

Cardozo Arts And Entertainment Law Journal 2009 Volume 26 Number 3

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Pluralism or Universalism in International Copyright Law Tatiana Eleni Synodinou 2019-10-24 In a world where powerful intermediaries like Google and Facebook are de facto regulators of the communication of copyright-protected works, the democratization of access to content has both substantially expanded the availability of new markets and dramatically increased copyright infringements. Does this mean that the long-sought ideal of a “universal” copyright regulation, which would harmoniously combine effective protection of intellectual creations with public interest goals, is a lost cause? Taken together, the contributions to this insightful and thoroughly researched book suggest that despite the prevailing labyrinthine mosaic of divergent national responses to fragmentation at international level, the foundations of a universal approach can be found in the interaction of regional, national and international copyright law instruments when responding to current and emerging technologies. Emphasizing the adaptation of copyright law to the needs of the information society, this volume provides critical approaches by leading copyright scholars on whether pluralism or universalism is the appropriate path to follow for the development of international copyright law. The authors deal with such issues and topics as the following: the application of core copyright law principles worldwide; authorship, rights and exceptions in the international copyright acquis; Internet copyright enforcement; global collective management of copyright; copyright contracts; database and design rights; intermediary liability; the global reach of the U.S. Fair Use doctrine; World Intellectual Property Organization’s role and strategy in international copyright lawmaking; and bilateral trade and investment agreements involving copyright. Specific evolutions and emerging trends in national and regional digital copyright laws are analyzed and assessed as they have developed in the European Union, the United States, Canada and Australia, as well as in several Asian and African countries. Throughout, attention is paid to compatibility with the Berne Convention, the perceived core of copyright law in the international copyright acquis, and the key question of the balancing of copyright law with fundamental rights from an international and comparative law perspective. As a comprehensive analysis of how core copyright law concepts and principles function in today’s fragmented copyright legal system, this book has no peers. Its detailed treatment of numerous specific instruments and regimes, as well as its insightful approaches to the future of international copyright lawmaking, will prove of immeasurable value to lawyers, judges, policy makers, academics and researchers working in the field of copyright law.

Routledge Handbook of Adapted Physical Education Justin A. Haegele 2020-02-12 This handbook represents the first comprehensive and evidence-based review of theory, research, and practice in the field of adapted physical education (APE). Exploring philosophical and foundational aspects of APE, the book outlines the main conceptual frameworks informing research and teaching in this area, and presents important material that will help shape best practice and future research. Written by world-leading researchers, the book introduces the key themes in APE, such as historical perspectives on disability, disability and the law, language, and measurement. It examines the most significant theoretical frameworks for understanding APE, from embodiment and social cognitive theory to occupational socialization, and surveys current debates and practical issues in APE, such as teacher training, the use of technology, and physical inactivity and health. Acknowledging the importance of the voices of children, parents and peers, the book also explores research methods and paradigms in APE, with each chapter including directions for further research. Offering an unprecedented wealth of material, the Routledge Handbook of Adapted Physical Education is an essential reference for advanced students, researchers and scholars working in APE, and useful reading for anybody with an interest in disability, physical education, sports coaching, movement science or youth sport.

Research Handbook on the Economics of Intellectual Property Law Ben Depoorter 2019 Both law and economics and intellectual property law have expanded dramatically in tandem over recent decades. This field-defining two-volume Handbook, featuring the leading legal, empirical, and law and economics scholars studying intellectual property rights, provides wide-ranging and in-depth analysis both of the economic theory underpinning intellectual property law, and the use of analytical methods to study it.

Transnational Advocacy Networks in the Information Society Derrick L. Cogburn 2017-01-11 This book examines the role of transnational advocacy networks in enabling effective participation for individual citizens in the deliberative processes of global governance. Contextualized around the international conference setting of the United Nations-sponsored World Summit on the Information Society (WSIS) in 2003 and 2005, the book sees epistemic communities and information and communication technologies (ICTs) as critical to the effectiveness of this important organizational form. Historically, governments have dominated the official “conference diplomacy” surrounding these World Summits. However, reflecting the UN General Assembly resolution authorizing WSIS, transnational civil society and private sector organizations were invited to participate as official partners in a multistakeholder dialogue at the summit alongside the more traditional governments and international organizations. This book asks: are transnational advocacy networks active in the global information society influential partners in these global governance processes, or merely symbolic tokens—or pawns? Cogburn explores the factors that enabled some networks—such as the Internet Governance Caucus—to persist and thrive, while others failed, and sees linkages with epistemic communities—such as the Global Internet Governance Academic Network—and ICTs as critical to network effectiveness.

The Responsibility of Online Intermediaries for Illegal User Content in the EU and the US Folkert Wilman 2020-11-27 Featuring foreword from Maciej Szpunar, First Advocate General at the Court of Justice of the European Union and Professor at the University of Silesia in Katowice This book delivers a comprehensive examination of the legal systems that regulate the responsibilities of intermediaries for illegal online content in both the EU and the US. It assesses whether existing systems are capable of tackling modern challenges, ultimately advocating for the introduction of a double-sided duty of care, requiring online intermediaries to do more to tackle illegal content whilst also better protecting their users’ rights.

