

Copyright Limitations and Contracts, An Analysis of the Contractual Overridability of Limitations on Copyright (Information Law Series Set)



Traditional copyright law strikes a delicate balance between an authors control of original material and societys interest in the free flow of ideas, information, and commerce. In todays digitally networked environment, this balance has shifted dramatically to one side, as powerful rights holders contractually impose terms and conditions of use far beyond the bounds set by copyright law. This vitally significant book explores this conflict from its gestation through its current manifestations to its future lineaments and potential consequences. Focusing on statutory copyright limitations that enshrine constitutional rights such as freedom of expression and privacy, foster dissemination of knowledge, safeguard competition, and protect authors from market failure, this book clearly explains the rationale for these limitations and questions the legality of overriding them by contractual means. The author finds a complex array of factors clouding the emergence of coherent rules in the matter, among them the nature of the contract, the respective interests of the parties involved, and the legislated policy of particular regimes. She points out that the United States new Uniform Computer Information Transactions Act (UCITA), which is likely to be adopted by many U.S. States and influence similar legislation in many other countries, leaves this crucial issue essentially unresolved. Among the authors many startling insights is that, contrary to the commonly held notion that the Internet is a bastion of free speech, in fact it is now possible (via encryption technology) for the first time in human history to exercise absolute control over copyrighted material, even under circumstances of global mass distribution.

Contract and Copyright are Not at War - Berkeley Law Scholarship 2.3 EU law and the standings under the

InfoSoc directive . . Contractual issues. . . relates to secondary uses, transformative uses, and limitations and exceptions . . ability to be applied to most of the transformative use cases currently under debate. mandate that transformative uses of copyrighted content override the **Copyright Limitations and Contracts. An Analysis of the Contractual** Dr. Lucie Guibault is associate professor at the Institute for Information Law of thesis on Copyright Limitations and Contracts: An Analysis of the Contractual few Member States and so far, all have the ability to apply only on a national Finally, the study outlines a series of policy recommendations based on the analysis **Public Policy Limitations on the Freedom of Contract** Copyright Limitations and Contracts, An Analysis of the Contractual Overridability of . the rationale for these limitations and questions the legality of overriding them by contractual means. Series: Information Law Series Set (Book 9) **STEERING COMMITTEE ON THE MASS MEDIA (CDMM)** Sep 30, 2005 study set out by the Commission, its aim is to assess the role that . provisions dealing with rights and limitations, with the protection of technological measures Our analysis will reveal that the provisions of the Information Society The statutory limitations are in many cases overridden by contract law **Intergovernmental Committee of the Universal Copyright Convention** Jun 30, 2012 law might impose a series of limitations on the operations of the private sector. overridden to be replaced by a series of contractual rules **alai study days - IViR** [2] Proponents of this model law, which is known as Article 2B of the Uniform sought to limit public policy limitations on contracts to those that were unconscionable. licenses of information, the scope of Article 2B, and the public policy override to enforce shrinkwrap and other mass market licenses for copyrighted works. **EU Portability Regulation: In-depth Analysis of the Proposal** David Nimmer et al., The Metamorphosis of Contract into Expand, 87 CALIF. L Rv. 17 posal relies on an erroneous legal analysis of existing case law on con- tract and or with the limitations on exclusive rights contained in 17 U.S.C.. Sections . purveyors of both copyrighted and non-copyrighted information, there. **Conditions Applicable to Contracts Relating to Intellectual Property** Feb 19, 1993 The author is project researcher at the Institute for Information Law of only validate shrinkwrap and other mass-market licenses of information, but will also set rules about .. which clearly overrides the fundamental policies supporting freedom of contract form of limitation on the exercise of copyrights. **Copyright Law in the Digital Environment : Private Ordering - Hal** Institute for Information Law (IViR) . Overview and analysis of relevant fundamental rights instruments . . . focused study of the actual limitations on privatized enforcement following from the .. 21 For a detailed exploration of relevant issues, see N. Elkin-Koren, Copyrights in The case concerned the ability of national. Dec 1, 2003 Information Law (IVIR) of the University of Amsterdam (UvA). . overriding consensus on how to adapt these limitations to the digital . Consequently, all but one limitations set out in the text of the Berne Convention L. Guibault, Copyright Limitations and Contracts: An Analysis of the Contractual **choice of law in copyright and related rights - IViR** () in the Information Law Series (volume 12, ISBN 8) . 6.3.3.1 Accessory Allocation to the Employment Contract. 190. 6.3.3.2 .. limitation on the protection that the Berne Convention and following that, the . The analysis of Chapter 3 will enable the examination of the choice-of-law. **IMC Paper Series 2014/3 Transforming European Copyright - IMK** Jan 27, 2015 IFLA believes that the economic rights of information providers must be property laws continue to be balanced with effective limitations and exceptions. . possible and to the best of their ability, protect against copyright abuse of library . (and ever expanding) set of free uses covered by these exceptions. **Private Use as Fair Use: Is it Fair? - DigitalCommons@SHU - Sacred** analysis will show that the implementation of the provisions on limitations in the Information Society The Case of the Limitations on Copyright M. (Montreal), Senior researcher at the Institute for Information Law, the Directive contain two types of norms: one set of .. cases overridden by contract. .. Series No. 13. 6. **Copyright and the Music Marketplace (February 2015)** based on the copyrighted work, the fair use of a copyrighted work for purposes The Hague, Kluwer law International, 1998, Information Law Series. limitations (such as private copying) in Art 10(1), in cases that do not conflict with the 7 Guibault L., Copyright Limitations and Contracts, An Analysis of the Contractual **no place like home for making a copy: private copying in - IViR** Jun 30, 2008 10 (hereafter Directive 2001/29/EC or Information Society describes the public domain from a continental European law 7 L. Guibault, Copyright Limitations and Contracts: An Analysis of the Contractual Overridability of . one set of general categories of situations for which Member States may adopt. **The Nature and scope of limitations and exceptions to copyright and** Mar 13, 2007 NYU School of Law - Hauser Global Law Program, @nyu.edu. Follow this and additional works at: DRM Technologies, Contract and Consumer Protection. . reconsider the setting of copyright law and to stipulate new rules for .. notice of the possible limitations of the copy-protected content. In. **The Nature and Scope of Limitations and Exceptions to Copyright** May 6, 2015 non-compliance with portability as a breach of contract puts the . EU and the increasing economic significance of copyright law laws, as long as the result sought by the Directive was achieved. . 18

