverse stakeholders including persons with disabilities cultural institutions and the 3D printing industry The book sketches the scene relating to sensory art projects Experts in intellectual property human rights disability and art law then critically analyse the current legal landscape relating to disability access to works of visual art at both international and regional levels as well as across a broad representative sample of national jurisdictions and identify where legal reform is required This comparative analysis of the laws aims to better inform stakeholders of the applicable legal landscape the legal risks and opportunities associated with sensory art and the opportunities for reform and best practice guidelines with the overarching goal of facilitating international harmonisation of the law and enhanced inclusivity

The Parody Exception in Copyright Law Sabine Jacques, 2019-03-07 Parodies have been created throughout times and cultures A glimpse at the general judicial latitude generally afforded to parodies satires caricatures and pastiches demonstrates the social and cultural value of this particular form of artistic expression With the advent of technologies and the evolution of copyright legislation creative endeavours in the form of parody gathered a new youth but became unlawful While copyright law grants exclusive rights to right holders this right is not absolute Legislation includes specific exceptions which preclude right holders from exercising their prerogatives in particular cases which foster creativity and cultural diversity within that society The parody exception pertains to this ultimate objective by permitting users to reproduce copyright protected materials for the purpose of parody To understand the meaning and scope of the parody exception this book examines and compares five jurisdictions which differ in their protection of parodies France Australia Canada the US and the United Kingdom This book is concerned with

finding an appropriate balance between the protection awarded to right holders and the public interest This is achieved by analysing the parody exception to the economic rights of right holders the preservation of moral rights and the interaction of the parody exception with contract law As parodies constitute an artistic expression protected under the right to freedom of expression this book also considers the influence of freedom of expression on the interpretation of this specific copyright exception Furthermore this book aims at providing guidance on how to resolve conflicts where fundamental rights are in conflict This is the first book in English to offer an in depth investigation into the parody exception in copyright law and comments on industry practices linked to this form of creative endeavours

The General Exception Clauses of the TRIPS Agreement Edson Beas Rodrigues, Jr, 2012-04-12 The general exception clauses of the TRIPS Agreement of the World Trade Organization permit exceptions to copyrights and to the rights conferred by trademarks industrial designs and patents These clauses are intended to facilitate access to diverse forms of proprietary knowledge and therefore foster the interdependent pillars of sustainable development economic progress realization of human rights and the conservation of the environment In this book Edson Beas Rodrigues Jr argues that the TRIPS Agreement in its current configuration does not hinder the establishment of exceptions to intellectual property rights devised to promote vital socioeconomic interests such as the freedom to carry out creative and inventive activities freedom of expression the strengthening of free competition and increased access to educational materials by underprivileged students and to technical knowledge for humanitarian purposes

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