Government Information Management in the 21st Century Peggy Garvin 2016-04-22 Government Information Management in the 21st Century provides librarians, information professionals, and government information policy leaders with a comprehensive and authoritative state-of-the-art review of current issues in government information management with a global perspective. The widespread use of the Internet to provide government information and services has altered the landscape dramatically for those who organize, store, and provide access to government content. Technical challenges include digital preservation, authentication, security, and accessibility for a diverse user base. Management challenges include changes to costs, workflow, staff skills and resources, and user expectations. Public policies based on distributed paper collections must also change to address issues that are inherent to digital, networked, public content; such issues include the maintenance of personal privacy, re-use of government information, and the digital divide. The authors in this timely book are practitioners, scholars, and government officials. Together they provide an informed look at how managing government information is being tested at a time of rapid change. Part I addresses key issues for public, academic, and government libraries in organizing and providing access to government information. Part II features chapters on the diverse information issues facing governments, such as managing Freedom of Information requirements, opening government data to the public, and

deploying new online technologies.

EGirls, ECitizens Valerie Steeves 2015-04-23 eGirls, eCitizens is a landmark work that explores the many forces that shape girls’ and young women’s experiences of privacy, identity, and equality in our digitally networked society. Drawing on the multi-disciplinary expertise of a remarkable team of leading Canadian and international scholars, as well as Canada’s foremost digital literacy organization, MediaSmarts, this collection presents the complex realities of digitized communications for girls and young women as revealed through the findings of The eGirls Project (www.egirlsproject.ca) and other important research initiatives. Aimed at moving dialogues on scholarship and policy around girls and technology away from established binaries of good vs bad, or risk vs opportunity, these seminal contributions explore the interplay of factors that shape online environments characterized by a gendered gaze and too often punctuated by sexualized violence. Perhaps most importantly, this collection offers first-hand perspectives collected from girls and young women themselves, providing a unique window on what it is to be a girl in today’s digitized society.

Amateur Media Dan Hunter 2012 The rise of Web 2.0 has pushed the amateur to the forefront of public discourse, public policy and media scholarship. Typically non-salaried, non-specialist and untrained in media production, amateur producers are now seen as key drivers of the creative economy. But how do the activities of citizen journalists, fan fiction writers and bedroom musicians connect with longer traditions of extra-institutional media production? This edited collection provides a much-needed interdisciplinary contextualisation of amateur media before and after Web 2.0. Surveying the institutional, economic and legal construction of the amateur media producer via a series of case studies, it features contributions from experts in the fields of law, economics and media studies based in the UK, Europe and Singapore. Each section of the book contains a detailed case study on a selected topic, followed by two further pieces providing additional analysis and commentary. Using an extraordinary array of case studies and examples, from YouTube to online games, from subtitling communities to reality TV, the book is neither a celebration of amateur production nor a denunciation of the demise of professional media industries. Rather, this book presents a critical dialogue across law and the humanities, exploring the dynamic tensions and interdependencies between amateur and professional creative production. This book will appeal to both academics and students of intellectual property and media law, as well as to scholars and students of economics, media, cultural and internet studies.

Rethinking EU VAT for P2P Distribution Cristina Trenta 2015-09-24 Peer-to-peer (P2P) networks – decentralized group structures allowing anyone to easily download and share resources online – already play a critical role in the distribution of digital content. Most of the debate on P2P heretofore has focused on copyright issues. However, as the basis for legitimate business models a number of companies have already quietly embraced, P2P has a largely unknown and underestimated impact on taxation, with vast repercussions on the development of mature, profitable markets. This book analyses the current framing for digital and media supplies provided via P2P technologies through the lens of an interdisciplinary approach drawing on tax law, computer science, economics, copyright law, and business studies. VAT concepts such as those of economic activity and taxable person, taxable transactions, consideration, barter and taxable amount, and territoriality rules are discussed in connection with P2P, as is the evaluation of VAT liability for P2P operations in the presence of copyright infringement. Topics and issues considered include: - centralized and decentralized P2P networks; - free-riding problems; - identifying actors in P2P networks for VAT purposes; - P2P and place of supply; and - pros and cons of integrating P2P with taxation regimes and especially VAT systems. The analysis draws on a vast range of sources, including EU legislation and case law, tax law literature and doctrine, international conventions and treaties, Council of Europe and OECD documents, ECHR case law, and official documents and cases from key jurisdictions worldwide, offering the first thoroughly grounded approach to overcoming the lack of understanding and awareness of ongoing changes currently separating the digital economy and traditional taxation systems, and a solid platform for discussion to the diverse communities of researchers and professionals interested in P2P.

African Coalitions and Global Economic Governance Michael Byron Nelson 2016-08-12 This book examines the strategic implications of fragmented global governance by institutions for African states and their coalitions.

Recht auf Referenz? Sibel Kocatepe 2022-01-25 Referenzkunst im digitalen Zeitalter verschärft den Konflikt zwischen Künstlern und Urhebern zunehmend. Einen gerechten Interessenausgleich können dabei die Einführung der Pastiche-Schranke, einer Schranke für nutzergenerierte Inhalte oder auch eine modifizierte fair use-Schranke bieten. Neben neuen Schrankenregelungen müssen mit Blick auf die Dynamik der Kunstlandschaft aber auch Möglichkeiten gefunden werden, die neuen Schrankenregelungen in Bezug auf neue Kunstformen kurzfristig und verbindlich ohne Rückgriff auf die Judikative zu konkretisieren. Auf diese Weise kann nicht nur ein Interessenausgleich geschaffen, sondern auch für Rechtssicherheit gesorgt und die Legitimation des Urheberrechts gestärkt werden.

