

A COMPARATIVE STUDY OF THE DISTRIBUTION OF OWNERSHIP RIGHTS IN PROPERTY IN AN APARTMENT OR CONDOMINIUM SCHEME IN COMMON LAW, CIVIL LAW AND MIXED LAW SYSTEMS

C.G. van der Merwe*

I. INTRODUCTION

Most legal systems recognize that apartment or condominium ownership relates to two distinct components of the land and buildings comprised in a condominium development. Included in these components are firstly apartments, flats, or units which are intended for the exclusive use by apartment owners, and secondly, common property or common elements which are intended to be used collectively by all the owners. In most condominium statutes these two components are combined into an indivisible composite entity consisting of an apartment coupled with an undivided share in the common property.¹ Even in countries like Scotland, which construe the new entity, created in terms of the Tenements Bill² as a flat to which a right of common property in certain parts of the tenement scheme is attached as a pertinence, a distinction is still drawn between parts of the scheme which form part of the flat or apartment, and parts of the scheme which are considered part of the common property.

This distinction is important for the following reasons. Firstly, an apartment, unit or flat owner has exclusive ownership with regard to those parts of the scheme that are included in his unit, whereas he only has a form of collective ownership over the common property. This means that the owner has greater rights of use and enjoyment with regard to his or her apartment (as well as more power to alter his or her apartment according to individual taste) than he does to the common areas. Within the restraints of neighbor law, he

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¹ See C.G. van der Merwe, *Apartment Ownership*, ch. 5, vol. 6, p. 50, in *INTERNATIONAL ENCYCLOPEDIA OF COMPARATIVE LAWS* (U. Drobnig & K. Zweigert eds., 1994).

² See *SCOTTISH LAW COMMISSION REPORT No. 162, Report on the Law of the Tenement* 119 (1998) [hereinafter *SCOTS LAW COMMISSION*].

Ownership Of Rights In Audiovisual Productionsa Comparative Study

**Mathieu O'Neil,Christian
Pentzold,Sophie Toupin**



Ownership Of Rights In Audiovisual Productionsa Comparative Study:

Ownership of Rights in Audiovisual Productions Marjut Salokannel,1997-05-28 In a single generation audiovisual production technology has made two enormous leaps interactivity and digital exploitation Any law that deals with satellite transmission must take into account the ownership rights in audiovisual productions and maintain a clear perspective on how existing laws in the field have been adapted and will continue to be adapted to protect authors Who owns the digital exploitation rights in the audiovisual work Who is entitled to collect remunerations collected from private copying How do moral rights affect the licensing of rights in audiovisual works These are some of the most contentious questions dealt with in this book The book provides a comprehensive comparative framework for analysis of the regulation of ownership of rights in audiovisual productions in Europe It is the first presentation that examines these issues in the light of revised Nordic copyright laws and the respective national regulations of Germany France Belgium the United Kingdom and the United States In addition the book explains in detail how international and European Community regulations affect rights owners in audiovisual productions The audiovisual sector is also an area where the differences between the civil law systems of author s rights and common law based copyright systems are particularly pronounced This book clarifies some of the common misunderstandings encountered in this respect

Ownership of Rights in Audiovisual Productions Marjut

Salokannel,2023-09-14 In a single generation audiovisual production technology has made two enormous leaps interactivity and digital exploitation Any law that deals with satellite transmission must take into account the ownership rights in audiovisual productions and maintain a clear perspective on how existing laws in the field have been adapted and will continue to be adapted to protect authors Who owns the digital exploitation rights in the audiovisual work Who is entitled to collect remunerations collected from private copying How do moral rights affect the licensing of rights in audiovisual works These are some of the most contentious questions dealt with in this book The book provides a comprehensive comparative framework for analysis of the regulation of ownership of rights in audiovisual productions in Europe It is the first presentation that examines these issues in the light of revised Nordic copyright laws and the respective national regulations of Germany France Belgium the United Kingdom and the United States In addition the book explains in detail how international and European Community regulations affect rights owners in audiovisual productions The audiovisual sector is also an area where the differences between the civil law systems of author s rights and common law based copyright systems are particularly pronounced This book clarifies some of the common misunderstandings encountered in this respect

Copyright and Multimedia Products Irini A. Stamatoudi,2001-11-08 Multimedia products have experienced tremendous market success Yet too often they are given inadequate protection under existing national and international copyright schemes Irini Stamatoudi provides a comprehensive comparative treatment of multimedia works and copyright protection in this clear and concise volume A detailed introduction outlines the nature of the multimedia work as well as the

scope of existing legislation separate chapters consider collections and compilations databases audiovisual works and computer programs video games are here treated as a test case Stamatoudi then analyses issues of qualification regime of protection and offers a model for a European legislative solution Copyright and Multimedia Products will interest academics and students as well as practitioners and copyright policy makers **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 **The History of Information Security** Karl Maria Michael de Leeuw, Jan Bergstra, 2007-08-28

