

European copyright alternatives 2014

Conclusions from the workshops accompanying
the International CopyCamp Conference 2014

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Copyright law in the information society is just like football: everyone has an opinion on that. People's position shows a great difference based upon their age, sex, education, financial background, job and many more factors. It is extremely diverse what a high school student, a teacher, a librarian, a hacker, a musician, a director, a researcher, an attorney or a politician thinks of using works in the online environment. This is partially because intellectual property is a relatively young legal fiction (unlike the notion of real property). Another reason might be that the proper use of works is rarely taught for the young generations. Likewise, the financial possibilities can radically transform the opinion of a potential user on accessing contents via free (streaming platform, file-sharing sites or the YouTube) and premium/paid services. Similarly to any other legal fictions, the doctrines of copyright law need to be well settled to have proper understanding and support from the members of the society. The long term of copyright protection or the broad scope of exclusive rights are regularly questioned by the users. Especially in the internet age, where extremely fast access to contents, the circumvention of digital rights management, or the effective evasion of law enforcement has eased a lot. On the contrary, the society seems to forget the simple fact that authors are living of and creating masterworks from the financial support of the users.

And all these only mean the peak of the iceberg. There are multiple practical and/or doctrinal questions that have a fundamental importance in the realm of digital copyright law. The Third CopyCamp Conference (Warsaw, 2014) dedicated a workshop to these issues with the title of "European Copyright Alternatives 2014". The workshop was moderated by Péter Mezei, Associate Professor of Law at the University of Szeged (Hungary).

The 90 minutes long workshop allowed for the participants to share their opinion on issues like the **applicability of the doctrine of exhaustion** (first sale doctrine) in the digital environment; the **future of copyright legislation by the European Union**; the **harmonization (or more precisely the lack of harmonization) of limitations and exceptions** by the Member States of the European Union; the **fate of private copying** (both on paper or any other media/data carrier); the **call for a stricter law enforcement**;

and finally the recent case law of the Court of Justice of the European Union on **linking, framing/embedding and parody**.

Attendants included an extremely interesting mixture of politicians and lobbyists, university lecturers and graduate students, economists, attorneys and librarians. As expected, all they followed a different approach when addressing each topic. It ultimately led to a lively debate with regard to each issue mentioned above. As one of the participants ultimately concluded: workshops like this one are warmly welcomed! As the moderator of the discussion, my personal hope is that it did not only offer new ideas to the attendants of the panel, but also opened to the doors for further conversations on the future of copyright law.