Copyright Exhaustion Péter Mezei 2022-02-24 In the Second Edition of Copyright Exhaustion, copyright scholar Péter Mezei offers an expanded examination of copyright exhaustion, including its historical development, theoretical framework, practical applications, and policy considerations. He includes updated case law and statutory developments for the first-sale doctrine in the United States and in the European Union, covering both analogue and digital applications with an eye toward scrutinizing the common rejection of exhaustion in the resale of digital subject matter including computer programs, sound recordings, audiovisual works, and e-books. He advocates for a digital first-sale doctrine that would offer legal consistency to copyright law and a technologically feasible framework for content producers and consumers.

Law In and As Culture Caroline Joan “Kay” S. Picart 2016-03-04 There are two oppositional narratives in relation to telling the story of indigenous peoples and minorities in relation to globalization and intellectual property rights. The first, the narrative of Optimism, is a story of the triumphant opening of brave new worlds of commercial integration and cultural inclusion. The second, the narrative of Fear, is a story of the endangerment, mourning, and loss of a traditional culture. While the story of Optimism deploys a rhetoric of commercial mobilization and “innovation,” the story of Fear emphasizes the rhetoric of preserving something “pure” and “traditional” that is “dying.” Both narratives have compelling rhetorical force, and actually need each other, in order to move their opposing audiences into action. However, as Picart shows, the realities behind these rhetorically framed political parables are more complex than a simple binary. Hence, the book steers a careful path between hope rather than unbounded Optimism, and caution, rather than Fear, in exploring how law functions in and as culture as it contours the landscape of intellectual property rights, as experienced by indigenous peoples and minorities. Picart uses, among a variety of tools derived from law, critical and cultural studies, anthropology and communication, case studies to illustrate this approach. She tracks the fascinating stories of the controversies surrounding the ownership of a Taiwanese folk song; the struggle over control of the Mapuche’s traditional land in Chile against the backdrop of Chile’s drive towards modernization; the collaboration between the Kani tribe in India and a multinational corporation to patent an anti-fatigue chemical agent; the drive for respect and recognition by Australian Aboriginal artists for their visual expressions of folklore; and the challenges American women of color such as Josephine Baker and Katherine Dunham faced in relation to the evolving issues of

choreography, improvisation and copyright. The book also analyzes the cultural conflicts that result from these encounters between indigenous populations or minorities and majority groups, reflects upon the ways in which these conflicts were negotiated or resolved, both nationally and internationally, and carefully explores proposals to mediate such conflicts.

Der Begriff der Öffentlichkeit im Urheberrecht Johannes Marl 2017-02-13 Johannes Marl untersucht Öffentlichkeit als Schlüsselbegriff des (deutschen) Urheberrechts aus verschiedenen Perspektiven. Zunächst widmet sich seine Arbeit den urheberrechtlichen Regelungszwecken. Dabei ist insbesondere die seit Mitte der 1990er Jahre entwickelte demokratietheoretische Urheberrechtsbegründung nach Netanel von Interesse. Anschließend richtet der Autor seinen Blick auf die soziologische Diskussion zur Öffentlichkeit. Auf der Grundlage eines Modells burgerlicher Öffentlichkeit nach Habermas untersucht er, welche Struktur und welchen Funktionen Öffentlichkeit hat - und welche Änderungen das digitale Zeitalter mit sich bringt. Die materiellrechtliche urheberrechtliche Diskussion um Öffentlichkeit nimmt schliesslich ihren Ausgang in der Legaldefinition nach 15 Abs. 3 UrhG. Aufbauend auf die Erkenntnisse zu Regelungszweck und Soziologie befürwortet Johannes Marl einen kommunikationsbezogenen Begriff der urheberrechtlichen Öffentlichkeit. Massgebliches neues Kriterium ist dabei eine kommunikative Struktur, die das Potenzial zum Diskurs bietet.

The Changing Face of US Patent Law and Its Impact on Business Strategy D.R. Cahoy 2013-01-01 'Daniel Cahoy and Lynda Oswald have brought together some of the country's most prominent patent scholars outside the legal discipline. From the Leahy-Smith America Invents Act to recent court cases from the Supreme Court and the Federal Circuit, this timely, informative and well-edited volume examines the latest changes in US patent law and their impact on business strategy. The book is a must-read for anybody who wants to learn more deeply about the ever-increasing role of patents in the business environment.' Peter K. Yu, Drake University Law School, US Within the complex global economy, patents function as indispensable tools for fostering and protecting innovation. This fascinating volume offers a comprehensive perspective on the US patent system, detailing its many uses and outlining several critical legislative, administrative and judicial reforms that impact business strategy. The expert contributors to this book provide an overview of how the US patent system functions today and describe how recent changes affect firms and individual inventors. Topics discussed include the drivers of intellectual property policy; recent revisions to the patent application process in terms of the new first-to-file regime, inequitable conduct, and allowable subject matter; and changes to patent enforcement and infringement related to the Federal Circuit's special role and post-grant review. Contributors address recent legislation such as the 2011 America Invents Act, which enacted some of the most significant patent reforms in decades. This examination of the US patent system highlights some of the most important issues for business. It will serve as an important tool for both policymakers and business leaders, and will also interest students and professors of business and management studies, innovation studies and business law.

