

Eleonora Rosati

ORIGINALITY IN EU COPYRIGHT

Full Harmonization through Case Law



Originality In Eu Copyright Full Harmonization Through Case Law

Enrico Bonadio, Caterina Sganga



Originality In Eu Copyright Full Harmonization Through Case Law:

Originality in EU Copyright Eleonora Rosati, 2013-10-31 Through an assessment of the originality requirement this work guides the reader in interpreting judicial decisions which are of fundamental importance to current and future understanding of EU copyright The book s holistic approach and methodology t

The Originality Standard of Photographic Works in EU Copyright Law Marián Jankovič, 2025-01-24 Originality Standard of Photographic Works in EU Copyright Law By Mari n Jankovic Marian Jankovic The omnipresence of photographic products in almost everyone s lives is considered natural almost unavoidable If one makes the connection of the said omnipresence with the constant development of new technologies the increase of interactions with possible legal consequences involving photographic products as a potential subject matter appropriable by copyright might be expected to be inevitable Such outlined situation brings the necessity to sufficiently legally define and clarify under which circumstances in other words upon the fulfilment of what conditions and criteria can a photographic product be considered the subject matter of copyright This shall be done in order to assure the legal certainty of both the photographers as well as the potential users of their photographic products The medium of photography especially its production process necessitating involvement of technological equipment is not as easily graspable and comprehensible as other traditional works of art This ambiguity has been also carried over into the legal area which resulted in various differentiating treatments of photographic products within the national copyright frameworks of Member States of the European Union Chosen for the highlighting of the already mentioned various differentiating treatments and their particularities copyright frameworks of Germany France Czech and Slovak republics have been chosen as basis for the conducted research The European Union has tried to remedy the outlined state of affairs by way of the so called harmonisation As part of its first phase a legislative framework in a form of Directives has been created Within the said framework a condition for appropriability of photographic products by copyright has been formulated the so called originality standard of author s own intellectual creation As part of its second phase the said originality standard formulated via the previously created legislative framework has been applied in practice and enhanced by the Court of Justice of the European Union with the addition of a personal touch As a result of both phases combined a solely applicable requirement for appropriation of photographic products by copyright within the copyright framework of the European Union has been formulated The figurative trigger for the initiation of the said second phase a legal dispute revolving around the use of an official portrait photographic product depicting a pupil without the photographer s consent has been chosen by the Court of Justice of the European Union Whether the outlined state of affairs consisting of various national differentiating treatments of photographic products has been remedied indeed will be demonstrated on the assessment of the current position of photographic products after the completion of both harmonisation phases within the four selected national copyright frameworks In particular the applicability of the harmonised originality standard as well as the applicability of the said

national particularities will be assessed **The Routledge Handbook of EU Copyright Law** Eleonora Rosati, 2021-04-21

The Routledge Handbook of EU Copyright Law provides a definitive survey of copyright harmonization in the European Union capturing the essential and relevant issues of this relatively recent phenomenon Over the past few years two themes have emerged on the one hand copyright policy and legislative initiatives have intensified on the other hand the large number of references to the Court of Justice of the European Union has substantially shaped the EU copyright framework and with it the copyright framework of individual EU Member States This handbook is a detailed reference source of original contributions which analyze and critically evaluate the state of EU copyright law with a view to detecting the key trends and patterns in the evolution of EU copyright weighing the benefits and disadvantages of such evolution It covers a broad range of topics through clusters focused on the history and approaches to EU copyright harmonization harmonization in the areas of exclusive rights exceptions and limitations and enforcement copyright policy and legacy of harmonization With contributions from a selection of highly regarded and leading scholars in this field the Routledge Handbook on European Copyright Law is an essential resource for students and scholars who are interested in the field of copyright law *The Right of Communication to the Public in EU Copyright Law* Justin Koo, 2019-05-30 This monograph conducts a comprehensive analysis of the EU right of communication to the public one of the exclusive rights under EU copyright law and provides an alternative framework for its interpretation and application The present state of the law is unsatisfactory there is uncertainty in the *acquis communautaire* and courts at the EU and domestic levels have struggled to apply the right Therefore the book identifies the problems with the existing right of communication to the public and proposes recommendations for reform In addition to reforming the scope of the right of communication to the public the jurisdiction and applicable law in relation to the right are analysed and changes are recommended Thus the book covers both the scope and practicalities of a coherent and effective reform of the right In light of the continuing development and accompanying tribulations with this right at the EU level this book provides a topical and timely analysis that will be of interest to academics and practitioners working on EU copyright law Cited in Opinion of Advocate General Henrik Saugmandsgaard e joined Cases C 682 18 and C 683 18 *Frank Peterson v Google LLC YouTube LLC YouTube Inc Google Germany GmbH and Elsevier Inc v Cyando AG* ECLI EU C 2020 586 Court of Justice of the European Union 16 July 2020 **New Developments in EU and International Copyright Law** Irini A. Stamatoudi, 2016-02-23 More than a source of income and a means of protection for creators rightholders and the creative and entertainment industries copyright is also a vehicle for technological advances and economic development In the European Union industries with intensive emphasis on intellectual property rights mainly copyright generate more than a quarter of employment and more than a third of economic activity Yet copyright continues to be plagued by problematic attempts to balance the interests of rightholders the public consumers intermediaries collecting societies different national legal traditions and other forces European and global This book draws a comprehensive picture of current pending and

