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Copyright and Free Speech

Comparative and International Analyses

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Copyright And Free Speech Comparative And International Analyses

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Copyright And Free Speech Comparative And International Analyses:

Copyright and Free Speech Jonathan Griffiths, Uma Suthersanen, 2005 Written by a team of leading scholars and practitioners in the fields of copyright and free speech this work analyses the potential for interaction and conflict between the two rights Free speech is the lifeblood of any democracy As John Stuart Mill stated In government perfect freedom of discussion in all its modes speaking writing and printing in law and in fact is the first requisite of good because the first condition of popular intelligence and mental progress Letter by John Stuart Mill 18 March 1840 Copyright on the other hand represent a property regime which protects human creativity as manifested in all types of expressions such as literary works paintings and music Both these notions copyright and free speech are united in the fact of their recognition as fundamental freedoms of all individuals within the national regional and international framework of human rights However the rights are also antithetical in nature giving rise to both political and jurisprudential tensions These tensions have become recently accentuated by the advent of legislative developments Both in the United States and within the European Union legal commentators argue that recent copyright legislation has paid insufficient regard to free speech This concern is underlined by the series of First Amendment challenges that have been brought against the United States Digital Millennium Copyright Act The recent causes cel bres not only highlight the antagonistic relationship between copyright and free speech but also prominently depict the potential conflict between public and private interests in information the Dead Sea Scrolls decision Israel the Wind Done Gone Eldred and DeCSS cases United States and the Hyde Park v Yelland and Ashdown v Telegraph Group United Kingdom A further query which requires attention is the impact of the growing significance of international copyright law for the developing world The raised profile of these conflicts has resulted in an increasing amount of attention from academe and the legal profession Some of the authors of this volume have made influential contributions and are directly involved both legally and politically in the debate There has however been no sustained study of the conflict across a variety of different jurisdictions This book addresses the copyright free speech relationship within a comparative and international legal framework Moreover the key questions regarding access to information and the digital challenges are addressed from both theoretical and practical perspectives

Human Rights and Intellectual Property Laurence R. Helfer, Graeme W. Austin, 2011-03-07 This book explores the interface between intellectual property and human rights law and policy The relationship between these two fields has captured the attention of governments policymakers and activist communities in a diverse array of international and domestic political and judicial venues These actors often raise human rights arguments as counterweights to the expansion of intellectual property in areas including freedom of expression public health education privacy agriculture and the rights of indigenous peoples At the same time creators and owners of intellectual property are asserting a human rights justification for the expansion of legal protections This book explores the legal institutional and political implications of these competing claims by offering a framework for exploring the connections

and divergences between these subjects by identifying the pathways along which jurisprudence policy and political discourse are likely to evolve and by serving as an educational resource for scholars activists and students

Handbook of the Economics of Art and Culture, 2013-09-16 This volume emphasizes the economic aspects of art and culture a relatively new field that poses inherent problems for economics with its quantitative concepts and tools Building bridges across disciplines such as management art history art philosophy sociology and law editors Victor Ginsburgh and David Throsby assemble chapters that yield new perspectives on the supply and demand for artistic services the contribution of the arts sector to the economy and the roles that public policies play With its focus on culture rather than the arts Ginsburgh and Throsby bring new clarity and definition to this rapidly growing area Presents coherent summaries of major research in art and culture a field that is inherently difficult to characterize with finance tools and concepts Offers a rigorous description that avoids common problems associated with art and culture scholarship Makes details about the economics of art and culture accessible to scholars in fields outside economics

Criminal Copyright Eldar Haber, 2018-08-16 Since the birth of criminal copyright in the nineteenth century the copyright system has blurred the distinction between civil and criminal infringements Today in many jurisdictions infringement of copyrighted materials can result in punitive fines and even incarceration In this illuminating book Eldar Haber analyzes the circumstances justifications and ramifications of the criminalization process and tells the story of how a legal right in the private enforcement realm has become over criminalized He traces the origins of criminal copyright legislation and follows the movement of copyright criminalization and enforcement on local and global scales This important work should be read by anyone concerned with the future of copyright and intellectual property in the digital era