Cyberspace Law Hannibal Travis 2013-08-21 This book explores what the American Civil Liberties Union calls the "third era" in cyberspace, in which filters "fundamentally alter the architectural structure of the Internet, with significant implications for free speech." Although courts and nongovernmental organizations increasingly insist upon constitutional and other legal guarantees of a freewheeling Internet, multi-national corporations compete to produce tools and strategies for making it more predictable. When Google attempted to improve our access to information containing in books and the World Wide Web, copyright litigation began to tie up the process of making content searchable, and resulted in the wrongful removal of access to thousands if not millions of works. Just as the courts were insisting that using trademarks online to criticize their owners is First Amendment-protected, corporations and trade associations accelerated their development of ways to make Internet companies liable for their users' infringing words and actions, potentially circumventing free speech rights. And as social networking and content-sharing sites have proliferated, so have the terms of service and content-detecting tools for detecting, flagging, and deleting content that makes one or another corporation or trade association fear for its image or profits. The book provides a legal history of Internet regulation since the mid-1990s, with a particular focus on efforts by patent, trademark, and copyright owners to compel Internet firms to monitor their online offerings and remove or pay for any violations of the rights of others. This book will be of interest to students of law, communications, political science, government and policy, business, and economics, as well as anyone interested in free speech and commerce on the internet.

Persönlichkeitsschutz 2.0 Christina Kühnl 2016-09-26 Web 2.0-Dienste, allen voran Soziale Netzwerke, verfügen über reichhaltige Nutzerdaten. Durch Datenanalysen können Profile mit neuen, weitreichenden Erkenntnissen über den Einzelnen gebildet und zu verschiedenen Zwecken genutzt werden. Nutzer werden darüber nicht ausreichend informiert. Das führende Soziale Netzwerk Facebook aus den USA zeigt wenig Bereitschaft, sich unionsrechtlichen Datenschutzvorgaben anzupassen. Weder in der EU noch in den USA besteht ein branchenweit einheitlicher Standard für die Profilbildung Sozialer Netzwerke. Die Arbeit untersucht vor diesem Hintergrund, wie der Persönlichkeitsschutz in Sozialen Netzwerken verbessert werden kann und kommt zu dem Ergebnis, dass in Bezug auf die Profilbildung und -nutzung transatlantische Maßnahmen zum effektiven Schutz der Privatheit realisierbar sind, namentlich eine Konvergenz bei grundlegenden Prinzipien, die Verbesserung der Zusammenarbeit auf untergesetzlicher Ebene und ein Ausbau der Kooperation bei der Durchsetzung.

Critical Indigenous Rights Studies Giselle Corradi 2018-08-17 The field of 'critical indigenous rights studies' is a complex one that benefits from an interdisciplinary perspective and a realist (as opposed to an idealised) approach to indigenous peoples. This book draws on sociology of law, anthropology, political sciences and legal sciences in order to address emerging issues in the study of indigenous rights and identify directions for future research. The first part of the volume investigates how changing identities and cultures impact rights protection, analysing how policies on development and land, and processes such as migration, interrelate with the mobilisation of identities and the realisation of rights. In the second part, new approaches related to indigenous peoples' rights are scrutinised as to their potential and relevance. They include addressing legal tensions from an indigenous peoples' rights perspective, creating space for counter-narratives on international law and designing new instruments. Throughout the text, case studies with wide geographical scope are presented, ranging from Latin America (the book's focus) to Egypt, Rwanda and Scandinavia.

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.

Die Durchsetzung des Urheberrechts im Internet Marc Wullschlegler 2015-05-22 Kaum ein anderes juristisches Problem hat in den letzten Jahren mehr an Bedeutung gewonnen als die Frage nach dem Umgang mit der unkontrollierbaren Massennutzung urheberrechtlich geschützter Werke im Internet. Diese Entwicklung beschäftigt nicht nur Rechtsinhaber, die im digitalen Umfeld mit der Ineffizienz traditioneller Durchsetzungsinstrumente konfrontiert sind, sondern auch Gesetzgeber, die sich angesichts der tripolaren Interessenlage von Urhebern, Werknutzern und Werkmittlern um tragfähige Lösungen bemühen. Die vorliegende Untersuchung analysiert in einem ersten Schritt die derzeitigen Möglichkeiten, urheberrechtliche Ansprüche durchzusetzen. Dabei werden insbesondere auch datenschutz-, fernmelde- und prozessrechtliche Aspekte miteinbezogen. Anschließend werden verschiedene, gegenwärtig diskutierte rechtspolitische Entwicklungsmöglichkeiten einer kritischen Würdigung unterzogen, bevor eigene, pragmatische Vorschläge unterbreitet werden, um das Durchsetzungsproblem anzugehen.

New Directions in Law and Literature Elizabeth S. Anker 2017-05-25 After its heyday in the 1970s and 1980s, many wondered whether the law and literature movement would retain vitality. This collection of essays, featuring twenty-two prominent scholars from literature departments as well as law schools, showcases the vibrancy of recent work in the field while highlighting its many new directions. *New Directions in Law and Literature* furnishes an overview of where the field has been, its recent past, and its potential futures. Some of the essays examine the methodological choices that have affected the field; among these are concern for globalization, the integration of approaches from history and political theory, the application of new theoretical models from affect studies and queer theory, and expansion beyond text to performance and the image. Others grapple with particular intersections between law and literature, whether in copyright law, competing visions of alternatives to marriage, or the role of ornament in the law's construction of

racialized bodies. The volume is designed to be a course book that is accessible to undergraduates and law students as well as relevant to academics with an interest in law and the humanities. The essays are simultaneously intended to be introductory and addressed to experts in law and literature. More than any other existing book in the field, *New Directions* furnishes a guide to the most exciting new work in law and literature while also situating that work within more established debates and conversations.