Information Security is usually achieved through a mix of technical organizational and legal measures These may include the application of cryptography the hierarchical modeling of organizations in order to assure confidentiality or the distribution of accountability and responsibility by law among interested parties The history of Information Security reaches back to ancient times and starts with the emergence of bureaucracy in administration and warfare Some aspects such as the interception of encrypted messages during World War II have attracted huge attention whereas other aspects have remained largely uncovered There has never been any effort to write a comprehensive history This is most unfortunate because Information Security should be perceived as a set of communicating vessels where technical innovations can make existing legal or organisational frame works obsolete and a breakdown of political authority may cause an exclusive reliance on technical means This book is intended as a first field survey It consists of twenty eight contributions written by experts in such diverse fields as computer science law or history and political science dealing with episodes organisations and technical developments that may considered to be exemplary or have played a key role in the development of this field These include the emergence of cryptology as a discipline during the Renaissance the Black Chambers in 18th century Europe the breaking of German military codes during World War II the histories of the NSA and its Soviet counterparts and contemporary cryptology Other subjects are computer security standards viruses and worms on the Internet computer transparency and

free software computer crime export regulations for encryption software and the privacy debate Interdisciplinary coverage of the history Information Security Written by top experts in law history computer and information science First comprehensive work in Information Security **WIPO Review of Contractual Considerations in the Audiovisual Sector** World Intellectual Property Organization, 2015-07-17 This review is a condensed yet comprehensive panorama of all the key aspects of performers contracts in the audiovisual industry and the various ways in which these may serve the interests of both performers and producers *Aanwinsten van de Centrale Bibliotheek (Queteletfonds)* Bibliothèque centrale (Fonds Quetelet), 1998 The Legal Status of Video Games: Comparative Analysis in National Approaches World Intellectual Property Organization, 2017-05-11 This report analyzes the classification that each country has adopted for video games and provides in the final section a tentative classification of these complex works considering their nature the elements they are made of and the creative process *Bowker's Law Books and Serials in Print*, 1998 **World Copyright Law** J. A. L. Sterling, 2008 These reports comprise decisions in higher courts on road traffic law Sources include The House of Lords Privy Council Court of Appeal Civil and Criminal Division Courts Martial Appeal Court Divisions of the High Court and relevant decisions of the European Court of Justice Books In Print 2004-2005 Ed Bowker Staff, Staff Bowker, Ed, 2004 **The Handbook of Peer Production** Mathieu O'Neil, Christian Pentzold, Sophie Toupin, 2021-01-20 The definitive reference work with comprehensive analysis and review of peer production Peer production is no longer the sole domain of small groups of technical or academic elites The internet has enabled millions of people to collectively produce revise and distribute everything from computer operating systems and applications to encyclopedia articles and film and television databases Today peer production has branched out to include wireless networks online currencies biohacking and peer to peer urbanism amongst others The Handbook of Peer Production outlines central concepts examines current and emerging areas of application and analyzes the forms and principles of cooperation that continue to impact multiple areas of production and sociality Featuring contributions from an international team of experts in the field this landmark work maps the origins and manifestations of peer production discusses the factors and conditions that are enabling advancing and co-opting peer production and considers its current impact and potential consequences for the social order Detailed chapters address the governance political economy and cultures of peer production user motivations social rules and norms the role of peer production in social change and activism and much more Filling a gap in available literature as the only extensive overview of peer production's modes of generating informational goods and services this groundbreaking volume Offers accessible up to date information to both specialists and non specialists across academia industry journalism and public advocacy Includes interviews with leading practitioners discussing the future of peer production Discusses the history traditions key debates and pioneers of peer production Explores technologies for peer production openness and licensing peer learning open design and manufacturing and free and open source software The Handbook of Peer Production is an indispensable resource for

students instructors researchers and professionals working in fields including communication studies science and technology studies sociology and management studies as well as those interested in the network information economy the public domain and new forms of organization and networking

