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Is the Current Test for Music Copyright Infringement Fit for Purpose? 269

As more music enters an already crowded global market, the courts are struggling to protect musicians from trivial copyright claims. This opinion considers whether the legal precedent for determining whether there has been copying of a “substantial part” is still fit for purpose in cases of alleged primary infringement.

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Collective management organisation (CMOs) provide a practical service which significantly reduces rights administration costs. Nonetheless, they have often been attacked for lack of transparency. This article studies some of the pros and cons of CMOs and takes on a case study from Bulgaria to illustrate when the management of rights risks becoming mismanagement. Looking forward, it argues that these organisations may be key in solving the convoluted licensing obligations in art. 17 of Directive 2019/970. In order to do so, however, now more than ever it is imperative that they become better mediators.

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This article considers the recent proceeding issued by the Duchess of Sussex, Meghan Markle, who claims damages for breach of privacy, infringement of copyright and breach of the General Data Protection Regulation for publication of a letter. The article considers whether copyright arises in letters and the defences which may be raised in respect of the claim in copyright and breach of privacy: “Recent inventions and business methods call attention to the next step which must be taken for the protection of the person, and for securing to the individual what Judge Cooley calls the right ‘to be let alone’. Instantaneous photographs and newspaper enterprises have invaded the sacred precincts of private and domestic life; and numerous mechanical devices threaten to make good the prediction that ‘what is whispered in the closet shall be proclaimed from the house-tops’.”

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This article examines the disparity between the doctrine of functionality and 3D printing in fashion, and asks pertinent questions such as whether 3D printing technology is disrupting tradition in fashion, and the implications of copyright law in consideration of originality. The article aims to address the issues which arise, and the analysis extends to unearthing how these implications exacerbate the issues raised for intellectual property rights protection for 3D printing in fashion specifically. Further, the article analyses the correlation between fashion, art, creativity and functionality. Conclusions are stated to ascertain the current position and implications for the future. With an absence of substantial literature pertaining to the interlink between fashion, the functionality doctrine and 3D printing, this article will draw inferences based on existing literature and legal provisions as applied to fashion.

DR ANA ALBA BETANCOURT, DR
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University intellectual property (IP) policies, and the accompanying strategies for incubation of IP via licensing and spin-outs, have not received much analysis from academic lawyers. Moreover, despite several successful examples of universities in the UK generating income from IP, not much is known about how transferable the UK model is when considered in the light of a middle-income developing economy such as Mexico. In this article we analyse critically some of the key tenets of IP policies at universities in the UK to identify what the key legal principles underpinning university innovation and commercialisation are. We consider the potential application of these principles in Mexico, where so far only a limited number of universities have developed IP policies and strategies in line with the incubator model. We explain how universities in Mexico could implement these research findings in their own IP policies. We comment that the mere provision of an IP policy is not a panacea—on its own it is insufficient for ensuring technology transfer and it may even encourage unnecessary patenting. Further investment in infrastructure and in establishing a culture of incubation and entrepreneurship is essential.

