

Eleonora Rosati

# ORIGINALITY IN EU COPYRIGHT

Full Harmonization through Case Law



# Originality In Eu Copyright Originality In Eu Copyright

**Robert P. Merges, Seagull Haiyan Song**

## **Originality In Eu Copyright Originality In Eu Copyright:**

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      **EU Digital Copyright Law and the End-User** Giuseppe Mazziotti, 2008-02-19  
This book draws on the contents of the Ph D dissertation I wrote and defended at the European University Institute EUI of Florence At the beginning of my search I did not expect to write a book on the intersection between copyright law and digital technologies and in particular on the implications that digitisation presents for the interests of users of copyrighted works At that time I was neither an expert on new technologies nor an avid user who viewed the Internet as a no copyright land where anyone should download whatever content for free Before graduating from the University of Perugia School of Law I had established myself as a clarinet player who performed mostly chamber music and the symphonic repertoire I had also worked extensively as a radio speaker music critic and writer with the Italian public broadcaster RAI Radio3 In performing all these music related activities I developed a considerable interest for copyright issues and when choosing my dissertation topic I immediately opted for a work on copyright law that examined the economic rights of music performers under the Italian and the EU legal systems I was very curious to see how and to what extent the law sought to protect the subtle particular kind of creativity and originality embodied in musical performances That was my first step towards writing a book on copyright law

*Film Copyright in the European Union* Pascal Kamina, 2016-04-28 Intellectual property issues in the film industry are often highly complex and in today's world are evolving rapidly In this second edition of *Film Copyright in the European Union* Pascal Kamina unravels the complexities of film protection in twenty eight member states of the European Union including thirteen new member states who have joined since the first edition As well as addressing key aspects of film copyright Pascal Kamina also deals with the protection of film works within the European Union in the context of European harmonisation of copyright laws Including a new chapter on copyright enforcement this second edition details the substantial developments in EU law during the last decade including major cases for the European Court of Justice new treaties and new directives This book will interest practitioners academics and students The developments on contracts and moral rights will be of particular interest to lawyers outside continental Europe      **Judge-made EU Copyright Harmonisation** Eleonora Rosati, European University Institute. Law Department, 2012 Over the last few years political and academic attention has focused on the future of copyright at the EU level Following two decades of piecemeal legislative interventions which have resulted in a limited harmonisation of the copyright laws of EU Member States a debate has ensued as to the feasibility and desirability of achieving full copyright harmonisation at the EU level This might be obtained either through a EU copyright code encompassing a codification of the present body of EU copyright directives or by way of a regulation to be enacted pursuant to new Article 118 1 TFEU aimed at creating an optional unitary copyright title Thus far however no such legislative initiatives have been undertaken Despite this impasse the CJEU has notably been acting in a proactive way inching towards full harmonisation With its 2009 decision in Case C 5 08 Infopaq the Court provided a EU wide understanding of an important principle of copyright the originality requirement The CJEU further elaborated upon this in subsequent case law

notably Case C 393 09 Bezpe nostn Softwarov Asociace Joined Cases C 403 08 and C 429 08 Murphy Case C 145 10 Painer Case C 604 10 Football Dataco and Case C 406 10 SAS The meaning of originality adopted by the CJEU as a EU wide standard is akin to that envisaged in continental Member States copyright laws thus differing from the loose notion of originality under UK law As such an examination as to the implications of CJEU harmonising jurisprudence in this Member State shall be undertaken with regard to the scope of copyright protection and subject matter categorisation Overall this contribution wishes to assess how and to what extent CJEU case law has resulted in de facto EU copyright harmonisation In addition it will attempt to foresee the fate of EU copyright in light of copyright reform projects which are currently being discussed in political and academic circles both in the US and Europe

*Governance of Intellectual Property Rights in China and Europe* Nari Lee, Niklas Bruun, Mingde Li, 2016-01-29 Intellectual property IP law has been widely discussed in recent scholarship though many recent works explore the topic from a largely descriptive perspective This book provides an analytical and comparative study of Chinese and European IP law as well as an analysis of system reforms in China The book highlights in three parts intellectual property for innovation and creativity in China comparing concepts and norms in Chinese and European IP law and governance of practices and IP enforcement Demonstrating that the governance of IP rights requires the adoption of a set of norms the contributors also argue that success is dependent on a transformation of the perspectives and implementation Students and scholars of IP law and Chinese IP law in particular will find this book to be a valuable resource to their work It will also be of interest to IP practitioners looking for an insight into system reforms in China