Der Zwang zur angemessenen Vergütung und weiteren Beteiligung nach der Urheberrechtsreform Timm Neu 2013-01-01 The significance of § 32 b UrhG [German Copyright Law] is especially apparent in relation to the USA. This is because the majority of international copyright licenses regulated by § 32 b UrhG take place between contractual parties in Germany and the USA. The present work investigates the factual and legal conditions under which § 32 b UrhG is effective in Germany and in the USA.

Landmark Intellectual Property Cases and Their Legacy Christopher Heath 2011-01-01 This is a book dedicated to the significance and legacy of landmark cases in the field of intellectual property. Eleven well-known scholars offer in-depth commentary and analysis of cases that have made an impact on legal theory or critical thinking about the scope and purpose of the protection of intellectual and industrial creativity. All the cases covered have proven useful in developing doctrine, even though subsequent developments have made some appear and misleading and rather than leading and, and for some recent cases it is too early to say whether their approach will become mainstream. Among the fundamental questions and all profoundly interesting, and to which no definite answers have yet been found and arising in the course of the analysis are the following: and Who should be master over the reputation, esteem and legacy of authors and their works and authors and their heirs, or subsequent copyright owners? and What, if any, protection should be granted to achievements in the absence of confusion? and Should prevention of unfair competition allow one to reap what one has not sown and Should we protect commercial investment beyond the scope of defined intellectual property rights? and Should it be considered a tort to use a well-known mark in a way that may dilute its repute and distinctive character? and What kinds of monopolies should be protected, if any? and Does the patent system in its current form allow us to question the assumption that technological progress is good per se, and that novel and inventive solutions should thus be protected? and Should extraneous considerations such as public good and social usefulness be considered at the stages of grant and enforcement of patent rights? and Should we grant patents over living organisms whose workings and reproduction are a long way from being completely understood? and Should the rules developed for the enforcement of property rights limit a patentee's remedies to appropriate damages, thereby effectively granting a compulsory licence? The book concludes with an analysis of two case clusters remarkable for the worldwide dimension of the dispute. The authors show how litigation over Lego in about 30 jurisdictions and Budweiser in over 40 jurisdictions has enriched doctrine on such issues as contract, trade marks, trade names, geographical indications, property rights in general, human rights, and various international and bilateral treaties, all as they impinge on the protection of intellectual property rights. For scholars in the field, as well as for lawyers seeking a rich vein of doctrine to buttress a case, this unusual book will be of incomparable value. As a masterful clarification of salient doctrine, it represents a major contribution to the legal theory underpinning intellectual property law.

Access to Knowledge in Africa Chris Armstrong 2010 Based on the work of the African Copyright and Access to Knowledge (ACA2K) research network, this book describes the legal and practical issues posed by copyright for access to learning materials in eight countries in Africa—Egypt, Ghana, Kenya, Morocco, Mozambique, Senegal, South Africa and Uganda. It identifies the policies and practices that would broaden this access.

Realizing a New Global Cyberspace Framework Rolf H. Weber 2014-09-23 In many respects cyberspace has created a new world. The online phenomena encompass social, cultural, economic, and legal facets. Exceeding the present Internet Governance concept the book analyses the normative foundations and guiding principles of a global cyberspace regime that includes the exchange of people, businesses, governments, and other entities. Based on this assessment and philosophical theories the book attempts to outline a model for a general legal framework enshrining key principles of civil society (such as human rights, ethics). The proposed global framework, not in the form of a multilateral treaty but a morally convincing declaration, could then be complemented by additional polycentric regulations with binding effect, developed on the basis of multistakeholder participation in a multi-layer concept.

EU Copyright Law Irini Stamatoudi 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.

Creativity Without Law Kate Darling 2017-02-28 Intellectual property law, or IP law, is based on certain assumptions about creative behavior. The case for regulation assumes that creators have a fundamental legal right to prevent copying, and without this right they will under-invest in new work. But this premise fails to fully capture the reality of creative production. It ignores the range of powerful non-economic motivations that compel creativity, and it overlooks the capacity of creative industries for self-governance and innovative social and market responses to appropriation. This book reveals the on-the-ground practices of a range of creators and innovators. In doing so, it challenges intellectual property orthodoxy by showing that incentives for creative production often exist in the absence of, or in disregard for, formal legal protections. Instead, these communities rely on evolving social norms and market responses—sensitive to their particular cultural, competitive, and technological circumstances—to ensure creative incentives. From tattoo artists to medical researchers, Nigerian filmmakers to roller derby players, the communities illustrated in this book demonstrate that creativity can thrive without legal incentives, and perhaps more strikingly, that some creative communities prefer, and thrive, in environments defined by self-regulation rather than legal rules. Beyond their value as descriptions of specific industries and communities, the accounts collected here help to ground debates over IP policy in the empirical realities of the creative process. Their parallels and divergences also highlight the value of rules that are sensitive to the unique mix of conditions and motivations of particular industries and communities, rather than the monoculture of uniform regulation of the current IP system.