proposed copyright developments legislation communications white papers and court decisions at the levels of the European Union and the World Intellectual Property Organization Twenty two well known and prestigious experts on intellectual property law from seventeen jurisdictions worldwide contribute essays on particular trends in copyright including discussions of the following and more making content available in an EU digital single market collective management and multi territorial licensing exceptions for libraries and archives education and research traditional knowledge and cultural expressions unjustified geoblocking illegal content on the Internet text and data mining copyright enforcement online and role of the European Court of Justice Policy recommendations are also set forth as well as a detailed conceptual framework for a potential EU Copyright Code As a detailed and thoughtful overview of current trends in copyright internationally this book has no peers It is sure to be welcomed by practitioners policymakers academics researchers and business leaders for whom intellectual property rights and especially copyright are of the first importance

A Research Agenda for EU

Copyright Law Enrico Bonadio, Caterina Sganga, 2025-03-12 This Research Agenda provides fresh insights into fundamental issues within EU copyright law Expert authors highlight recent trends in the scholarship and discuss the challenges posed by novel technologies such as AI and NFTs They expand on the need to update the law to adapt to change and present innovative analyses of various strategies to influence EU copyright policies

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

The Object of Copyright Stina Teilmann-Lock, 2015-07-24 Recent years have seen a number of pressing developments in copyright law there has been an enormous increase in the range and type of work accorded protection the concept of the original work has entered into national copyright acts and intangible entities are now entitled to protection by copyright All these are consequences of legislative and technological developments that can be traced back over two centuries and more the result This book presents an interdisciplinary study of the growth of copyright law largely based on archival research and on archival materials only recently made available online The new history here articulated helps to explain why print is no longer today the sole or even the chief object of copyright protection Taking its key examples from British French and Danish copyright law the book begins by exploring how the earliest copyright laws emerged out of the technological understanding of a printed copy and out of the philosophical notions of originals and copies tangibles and intangibles Dr Teilmann Lock goes on to examine the concept of the work as it develops both conceptually and legally as the object of protection and then explains how in a curious consequence the work turns the copy into the mere material instantiation of the intangible original The book concludes by addressing the considerable and complicated problems now emerging in copyright law following the inclusion of design within the scope of its protection In this field Danish law striving to protect Danish design has been setting the trend for over a hundred years In its examination of terminological exchanges between the diverse legal traditions and philosophical discourse and in its thorough investigation of particular terms central to copyright legislation this interdisciplinary book will be of great interest to scholars and students of copyright and intellectual property law it also makes an important contribution to literary studies legal history and cultural theory

Social Computing and the Law Khurshid Ahmad, 2018-10-11 This innovative book sets itself at the crossroads of several rapidly developing areas of research in legal and global studies related to social computing specifically in the context of how public emergency responders appropriate content on social media platforms for emergency and disaster management The book a collaboration between computer scientists ethicists legal scholars and practitioners should be read by anyone concerned with the ongoing debate over the corporatization and commodification of user generated content on social media and the extent to which this content can be legally and ethically harnessed for emergency and disaster management The collaboration was made possible by EU's FP 7 Project Slandail 607691 2014 17