Global Intellectual Property Law Graham Dutfield, Uma Suthersanen, 2008-01-01 the book is enlightening for practitioners who are often required to take into account global considerations when advising clients It would be of particular interest to policy makers in the intellectual property field Australian Intellectual Property Law Bulletin Dutfield and Suthersanen have skillfully captured in one concise volume all the important things you need to know about international intellectual property law The materials are accessible timely methodically presented and at times critical The book's detailed in depth and comparative analyses provide helpful insights into the increasingly complex international intellectual property system Global Intellectual Property Law is not only an effective textbook for students interested in the subject but a desktop companion for policymakers and professionals who need a quick and up to date overview of global intellectual property issues Peter K Yu Drake University US and Zhongnan University of Economics and Law China Today global intellectual property rules affect everything from poor people's access to essential medicines to farmers rights in seeds to access to knowledge on the Internet But at the same time that pundits declare that intellectual property has come of age this body of law is more contested than ever with critics asking whether intellectual property is even necessary to stimulate innovation and whether and how intellectual property ought to be tailored to address the health and developmental needs of the global South Dutfield and Suthersanen's Global Intellectual Property Law is a timely and lucid contribution to the field This tome

covers every hot button area of international intellectual property law and policy from debates over the affect of intellectual property on development to controversy over biotechnology and property rights in life to claims by indigenous people and developing countries for new property rights in traditional knowledge Dutfield and Suthersanen describe the current terrain comparing North American European and developing world approaches much to their credit they do not shy away from describing points of tension among global actors Global Intellectual Property Law is a must have for scholars and practitioners in the field for whom I anticipate the book will become a trusted and oft used reference on their bookshelf The book is clearly written and engaging enough to be perfect for students or laypersons interested in acquiring a comprehensive and critical appraisal of the field Madhavi Sunder University of California Davis US Dutfield and Suthersanen have succeeded in writing an engaging treatise that offers a truly modern perspective on intellectual property today With examples from every continent from every level of jurisdiction national regional international their study covers all the traditional fundamentals of intellectual property law as well as the current critical interrogations that their development raises It is a book with character Ysolde Gendreau Universit de Montr al Canada Global Intellectual Property Law by Dutfield and Suthersanen provides a broad overview of the issues at stake concerning fair and effective ways to organize the information resources upon which the well being of us all depends The book highlights international and comparative perspectives on IP law and policy Although primarily targeted at postgraduate level students the book is enlightening also for practitioners and a must read for all policy makers and opinion leaders in the IP field Thomas Dreier University of Karlsruhe Germany Globalisation of trade means that intangible informational resources are now produced bartered and consumed anywhere and everywhere defying jurisdictional borders Intellectual property has moved into the mainstream of national economic and developmental planning in the recent past it has also emerged as the central impetus in multilateral

**Seville's EU Intellectual Property Law and Policy** Justine Pila, 2022-11-15 Carefully authored by Justine Pila this significantly revised and expanded third edition of Catherine Seville s classic text presents a thorough and detailed treatise on EU intellectual property IP law taking into account the many developments in legislation and case law since the second edition

**Transnational Intellectual Property Law** Robert P. Merges, Seagull Haiyan Song, 2018-04-27 As companies and organisations increasingly operate across national boundaries so the incentive to understand how to acquire deploy and protect IP rights in multiple national jurisdictions has rapidly increased Transnational Intellectual Property Law meets the need for a book that introduces contemporary intellectual property as it is practiced in today s global context Focusing on three major IP regimes the United States Europe and China the unique transnational approach of this textbook will help law students and lawyers across the world understand not only how IP operates in different national contexts but also how to coordinate IP protection across numerous national jurisdictions International IP treaties are also covered but in the context of an overall emphasis on transnational coordination of legal rights and strategies