Internet and the Law: Technology, Society, and Compromises, 2nd Edition Aaron Schwabach 2014-01-15 The world of Internet law is constantly changing and is difficult to follow, even for those for whom doing so is a full-time job. This updated, everything-you-need-to-know reference removes the uncertainty. • Explains complex legal and technical concepts clearly and understandably through entries that range from 500 to 5,000 words • Covers a wide range of topics, including censorship, copyright, domain name disputes, file-sharing, hacking, patents, spam, malware, international law, tax issues, trademarks, and viruses • Features an introductory guide to the U.S. legal system, including how to find, read, and understand sources of law • Includes cases, statutes, and international treaties relevant to the law of information technology and the Internet

Law, Policy and the Internet Lilian Edwards 2018-11-29 This comprehensive textbook by the editor of *Law and the Internet* seeks to provide students, practitioners and businesses with an up-to-date and accessible account of the key issues in internet law and policy from a European and UK perspective. The internet has advanced in the last 20 years from an esoteric interest to a vital and unavoidable part of modern work, rest and play. As such, an account of how the internet and its users are regulated is vital for everyone concerned with the modern information society. This book also addresses the fact that internet regulation is not just a matter of law but increasingly intermixed with technology, economics and politics. Policy developments are closely analysed as an intrinsic part of modern governance. *Law, Policy and the Internet* focuses on two key areas: e-commerce, including the role and responsibilities of online intermediaries such as Google, Facebook and Uber; and privacy, data protection and online crime. In particular there is detailed

up-to-date coverage of the crucially important General Data Protection Regulation which came into force in May 2018.

Die Rechtfertigung der Leistungsschutzrechte des Tonträgerherstellers Hajo Rupp 2021-06-02 Bisher gibt es in der Literatur keine grundlegende Betrachtung der Schutzgründe des Tonträgerherstellerrechts. Die Gesetzesbegründung beschränkte sich auf die "besondere technisch-organisatorische Leistung", die Schutz vor Ausbeutung erfahren müsse. Durch die wirtschaftliche Ausrichtung des Schutzrechts erscheinen Begründungsansätze mit Mitteln der ökonomischen Theorie (Marktversagen/Anreiz) sinnvoll. Allerdings werden insbesondere im US-amerikanischen Schrifttum Anreize diskutiert, die alternative Amortisationsmöglichkeiten der vom Produzenten getätigten Investitionen behaupten. Ziel der Arbeit ist es, die bei der Tonträgerproduktion involvierten Interessen offenzulegen und verschiedene Schutzkonzeptionen zu untersuchen.

The Knockoff Economy Kal Raustiala 2012-08-15 From the shopping mall to the corner bistro, knockoffs are everywhere in today's marketplace. Conventional wisdom holds that copying kills creativity, and that laws that protect against copies are essential to innovation--and economic success. But are copyrights and patents always necessary? In *The Knockoff Economy*, Kal Raustiala and Christopher Sprigman provocatively argue that creativity can not only survive in the face of copying, but can thrive. The Knockoff Economy approaches the question of incentives and innovation in a wholly new way--by exploring creative fields where copying is generally legal, such as fashion, food, and even professional football. By uncovering these important but rarely studied industries, Raustiala and Sprigman reveal a nuanced and fascinating relationship between imitation and innovation. In some creative fields, copying is kept in check through informal industry norms enforced by private sanctions. In others, the freedom to copy actually promotes creativity. High fashion gave rise to the very term "knockoff," yet the freedom to imitate great designs only makes the fashion cycle run faster--and forces the fashion industry to be even more creative. Raustiala and Sprigman carry their analysis from food to font design to football plays to finance, examining how and why each of these vibrant industries remains innovative even when imitation is common. There is an important thread that ties all these instances together--successful creative industries can evolve to the point where they become inoculated against--and even profit from--a world of free and easy copying. And there are important lessons here for copyright-focused industries, like music and film, that have struggled as digital technologies have made copying increasingly widespread and difficult to stop. Raustiala and Sprigman's arguments have been making headlines in *The New Yorker*, *The New York Times*, *The Financial Times*, *The Boston Globe*, *Le Monde*, and at the *Freakonomics* blog, where they are regular contributors. By looking where few had looked before--at markets that fall outside normal IP law--*The Knockoff Economy* opens up fascinating creative worlds. And it demonstrates that not only is a great deal of innovation possible without intellectual property, but that intellectual property's absence is sometimes better for innovation.

§§ 4-7 Otto Teplitzky 2013-05-28 Die zweite Auflage des Großkommentars UWG erscheint im April 2013 in drei Bänden. Die wissenschaftlich fundierte und zugleich praxisorientierte Kommentierung namhafter Herausgeber und Autoren aus Wissenschaft und Praxis berücksichtigt die großen Reformen des UWG in den vergangenen Jahren, insbesondere die UWG-Novellen 2004 und 2008. Die aktuelle wettbewerbsrechtliche Rechtsprechung und Literatur wird ebenso kommentiert wie die Entwicklungen im Europäischen Recht.

Artistic License Darren Hudson Hick 2017-04-26 The art scene today is one of appropriation—of remixing, reusing, and recombining the works of other artists. From the musical mash-ups of *Girl Talk* to the pop-culture borrowings of Damien Hirst and Jeff Koons, it's clear that the artistic landscape is shifting—which leads to some tricky legal and philosophical questions. In this up-to-date, thorough, and accessible analysis of the right to copyright, Darren Hudson Hick works to reconcile the growing practice of artistic appropriation with innovative views of artists' rights, both legal and moral. Engaging with long-standing debates about the nature of originality, authorship, and artists' rights, Hick examines the philosophical challenges presented by the role of intellectual property in the artworld and vice versa. Using real-life examples of artists who have incorporated copyrighted works into their art, he explores issues of artistic creation and the nature of infringement as they are informed by analytical aesthetics and legal and critical theory. Ultimately, *Artistic License* provides a critical and systematic analysis of the key philosophical issues that underlie copyright policy, rethinking the relationship between artist, artwork, and the law.

