Objective

This conference will analyse the increasing role played by the ECJ in interpreting EU copyright law and will provide intellectual property law practitioners with an in-depth analysis of the landmark judgments of the ECJ in the field of copyright and related rights.

Key topics

- Exhaustion of copyrights
- Relationship between copyright and competition law: from the ECJ judgments Codifel II (C-262/81) to the European Commission’s CISAC decision
- Exceptions and limitations in the Information Society Directive (Directive 2001/29), including fair compensation for reproductions (C-467/08 Padawan), copying for private use (C-462/09 Stichting de Thuiskopie) and remuneration of authors for public lending (C-271/10 VEWA v Belgium)
- The concept of communication to the public (C-306/05 SGAE v Rafael Hoteles)
- The notion of originality and the scope of exception for the purpose of public security: ECJ case Maria-Ewa Painer (C-145/10)
- The future of exclusive licence agreements and the accessibility of broadcasting services (C-403/08 and C-429/08 Football Association Premier League Ltd and Media Protection Services Ltd)
- Copyright versus the protection of privacy in electronic communications: the responsibility of internet service providers (C-70/10 SABAM)

Who should attend?

Lawyers in private practice, in-house counsel and other practitioners of law dealing with copyright and intellectual property law, internet law and consumer law.

Speakers

Dr Estelle Derclaye, University of Nottingham

Jonathan Griffiths, Senior Lecturer, School of Law, Queen Mary, University of London

Karl Hamacher, Lawyer specialised in IP law, JONAS Rechtsanwaltsgesellschaft mbH, Köln

Dr Niilo Jääskinen, Advocate General, Court of Justice of the European Union

Professor Jiří Malenovský, Judge, Court of Justice of the European Union, Luxembourg

Gabriella Muscolo, Judge, Civil Court, Section for Intellectual Property and Competition Law, Rome

David Petrlik, Legal Secretary to Judge Malenovský, Court of Justice of the European Union, Luxembourg

Professor Alexander Peukert, Goethe-University, Frankfurt

Ted Shapiro, Motion Picture Association, Brussels

Geert Somers, Partner, time.lex, Brussels, affiliated researcher ICRI, University of Leuven

Professor Alain Strowel, University Faculties of Saint Louis and University of Liège, Of Counsel, Covington & Burling LLP, Brussels

Professor Guido Westkamp, School of Law, Queen Mary, University of London

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Thursday, 10 May 2012

08:45 Arrival and registration of participants

09:15 Welcome and introduction
Florence Hartmann-Vareilles

Chair: Jonathan Griffiths

09:30 Keynote speech
The contribution of the European Court of Justice in harmonising EU copyright law
Jiří Malenovský

I. COPYRIGHT AND RELATED RIGHTS: TERRITORIAL NATURE AND MAIN CONCEPTS DEFINED BY THE EUROPEAN COURT OF JUSTICE

10:00 Exhaustion, consent and implied licenses
Guido Westkamp

10:45 Discussion

11:00 Coffee break

11:30 Free movement and copyright in the field of satellite broadcasting
David Petrilik

12:15 Discussion

12:30 Lunch

14:00 The right of communication to the public: a broadly defined concept
Alain Strowel

14:45 Discussion

15:00 Coffee break

Chair: Alain Strowel

II. THE INTERPRETATION OF THE EXCEPTIONS AND LIMITATIONS OF ARTICLE 5 OF THE INFORMATION SOCIETY DIRECTIVE 2001/29

15:30 The three-step-test in the case law of the European Court of Justice
Niilo Jääskinen

16:15 Discussion

16:30 Private copy and the EU concept of fair compensation
Alexander Peukert

17:15 Discussion

17:30 Protection of photographs: Exceptions and limitations for the purposes of public security; case law Maria-Ewa Painer
Karl Hamacher

18:15 End of the first day

18:45 Guided City Tour

20:00 Dinner

Friday, 11 May 2012

Chair: Ted Shapiro

III. EU COPYRIGHT LAW APPLIED TO SPECIFIC AREAS

09:00 EU competition law and copyright from the perspective of the national judge
Gabriela Muscolo

09:45 Discussion

10:00 Scope of protection of computer programmes: state of play and pending decisions
Estelle Derclaye

10:45 Discussion

11:00 Coffee break

11:30 Copyright versus the protection of fundamental rights in electronic communications: the responsibility of internet service providers
Jonathan Griffiths

12:00 Round table: impact of case law from the European Court of Justice on the protection of fundamental rights and copyright protection
Chair: Jonathan Griffiths

• Ted Shapiro
• Geert Somers

12:45 Discussion

13:00 End of the conference

Programme may be subject to amendment.
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