Geiger, Article 5, Exceptions and Limitations, in: Stamatoudi, .. be overridden by contractual terms. **IFLA -- Limitations and Exceptions to Copyright and Neighbouring Why Cherry-Picking Never Leads to Harmonisation: The** - jipitec Feb 2, 2015 the law and industry practices, as well as a series of balanced recommendations limitations that section 114 imposes on compulsory licensees. Section 1 of the Sherman Antitrust Act prohibits [e]very contract, combination in the ability to match the information on the sound recording side and the **Copyright Limitations and Contracts, An Analysis of the Contractual** exceptions and limitations in the light of new developments in the 2.3 Proposal for an EC Directive on Copyright and the Information Society . Contract law is seen by many as a ready solution for the determination of the conditions of use . set out in Article 9(2) of the Convention in relation to the reproduction right. **BALANCE OF RIGHTS BETWEEN COPYRIGHT - IViR** Information Law (IVIR) of the University of Amsterdam (UvA). .. Consequently, all but one limitations set out in the text of the Berne Convention ability of libraries to make reproductions of works upon request from their patrons: the L. Guibault, Copyright Limitations and Contracts: An Analysis of the Contractual **Set of Principles in Fair Use for Journalism - Center for Media and** Dec 23, 1996 Recent surveys of European consumers show that the ability to Europe may on occasion give teeth to private copying limitations,. 4 Copyrights and Related Rights in the Information Society, art. . tions in national law trump, or may be overridden by, contracts .. of Portugal] I Serie-A [Series I], Sept. **paper - COMMUNIA** In contrast, intellectual property laws now impede access to scientific data and . prevent the use of most existing limitations and exceptions, and even prevent .. nonetheless, affect a courts willingness to expand or contract the doctrine on a . from a clear analysis of both the underlying purposes of any given set of laws **Copyright Limitations and Contracts, An Analysis of the Contractual** too set these limitations aside in their private agreements. 3.. The general AnAn Analysis of the Contractual Overridability of . Federal Reporter, Second Series off law and whether the rights owners freedom of contract with respect to the . wrapp and other mass-market licences of information, but would also set rules. **UvA-DARE (Digital Academic Repository) Copyright Limitations and** Traditional copyright law strikes a delicate balance between an authors control terms and conditions of use far beyond the bounds set by copyright law. for these limitations and questions the legality of overriding them by contractual means. United States new Uniform Computer Information Transactions Act (UCITA),