Schutzkumulatione Artur Geier 2015-07-08 English summary: Artur Geier examines intellectual property overlaps from an economic standpoint by looking at the behavior of potential imitators after patent or design protection has expired. The author's analysis is based on the rational choice model and is confirmed by Behavioral Economics findings, enabling him to show that such overlaps increase legal uncertainty for potential imitators and make imitation a more expensive and therefore less attractive option. German description: Artur Geier analysiert die Möglichkeiten kumulativen Schutzes geistiger Leistungen mithilfe des Immaterialgüter- und des Lauterkeitsrechts. Nach einer Bestandsaufnahme der Rechtslage wird diese aus der Sicht potentieller Nachahmer ökonomisch analysiert. Die Analyse stützt sich auf das Rationalverhaltensmodell und wird durch Erkenntnisse der Behavioral Economics bestätigt. Der Autor zeigt, dass die Möglichkeiten der Schutzkumulation zu Rechtsunsicherheit auf Nachahmerseite führen. Die Konsequenz davon ist, dass in vielen Fällen kein Wettbewerbsmarkt entsteht, obwohl immaterialgüterrechtlicher Schutz nicht mehr besteht. Verglichen mit einer hypothetischen Rechtslage ohne die Möglichkeiten kumulativen Rechtsschutzes kommt es zu volkswirtschaftlichen Verlusten. Artur Geier schlägt vor, das Problem innerhalb des bestehenden Rechtssystems zu lösen, da das geltende Recht bereits genügend Instrumente dafür bereithält.

Der Schutz und die Förderung kultureller Vielfalt im Welthandelsrecht Franziska Sucker 2018-07-12 Das Buch nimmt eine völkerrechtliche Analyse des Spannungsverhältnisses zwischen Kultur und Handel vor. Staatliche Maßnahmen zum Schutz und zur Förderung der Vielfalt von Kulturprodukten, die deren grenzüberschreitenden Austausch beeinflussen, fallen in den Anwendungsbereich zweier völkerrechtlicher Verträge: Zum einen beziehen sie sich auf kulturelle Ausdrucksformen, weshalb der Anwendungsbereich der CCD eröffnet ist. Zum anderen betreffen sie den Handel mit Waren, Dienstleistungen sowie Daten und fallen daher in den Anwendungsbereich des Welthandelsrechts. Dies kann zu Überschneidungen und Konflikten zwischen den CCD und den WTO-Abkommen sowie zwischen verschiedenen Vorschriften dieser Verträge führen. Das Buch arbeitet diese Überschneidungen und Konfliktpotenziale heraus und widmet sich möglichen Lösungsmodellen. Der Bereich der audiovisuellen Medien findet dabei besondere Berücksichtigung, da sich das Konzept der kulturellen Vielfalt vornehmlich in Bezug auf audiovisuellen Medien entwickelt hat. Das Werk zeigt, dass zwar Konfliktpotenzial zwischen den CC-Vorschriften und den WTO-Vorschriften besteht und auch weiterhin bestehen bleibt, dessen Abschwächung aber möglich ist, indem eine die Vielfalt kultureller Ausdrucksformen begünstigende Umgebung geschaffen wird, in der sich kulturelle Ausdrucksformen entfalten und entwickeln können, ohne dass dabei der freie Handel übermäßig beschränkt würde.

Das Urheberrecht des Architekten bei der Werkverwirklichung Laura Maria Zentner 2011 English summary: This book is a compass for the maze of copyright provisions that apply to disagreements between architect and builder-owner during construction. Laura Maria Zentner provides a simple and convincing model that solves this highly disputed conflict of interests and

will in many cases make litigation unnecessary. German description: Zu den nach 1 UrhG urheberrechtlich geschützten Werken zählen auch Bauwerke und ihre Entwürfe. Architekten stehen daher dieselben Rechte zu wie anderen Werkschöpfenden. Dennoch nehmen Bauwerke eine Sonderstellung unter den Werkarten ein. Bei den meisten schutzfähigen Bauwerken wird die schöpferische Leistung nur in einem Werkstück dreidimensional fixiert. Gleichzeitig besteht gerade in der Baukunst ein besonders großes Bedürfnis nach Veränderungen, da fast alle Bauwerke Zweckbauten sind. Die urheberrechtlich geschützten Interessen des Architekten sind mit denen des Grundstückseigentümers und Bauherrn in Ausgleich zu bringen. Jungst hat der Streit um den Berliner Hauptbahnhof gezeigt, welche Probleme dies vor allem in der dogmatisch bisher schwach durchdrungenen Phase der Werkentstehung bereitet. Zur Auflösung dieses Konflikts leistet die Untersuchung von Laura Maria Zentner einen wesentlichen Beitrag.