International Books in Print ,1990 **International Encyclopedia of Comparative Law** , **Copyright Law and Streaming** Séverine Dusollier,2025-05-06 On the internet music films and TV shows are now just a few clicks away readily available for listening or viewing While piracy websites and file sharing software initially disrupted the entertainment economy the streaming technology has since been embraced by new operators from Spotify to Netflix providing an unprecedented abundance of cultural content Copyright laws around the world have addressed the many issues brought about by streaming services whether lawful or not ranging from copyright enforcement artists remuneration to liability of video sharing platforms and cultural diversity This book presents an extensive comparative analysis of legislative and judiciary efforts to adapt to this technological and cultural revolution *Innovation and Development of Knowledge Societies* Nadia Naim,Alhanoof AlDebasi,David Price,2025-02-27 This book examines the role that intellectual property plays in fostering innovation within knowledge societies with a particular focus on the role of emerging technologies such as Artificial Intelligence tools Creativity and the generation of new knowledge across the broad spectrum of intellectual property are essential sources of growth for knowledge societies This includes the major areas of copyright inventions and patents trademarks and geographical indications This book acknowledges the societal and cultural character of knowledge societies discussing how Intellectual Property IP Law plays a pivotal role in safeguarding innovation thereby fostering evolution As emerging technologies and artificial intelligence redefine the landscape the book identifies both new challenges and opportunities in enhancing innovation prowess and nurturing knowledge societies Suggesting regulations which prioritise copyright trademarks and patents as fundamental instruments in international commerce the book presents a framework for IP Law through which knowledge societies can thrive The book will appeal to researchers in the field of Intellectual Property Law international law business law and emerging technologies such as AI *Challenges to the Creator Doctrine* J. Seignette,1994-08-22 Copyright is generally vested either in the work or in the author Authorship as the basis of copyright is the most common in modern copyright laws While the author is generally equated with the creator this is not true in every situation This study by Jacqueline Seignette explores cases in which copyright and creatorship do not coincide She focuses on the situation in three jurisdictions The Netherlands Germany and The United States In Germany the importance of creatorship for copyrights is the strongest while in US the importance of creatorship in copyright law is less pronounced The Netherlands occupies a middle position with respect to the value which is attached to the Creator Doctrine An illustration of the different concepts of authorship is the fact that in American law industrial and technical adaptations and uses of works of art fall under the copyright regime while in the German case such products may have sui generis rights not copyrights According to the author the American Dutch and German copyright laws provide an interesting cross section

of what legislation on copyright ownership at the end of the twentieth century may look like

Intellectual Property Rights and Competition Law in India Rajni Malhotra Dhingra, Nisha Dhanraj Dewani, 2024-08-12 This book explores the relationship between intellectual property law and competition law proposing a harmonious equilibrium in the dynamic landscape of evolving technology It explores how intellectual property rights IPR can be effectively balanced with competition law considerations offering insights into navigating the evolving intersection of legal frameworks in the realm of technology and innovation In the rapidly evolving landscape of India's legal framework the intersection of IPR and competition law has become a critical focal point This book dissects the regulatory landscape offering a thorough analysis of India's competition law and its application in conjunction with patent copyright trademark blockchain technologies computer software artificial intelligence and more Covering landmark legal decisions precedents and emerging trends that shape the balance between fostering innovation and preventing anticompetitive practices the book also uses case studies involving WhatsApp Vs CCI and Vidya Drolia case Focusing on India but with lessons for a global audience the book brings together contributions from experts across disciplines to promote innovative solutions to balancing IP and competition law with technological advancements The book will be of interest to researchers in the field of the law of emerging technologies IP law and competition law

Collective Management of Music Copyright Qingqing Xu, 2023-04-17 Two of the objectives of the Chinese Copyright Law are to protect the copyright of authors to their literary and artistic works and encourage the creation and dissemination of works In practice however in spite of the existence of the Music Copyright Society of China MCSC that was established to assist with exercising copyright music creators in China remain in need of help to protect and manage their fragmented copyright The MCSC was the first collective management organisation CMO in mainland China and is the only CMO in the field of musical works While there is a large music industry and copyright business in China the MCSC only had 11 356 members at the end of 2021 The third amendment of the Chinese Copyright Law was initiated in 2011 and came into effect in June 2021 after a long debate for almost ten years The discussion of the third amendment has highlighted the controversial topic of collective management of copyright This book explores the adequacy of the MCSC as an intermediary representing rights for music creators The main argument developed in this study is that the work of the MCSC for individual composers and lyricists is hampered by shortcomings in the regulatory regime as well as by a lack of members rights to participate in the management of their own rights and by the ineffective international cooperation between the MCSC and other musical CMOs overseas The analysis is undertaken through a case study approach comparing the collective management systems of music copyright in China the United States and Australia and addressing the question of how musical CMOs operate in these countries Specifically three perspectives are examined the regulatory systems designed to limit the misuse of those CMOs monopoly members rights in the organisations and international cooperation between these CMOs Overall the main findings of this book suggest that the MCSC in China could work more effectively to protect music

creators interests In contrast although the operational frameworks of the American Society of Composers Authors and Publishers ASCAP and the Broadcasting Broadcast Music Inc BMI in the United States and the Australasian Performing Right Association APRA in Australia are not perfect models the systems in these two countries may at least provide reference points for potential improvement of the regime of the MCSC The research recommends three courses of action strengthening the regulatory design overseeing the MCSC s monopoly clarifying the relationship between the MCSC and its members while providing the members with the right to manage their own copyright and improving the international cooperation between the MCSC and CMOs in other countries **A Textbook of Cultural Economics** Ruth Towse,2019-08-15 This second edition offers a comprehensive up to date overview and analysis of cultural economics in the digital creative economy

Unveiling the Magic of Words: A Report on "**Ownership Of Rights In Audiovisual Productionsa Comparative Study**"

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their ability to kindle emotions, provoke contemplation, and ignite transformative change is really awe-inspiring. Enter the realm of "**Ownership Of Rights In Audiovisual Productionsa Comparative Study**," a mesmerizing literary masterpiece penned by way of a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve to the book is central themes, examine its distinctive writing style, and assess its profound impact on the souls of its readers.

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