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 *Copyright and Patent Laws for the Age of Artificial Intelligence* Eva Janecková, 2025-05-15 This book responds to the need to distinguish human creations from those produced by AI It does so by tracing human attributes of authorship and inventorship in statutory requirements for protection and ownership in European copyright and patent laws Its main contribution lies in exposing shortcomings in how the laws are applied in the UK Germany and France It shows that the human origin of creations is traditionally inferred from their expressive form or technical character Given the advancements in AI such inferences are no longer legitimate What is more these shortcomings may eventually lead to granting copyright or patent protection where none is lawfully permitted or sufficiently justified To remedy the situation this book offers doctrinal and conceptual amendments and proposes law reforms to implement them This book guides authorities practitioners and students through the main arguments of the debate concerning copyright and patents for objects entirely or partly generated by AI It also makes original contributions to advance the ongoing academic and policy debates on AI and intellectual property law

The New EU Competition Law Pablo Ibáñez Colomo, 2023-12-14 This book provides the first comprehensive account of the New EU Competition Law an emerging understanding of the discipline that breaks from the consensus of the early 2000s and that ventures into uncharted territories Competition law has undergone fundamental transformations in the past decade from the rise and fall of the effects based approach to the challenge of Big Tech and the growing interaction with intellectual property Making sense of these changes and fully grasping their implications can be difficult The book discusses the shift from traditional enforcement in the industrial era to the sort of intervention that a knowledge based economy demands It

presents the changes that the field is undergoing policy priorities relationship with regulation and intangible assets move away from efficiency and consumer welfare and illustrates them by reference to the most significant developments The analysis includes an up to date evaluation of the Digital Markets Act and addresses the application of EU competition law to key areas including energy pharma telecommunications and online platforms Conceived as a modular book practitioners and advanced students will find it useful as a map to navigate the underlying trends and as an in depth dissection of the key case law and administrative practice of the past decade

Proceedings of the Eleventh International Conference on Management Science and Engineering Management Jiuping Xu,Mitsuo Gen,Asaf Hajiyev,Fang Lee Cooke,2017-06-27 This book is organized in 2 volumes and 6 parts Part I is Big Data Analytics which is about new advances of analysis statistics coordination and data mining of big data Part II is Information Systems Management which is about the development of big data information system or cloud platform Part III is Computing Methodology with Big Data which is about the improvements of traditional computation technologies in the background of big data Part IV is Uncertainty Decision Making which is about the decision making methods with various uncertain information such as fuzzy random rough gray unascertained Part V is Intelligence Algorithm Part VI is Data Security which is a particularly important aspect in the modern management environment

Research Handbook on Intellectual Property and Artificial Intelligence Ryan Abbott,2022-12-13 This incisive Handbook offers novel theoretical and doctrinal insights alongside practical guidance on some of the most challenging issues in the field of artificial intelligence and intellectual property Featuring all original contributions from a diverse group of international thought leaders including top academics judges regulators and eminent practitioners it offers timely perspectives and research on the relationship of AI to copyright trademark design patent and trade secret law

Governing Intellectual Property Rights Within Publicly Funded Biobanks Rajam Neethu,2019-06-21 Governing Intellectual Property Rights Within Publicly Funded Biobanks R Neethu The boom in biobanks and health databases as research infrastructures have evoked various legal and ethical debates Since then numerous new developments have emerged such as digitalization big data research and artificial intelligence which has important implications for biobank based research and collaborations This new paradigm offers new legal challenges for commercial involvement particularly within a publicly funded setting In this innovative book the author shows that securing maximum social benefit out of the knowledge emanating from the use of biobank resources lies in managing intellectual property inputs and outputs effectively in keeping with the values core to such research Focusing on the challenges of involving intellectual property rights IPRs particularly in the precompetitive phase of biobank based research the book offers an extensive understanding of the role of different IPRs and identifies the gaps in the law and its implications for biobanks The analysis covers important aspects in relation to biobanks such as Digital integration and biomedical data storage Ownership of biological samples Commercialization and benefit sharing Partnership models Public sector research Disposition of samples Consent Cross

border exchange Trade secrecy Privacy Regulatory stewardship Business strategies Ethical considerations over biological resources Patenting of inventions relating to personalized medicine Ethical parameters within patent law and Rights regarding genetic data and databases The book includes observations case studies and interviews conducted by the author In conclusion the author offers cogent recommendations for legal interoperability of IP rules and research practices designed to enhance the ability of biobanks to share access and reuse data This book is the first of its kind to explore the organizational and legislative choices for biobanks particularly while engaging in the protection of research results and technology transfer within a publicly funded setting It will be of substantial interest to all stakeholders in biobanking especially policymakers biobankers and researchers working in the field of health law as well as for legal practitioners academics and patient interest groups

