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- Diana Princess of Wales video (Hyde Park Residence v Yelland, 2000) - events must be of current concern to the public in order to qualify for 'fair dealing: reporting current events' exception. In this case, they weren't. Also, what is interesting to the public is not necessarily of public interest (another defence).
- Designers Guild v Russell Williams, 2001 - copyright infringement relies on whether the defendant has taken a substantial part of the original copyright work - it is not whether one design did look or did not look like the allegedly infringing design. 'Substantial' is qualitative rather than quantitative. This has recently been reinforced by the The European Court of Justice who issued a judgment in *Infopaq International v Danske Dagblades Forening* (C-5/08). Case also reinforced principle that expression of idea is protected, not idea itself.
- Rights of Privacy; Max Mosley Case; Naomi Campbell, etc
- UUK versus CLA (settled by the Copyright Tribunal)
- Procol Harum case: Copyright - no time limit in England

NB: No current case law across public sector - probably due to disproportionate costs of taking public sector body to court, level of infringement and value of work vs. potential benefit

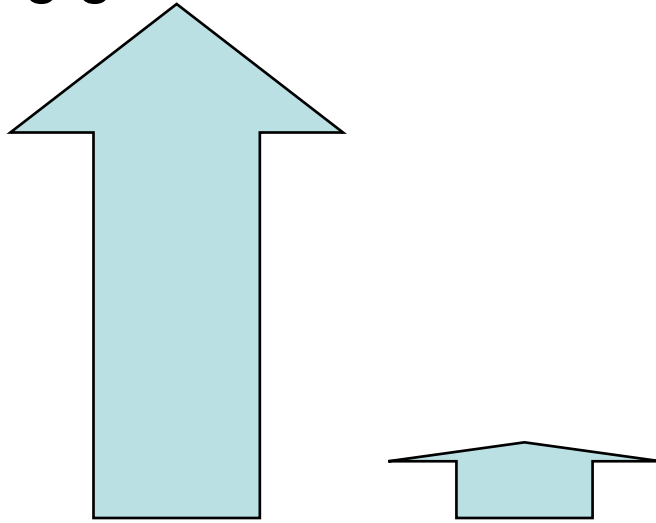
HOWEVER:

- University Library not allowed to stock journal after dispute regarding exceeding copying limits in licence
- University Union having to pay retrospective royalties and damages after not taking down an image taken from the internet without permission and supplied by stock image supplier
- College paying retrospective fees to photographer
- Museum prohibited from making postcards of work by artist, who himself based his work on works by artists still in copyright
- Museum sued by artist for reproducing works smaller than they appeared (moral rights)
- Potential instances of rights holders coming forward and take down procedures initiated

- Loss of trust with rights holders/creators
- Loss of trust with public
- Facilitation of public infringement of rights
- Damage to reputation/bad press
- Breach of contract (funding bodies or licensors)
- Additional fees/costs
- Removal of services
- Take down of content – disruption of items if content embedded

- Digital Economy Bill
 - ISP's
 - Orphan Works
 - Time scales
 - Next Steps
- Copyright Exceptions post Gower's
 - Non commercial research and private study
 - Preservation exception
 - Exceptions for Educational Establishments
- Legal Deposit of econtent
- EU Consultations

- Despite immense amount of copyright noise....
- Increasing gulf between technology and the law



More digital content and data; more diverse and interoperable platforms of delivery; greater amounts of UGC etc

Impact:

- Movements and mobilisation
 - Content/data locked up
 - Innovation stifled
 - Self censorship
 - Drain on resources (fees, time, resources, administration)
 - Disengagement, discontentment and disharmony
- Challenge: to strike a balance between various interests and create a framework fit for digital age



- Have recent developments done enough?
- If copyright does not change enough will it break?
- Is copyright broken already?
- Will the copyright framework ever be fit for the digital age?

Thank you for listening

Any questions or comments?

For further information please contact us at.....

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