**Research Handbook on the Future**

**of EU Copyright** Estelle Derclaye, 2009-01-01 an important contribution to the study of EU copyright law It provides a good overview of different aspects of copyright law in the European Union and comprises a prevailing guide which undoubtedly will be of great use to both academics and practitioners Ghufraan Sukkaryeh European Intellectual Property Review Estelle Derclaye's book is indeed a Handbook on EU copyright law since practically every aspect of copyright law is examined through the lens of EU law by foremost European specialists But it goes further than providing an understanding of what has been and ought to be happening in EU copyright law each chapter can touch a raw nerve in the copyright law of any country in the world Rarely has it been so obvious that EU copyright law can be considered a laboratory for copyright law in general Ysolde Gendreau Universit de Montr al Canada It has been over fifteen years since the EU started harmonising copyright law This original Handbook takes stock and questions what the future of EU copyright should be What went wrong with the harmonisation acquis What did the directives do well Should copyright be further harmonised Each of the 25 recognised copyright experts from different European countries gives a critical account of the EU harmonisation carried out on several aspects of copyright law subject matter originality duration rights defences etc and asks whether further harmonisation is desirable or not This way the Handbook not only gives guidance to European institutions as to what remains to be done or needs to be remedied but is also the first overall picture of current and future EU copyright law This Handbook will be of great interest to academics and intellectual property lawyers as well as general commercial lawyers across Europe because it reviews European directives in the field of copyright and also the relationships between copyright and other laws Policymakers will also find much to interest them in the discussions regarding the future of EU copyright law and the proposed amendments to the existing legal framework

**Research Handbook on Intellectual Property and Moral**

**Rights** Ysolde Gendreau, 2023-09-06 This comprehensive Research Handbook examines moral rights since their establishment in the 19th century and considers the roles they play in the 21st century in relation to the technological environment in which copyright exists Drawing together rich perspectives on intellectual property law around the world this Research Handbook provides new insights on the traditional issues of moral rights and analyses more recent challenges in copyright law patent law and trademark law

*Global Governance of Intellectual Property in the 21st Century* Mark Perry, 2016-05-24 This book analyses the governance foundations of innovation brands inventions secrets and expression which are the keys to a century based on knowledge They are reflected in legal rights that have been fermenting over centuries of national policy deliberations on intellectual property rights constantly in flux in the face of new advances in science but overall a trend towards greater protectionism As countries are challenged by the strictures of international agreements often extorted through imbalanced power relationships they seek their own national means for beneficial differentiation from the new global norms whilst complying with international obligations This book deals with the outcomes of regional governance of intellectual property which often creates ripples in the search for harmony in the laws that form

the basis for the future of intellectual property The work has contributions that come from developing and developed nations showing a common theme of the struggle to find the balance in an area of law that often does not provide clearcut solutions to real world environments There are many intellectual property struggles illustrated in this work patent at the boundaries of nature and invention the need for drug development which is driven by profit based on the patent monopoly copyright the expression of original thought seeking to maximise exposure facilitated by the internet but a system that facilitates rampant copying trade marks supporting company branding seeks to exploit global branding through naming domains names and other areas concomitant to the globalisation of intellectual property governance such as foreign direct investment This book holds up a mirror to the issues of world governance of intellectual property rights in this century asking whether the direction we are currently following is in the best interest of global citizens and showing the divergence that constraints are stimulating on a national level

**Artificial Intelligence and Machine Learning for Sustainable Development** Pawan Whig,Pavika Sharma,Nagender Aneja,Ahmed A. Elngar,Nuno Silva,2024-12-18 Artificial Intelligence and Machine Learning for Sustainable Development is a comprehensive exploration of how artificial intelligence AI and machine learning ML technologies are revolutionizing the field of sustainable development The book examines cutting edge innovations practical applications and potential challenges in harnessing AI and ML to address global sustainability issues It offers insights into how these technologies can optimize resource management improve environmental monitoring enhance decision making processes and promote equitable eco friendly solutions This book would be of special interest to researchers policymakers and practitioners seeking to leverage cutting edge technology for a more sustainable future

**Intellectual Property Law: Text, Cases, and Materials** Tanya Aplin,Tanya Frances Aplin,Jennifer Davis,2013-08-29 This book provides a full and clear exposition of the fundamentals of intellectual property law in the UK It combines excerpts from cases and a broad range of secondary works with insightful commentary from the authors which will situate the law within a wider international context