The Oxford Handbook of Creative Industries Candace Jones, Mark Lorenzen, Jonathan Sapsed, 2015-07-23 The Oxford Handbook of Creative Industries is a reference work bringing together many of the world's leading scholars in the application of creativity in economics business and management law policy studies organization studies and psychology Creative industries research has become a regular theme in academic journals and conferences across these subjects and is also an important agenda for governments throughout the world while business people from established companies and entrepreneurs reevaluate and innovate their models in creative industries The Handbook is organized into four parts Following the editors introduction Part One on Creativity includes individual creativity and how this scales up to teams social networks cities and labour markets Part Two addresses Generating and Appropriating Value from Creativity as achieved by agents and organizations such as entrepreneurs stars and markets for symbolic goods and considers how performance is measured in the creative industries Part Three covers the mechanics of Managing and Organizing Creative Industries with chapters on the role of brokerage and mediation in creative industry networks disintermediation and glocalisation due to digital technology the management of project based organizations in creative industries organizing events in creative fields project ecologies Global Production Networks genres and classification and

sunk costs and dynamics of creative industries Part Four on Creative Industries Culture and the Economy offers chapters on cultural change and entrepreneurship on development on copyright economic spillovers and government policy This authoritative collection is the most comprehensive source of the state of knowledge in the increasingly important field of creative industries research Covering emerging economies and new technologies it will be of interest to scholars and students of the arts business innovation and policy

The Global Regime for the Enforcement of Intellectual Property Rights Xavier Seuba, 2017-10-26 In *The Global Regime for the Enforcement of Intellectual Property Rights* Xavier Seuba offers a comprehensive description of the international norms and bodies dealing with the enforcement of intellectual property rights The book analyzes multilateral plurilateral and bilateral treaties and their national implementation along with civil border and criminal enforcement The book also explores the interface between the enforcement of intellectual property rights and the norms regulating international trade competition and human rights as well as the conceptual and systemic aspects of enforcement while illustrating the importance of these rights with examples in litigation The book should be read by anyone interested in how intellectual property rights are being enforced around the world and how these efforts relate to other legal regimes

The Interface of Intellectual Property Law with other Legal Disciplines Christophe Geiger, 2025-05-14 This incisive book explores the interactions between intellectual property IP laws and other legal disciplines examining potential policy implications raised by the growing influence of various legal frameworks on IP principles Illustrating these issues the book analyzes how they have shaped our understanding of IP laws and doctrines Leading specialists debate the intersection of different areas of private public and criminal law with intellectual property rights drawing some forward looking conclusions on the implications at legislative judicial and theoretical level

Tilburg Foreign Law Review, 2004

Hastings Law Journal, 2012

Copyright and Other Fairy Tales Helle Porsdam, 2006 Focuses on the state of copyright law and the way in which it threatens the remix of culture and creativity This book addresses questions such as whether or not to remain within the underlying regime of intellectual property law and what sort of reforms are needed if we do decide to remain within this regime

The Hastings Law Journal, 2013

Washington University Journal of Law and Policy, 2006

Antitrust, Patents, and Copyright François Lévêque (prawo), Howard A. Shelanski, 2005 In modern markets innovation is at least as great a concern as price competition This book discusses how antitrust policy copyright laws interact to create market dynamics that affect both competition innovation

Brigham Young University Law Review, 2005

Intellectual Property, Trade and Development Daniel Gervais, 2007 This book provides a comprehensive analysis of the latest legal economic political and social research and advanced current thinking on the relationship between intellectual property and trade and development It starts with coverage of the theoretical basis of the connections between intellectual property trade and development It presents options as to how intellectual property rules can be incorporated in the local legal framework and how the positive impact of intellectual property standards can be maximized while minimizing welfare

costs It includes implementation strategies for TRIPS and TRIPS Plus norms and also the use of measures outside the traditional scope of intellectual property norms These measures range from education to the establishment or enhancement of a solid industrial and research base to fighting pandemics such as HIV AIDS Possible economic strategies and proposals are also offered on the protection of traditional knowledge and indigenous resources **Aslib Proceedings** ,2007 **PLI's ... Annual Institute for Intellectual Property Law** ,2004 **Symposium** ,2007 **The Global Political Economy of Intellectual Property Rights** Christopher May,2010 The first edition established itself as one of the leading books to situate the issue of intellectual property within the discipline of International Political Economy IPE Since its publication intellectual property has continued to rise up the global agenda reflecting expanding interest in the area among policy makers and advocacy groups linked to the increasingly fraught politics of the global governance of IPRs Significantly revised and updated to take account of developments within the World Trade Organization and the World Intellectual Property Organization this edition incorporates the author s recent research on IPRs It retains the theoretical and analytical elements of the first edition whilst offering students and researchers a detailed analysis of how intellectual property is politically constructed and how it is linked to the economics of knowledge and information in the contemporary global political economy Rapidly developing issues addressed in the work include arguments around the implementation of the Agreement on Trade Related Aspects of IPRs TRIPs the WIPO Development agenda and the resistance to socialization programmes the AIDS crisis and the pharmaceutical industry Digital Rights Management This book will be of interest to students and researchers of international political economy international relations and intellectual property law *U.C. Davis Law Review* University of California, Davis. School of Law,2006

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