Geistiges Eigentum und Eigentumstheorie Michael Goldhammer 2012 English summary: The justification of intellectual property is highly controversial. In reconstructing the American theory of property, Michael Goldhammer shows how the ownership of intangible property can be justified. The dependence of the justification on the basic terminology is embedded in a two-tiered theory of property and has been tested in practice in numerous cases. German description: Um die Gründe des geistigen Eigentums wird in den verschiedenen Eigentumswissenschaften heftig gestritten. Dies ist für die juristische Eigentumstheorie zwar sehr anregend, stellt sie aber gleichzeitig vor die Aufgabe, sich ihrer begrifflichen Grundlagen und der Bedingungen von Interdisziplinarität zu versichern. Dies zeigt sich bei den disparaten und stets neuen Formen des geistigen Eigentums immer dann besonders, wenn die Rezeption fachfremder Gründe an den Zwängen des juristischen Gegenstands scheitert. Michael Goldhammer zeigt, wie das Begriffsproblem als normatives Moment der Begründungsdebatte verstanden werden muss und mit der inhaltlichen Rechtfertigung wechselseitig so zusammenspielt, dass es im Diskurs nicht ignoriert werden kann. Hierzu bedient er sich der US-Eigentumstheorie, die sich der Frage spiegelverkehrt naht und dadurch interessante Aufschlüsse zulässt. Anhand einer systematischen Rekonstruktion werden Strukturmerkmale entwickelt und mittels konkreter Fälle dem Praxistest unterworfen. Carl-Gareis Preis der Rechts- und Wirtschaftswissenschaftlichen Fakultät der Universität Bayreuth 2012.

Innovation, Competition and Consumer Welfare in Intellectual Property Law Gustavo Ghidini 2010-01-01 Professor Ghidini has long since made himself a worldwide reputation as a leading scholar. He is a profound critic of intellectual property protection that follows rigid property logic, and favours the functionalist competition/innovation logic. *Innovation, Competition and Consumer Welfare in Intellectual Property Law* is truly enriching reading. Hanns Ullrich, College of Europe, Bruges, Belgium We in the United States have much to learn not only from Gustavo Ghidini's careful analysis of modern trends in the European IP regime but also from his thoughtful development of the thesis that free competition should be understood as the overarching principle guiding both IP protection and what we call antitrust law. Rudolph J.R. Peritz, New York Law School, US and author of *Competition Policy in America* This authoritative book provides a comprehensive critical overview of the basic IP paradigms, such as patents, trademarks and copyrights. Their intersection with competition law and their impacts on the exercise of social welfare are analysed from an evolutionary perspective. The analyses and proposals presented encompass the features and rationales of a legal field in constant evolution, and relate them to increasingly rapid technological, economic, social and geo-political developments. Gustavo Ghidini highlights the emerging trends that challenge the traditional all-exclusionary vision of IP law and its application. The author expertly combines holistic, evolutionary and constitutionally oriented approaches, with the search for a rebalancing of the IP rights holders positions with citizens and users rights. This book will appeal to academics, scholars and lawyers specializing in the realm of intellectual property, competition and comparative law.

Routledge Handbook of Media Law Monroe E. Price 2013 Featuring specially commissioned chapters from experts in the field of media and communications law, this book provides an authoritative survey of media law from a comparative perspective. The handbook does not simply offer a synopsis of the state of affairs in media law jurisprudence, rather it provides a better understanding of the forces that generate media rules, norms, and standards against the background of major transformations in the way information is mediated as a result of democratization, economic development, cultural change, globalization and technological innovation. The book addresses a range of issues including: Media Law and Evolving Concepts of Democracy Network neutrality and traffic management Public Service Broadcasting in Europe Interception of Communication and Surveillance in Russia State secrets, leaks and the media A variety of rule-making institutions are considered, including administrative, and judicial entities within and outside government, but also entities such as associations and corporations that generate binding rules. The book assesses the emerging role of supranational economic and political groupings as well as non-Western models, such as China and India, where cultural attitudes toward media freedoms are often very different. Monroe E. Price is Director of the Center for Global Communication Studies at the Annenberg School for the University of Pennsylvania and Joseph and Sadie Danciger Professor of Law and Director of the Howard M. Squadron Program in Law, Media and Society at the Cardozo School of Law. Stefaan Verhulst is Chief of Research at the Markle Foundation. Previously he was the co-founder and co-director, with Professor Monroe Price, of the Programme in Comparative Media Law and Policy (PCMLP) at Oxford University, as well as senior research fellow at the Centre for Socio Legal Studies. Libby Morgan is the Associate Director of the Center for Global Communication Studies at the Annenberg School for the University of Pennsylvania.

Regulating Content on Social Media Corinne Tan 2018-03-26 How are users influenced by social media platforms when they generate content, and does this influence affect users' compliance with copyright laws? These are pressing questions in today's internet age, and *Regulating Content on Social Media* answers them by analysing how the behaviours of social media users are regulated from a copyright perspective. Corinne Tan, an internet governance specialist, compares copyright laws on selected social media platforms, namely Facebook, Pinterest, YouTube, Twitter and Wikipedia, with other regulatory factors such as the terms of service and the technological features of each platform. This comparison enables her to explore how each platform affects the role copyright laws play in securing compliance from their users. Through a case study detailing the content generative activities undertaken by a hypothetical user named Jane Doe, as well as drawing from empirical studies, the book argues that – in spite of copyright's purported regulation of certain behaviours – users are 'nudged' by the social media platforms themselves to behave in ways that may be inconsistent with copyright laws. Praise for *Regulating Content on Social Media* 'This book makes an important contribution to the field of social media and copyright. It tackles the real issue of how social media is designed to encourage users to engage in generative practices, in a sense effectively "seducing" users into practices that involve misuse or infringement of copyright, whilst simultaneously normalising such practices.' Melissa de Zwart, Dean of Law, Adelaide Law School, Australia "This timely and accessible book examines the regulation of content generative activities across five popular social media platforms – Facebook, Pinterest, YouTube, Twitter and Wikipedia. Its in-depth, critical and comparative analysis of the platforms' growing efforts to align terms of service and technological features with copyright law should be of great interest to anyone studying the interplay of law and new media." Peter K. Yu, Director of the Center for Law and Intellectual Property, Texas A&M University