*3D Printing and Intellectual Property* Lucas S. Osborn,2019-09-05 Focuses on the novel issues raised for IP law by 3D printing for the major IP systems around the world *Intellectual Property Law* Tanya Frances Aplin,Jennifer Davis,2017 This text provides a full and clear exposition of the fundamentals of intellectual property law in the UK It combines excerpts from cases and a broad range of secondary works with insightful commentary from the authors which will situate the law within a wider international comparative and political context *Regulating Industrial Internet Through IPR, Data Protection and Competition Law* Rosa Maria Ballardini,Petri Kuoppamäki,Olli Pitkänen,2019-08-28 The digitization of industrial processes has suddenly taken a great leap forward with burgeoning applications in manufacturing transportation and numerous other areas Many stakeholders however are uncertain about the opportunities and risks associated with it and what it really means for businesses and national economies Clarity of legal rules is now a pressing necessity This book the first to deal with legal questions related to Industrial Internet follows a multidisciplinary approach that is instructed by law



concerning intellectual property data protection competition contracts and licensing focusing on business technology and policy driven issues Experts in various relevant fields of science and industry measure the legal tensions created by Industrial Internet in our global economy and propose solutions that are both theoretically valuable and concretely practical identifying workable business models and practices based on both technical and legal knowledge Perspectives include the following regulating Industrial Internet via intellectual property rights IPR data ownership versus control over data artificial intelligence and IPR infringement patent owning in Industrial Internet abuse of dominance in Industrial Internet platforms data collaboration pooling and hoarding legal implications of granular versioning technologies and misuse of information for anticompetitive purposes The book represents a record of a major collaborative project held between 2016 and 2019 in Finland involving a number of universities technology firms and law firms As Industrial Internet technologies are already being used in several businesses it is of paramount importance for the global economy that legal business and policy related challenges are promptly analyzed and discussed This crucially important book not only reveals the legal and policy related issues that we soon will have to deal with but also facilitates the creation of legislation and policies that promote Industrial Internet related technologies and new business opportunities It will be warmly welcomed by practitioners patent and other IPR attorneys innovation economists and companies operating in the Industrial Internet ecosystem as well as by competition authorities and other policymakers

**Harmonizing Intellectual Property Law for a Trans-Atlantic Knowledge Economy**, 2024-04-30 This book gathers and builds on research into distinct national and regional traditions in regulating innovation It is an early attempt at a comprehensive legal history of the uneven trans Atlantic harmonization of IP law Authors explore harmonization as a legal mandate and a progressive ideal and imagine areas in which coherent regulatory webs could build a more vibrant trans Atlantic knowledge economy

**EU Internet Law in the Digital Single Market** Tatiana-Eleni Synodinou, Philippe Jouglex, Christiana Markou, Thalia Prastitou-Merdi, 2021-06-25 With the ongoing evolution of the digital society challenging the boundaries of the law new questions are arising and new answers being given even now almost three decades on from the digital revolution Written by a panel of legal specialists and edited by experts on EU Internet law this book provides an overview of the most recent developments affecting the European Internet legal framework specifically focusing on four current debates Firstly it discusses the changes in online copyright law especially after the enactment of the new directive on the single digital market Secondly it analyzes the increasing significance of artificial intelligence in our daily life The book then addresses emerging issues in EU digital law exploring out of the box approaches in Internet law It also presents the last cyber criminality law trends offenses international instrument behaviors and discusses the evolution of personal data protection Lastly it evaluates the degree of consumer and corporate protection in the digital environment demonstrating that now more than ever EU Internet law is based on a combination of copyright civil administrative criminal commercial and banking laws

Online Distribution of Content in the EU Taina

Pihlajarinne, Juha Vesala, Olli Honkkila, The legal issues surrounding the online distribution of content have recently gained prominence due to the European Commission's commitment to the Digital Single Market DSM. This book is one of the first to provide a highly topical analysis of the key legal challenges surrounding the online distribution of content with particular focus on intellectual property rights, competition law and the regulation of new technologies.

## Decoding **Originality In Eu Copyright Originality In Eu Copyright**: Revealing the Captivating Potential of Verbal Expression

In an era characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its ability to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**Originality In Eu Copyright Originality In Eu Copyright**," a mesmerizing literary creation penned by a celebrated wordsmith, readers set about an enlightening odyssey, unraveling the intricate significance of language and its enduring affect our lives. In this appraisal, we shall explore the book is central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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