Competition Law's Innovation Factor Viktoria H S E Robertson,2020-02-06 In recent years market definition has come under attack as an analytical tool of competition law Scholars have increasingly questioned its usefulness and feasibility That criticism comes into sharper relief in dynamic innovation driven markets which do not correspond to the static markets on which the concept of the relevant market was modelled This book explores that controversy from a comparative legal perspective taking into account both EU competition and US antitrust law It examines the manifold ways in which courts and competition authorities in the EU and US have factored innovation related considerations into market delineation covering innovative product markets product differentiation future markets issues going beyond market definition proper such as innovation competition innovation markets and potential competition intellectual property rights innovative aftermarkets and multi sided platforms This book finds that going forward the role of market definition in dynamic contexts needs to focus on its function of market characterisation rather than on the assessment of market power

Copyright Beyond Law Marta Iljadica,2016-11-17 The form of graffiti writing on trains and walls is not accidental Nor is its absence on cars and houses Employing a particular style of letters choosing which walls and trains to write on copying another writer altering or destroying another writer s work these acts are regulated within the graffiti subculture Copyright Beyond Law presents findings from empirical research undertaken into the graffiti subculture to show that graffiti writers informally regulate their creativity through a system of norms that are remarkably similar to copyright The graffiti rules and their copyright law parallels include the requirement of writing letters subject matter and appropriate placement public policy and morality exceptions for copyright subsistence and the enforcement of copyright originality and the prohibition of copying originality and infringement by reproduction and the prohibition of damage to another writer s works the moral right of integrity The intersection between the graffiti rules and copyright law sheds light on the creation of subculture specific commons and the limits of copyright law in incentivising and regulating the production and location of creativity **A**

Copyright Gambit Sunimal Mendis,2019-07-05 European memory institutions are repositories of a wealth of rare documents that record public domain content These documents are often stored in dark archives to which members of the

public are granted limited access resulting in the public domain content recorded therein being relegated to a form of forgotten knowledge Digitisation offers a means by which such public domain content can be made speedily and easily accessible to users around the world For this reason it has been hailed as the harbinger of a new digital renaissance This book examines the topical issue of the need to preserve exclusivity over digitised versions of rare documents recording public domain content Based on data gathered through an empirical survey of digitisation projects undertaken by fourteen memory institutions in five European Union Member States it argues for the introduction of exclusive rights in digitised versions of rare documents recording public domain textual content as a means of incentivising private sector investment in the digitisation process It concludes by presenting a detailed proposal for a European Union Regulation that would grant memory institutions a limited term related right in digitised versions of rare documents held in their collections subject to stringent exceptions and limitations that are designed to safeguard user interests

Elgar Encyclopedia of Law and Data Science Comandé, Giovanni, 2022-02-18 This Encyclopedia brings together jurists computer scientists and data analysts to map the emerging field of data science and law for the first time uncovering the challenges opportunities and fault lines that arise as these groups are increasingly thrown together by expanding attempts to regulate and adapt to a data driven world It explains the concepts and tools at the crossroads of the many disciplines involved in data science and law bridging scientific and applied domains Entries span algorithmic fairness consent data protection ethics healthcare machine learning patents surveillance transparency and vulnerability

Proceedings of the Twelfth International Conference on Management Science and Engineering Management Jiuping Xu, Fang Lee Cooke, Mitsuo Gen, Syed Ejaz Ahmed, 2018-06-25 This proceedings book is divided in 2 Volumes and 8 Parts Part I is dedicated to Decision Support System which is about the information system that supports business or organizational decision making activities Part II is on Computing Methodology which is always used to provide the most effective algorithm for numerical solutions of various modeling problems Part III presents Information Technology which is the application of computers to store study retrieve transmit and manipulate data or information in the context of a business or other enterprise Part IV is dedicated to Data Analysis which is a process of inspecting cleansing transforming and modeling data with the goal of discovering useful information suggesting conclusions and supporting decision making Part V presents papers on Operational Management which is about the plan organization implementation and control of the operation process Part VI is on Project Management which is about the initiating planning executing controlling and closing the work of a team to achieve specific goals and meet specific success criteria at the specified time in the field of engineering Part VII presents Green Supply Chain which is about the management of the flow of goods and services based on the concept of low carbon Part VIII is focused on Industry Strategy Management which refers to the decision making and management art of an industry or organization in a long term and long term development direction objectives tasks and policies as well as resource allocation

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