

**ALAI 2011
Dublin**

'Copyright - Boundaries and Interfaces'

[Sunday 19th June]

[Executive Committee Meeting]

Theme: Expansion and Contraction of Copyright Boundaries

Day 1 - Monday 20th June, 2011

Day 1 Morning Session (9.00 – 13.00)

Day 1 Opening Session (9.00 -10.00)

Welcome and Opening Speeches

Chairman, Copyright Association of Ireland

President, ALAI

Representative from Department of Enterprise, Trade & Innovation

Judge John Cooke (Irish High Court)

Day 1 Session 1

First Working Session

Theme: The Margins of Protection

1. What is a Work? Chair: (William Cornish)

General Report [*covering both subject matter and originality*] [Reporter
André Lucas] (10.00-10.30)

1.1 Subject matter (10.30-11.15)

Works addressed to senses other than vision and hearing: perfume (other examples?) [speakers for and against; (for?) Antoon Quaedvlieg; against: other speaker to be designated] (10 min each)

Contemporary conceptual art (borderline with ideas) [speakers for and against; against: Philippe Gaudrat; for: other speaker to be designated] (10 min each)

Coffee Break (11.15 – 11.45)

1.2 *Originality* (11.45-12.30)

1.2.1 Towards a single EU concept of originality? (The Infopaq Decision) [2 panellists to discuss impact on countries with traditionally high standards of originality (Deutschland – Axel Nordemann or Thomas Dreier - for decision and impact on EU countries) and on countries with traditionally low standards (Alison Firth)]

1.2.2 Persistence of Sweat of the Brow? (IceTV and Canadian decision) (David Vaver)

1.2.3 Originality outside Europe in Civil Law countries (Latino American to be designated)

Discussion (12.30– 13.00)

Lunch Break (13.00 – 14.30)

Day 1 Afternoon Session (14.30 – 18.00)

Day 1 Session 2

Second Working Session (14:30 – 18:00)

2. Theme: Scope of Copyright: Rights, Exceptions and Limitations – International Issues

Rights: Exceptions and Limitations – International Issues
(Chair: Anthony Taubman)

2.1 Reconciling Copyright with Access to Culture: Mandatory Copyright Exceptions? (14.30-16.00)

Proposed (Treaty) Approaches Concerning Access for the Visually Impaired
Silke von Lewinski

Consistency of Mandatory Exceptions Treaties with Berne/TRIPs and EU norms
Jorgen Blomqvist; Lionel Bently

Discussion (30 min)

Coffee Break (16.00- 16.30)

2.2 16.45-17.30

16.30 -17.30: Achieving Access for the Visually Impaired through national legislation and contractual practices (2 to 3 relevant national legislation: speakers to be designated consequently)

Contractual practices -Jens Bammel

2 or 3 national legislations

Discussion: 17.30 - 18.00

Day 2 - Tuesday 21th June, 2011

Day 2 Morning Session (9:00-13:00)

3 Scope of Copyright: Rights, Exceptions and Limitations – Continued (Chair: Robert Clark)

Third Working session
9.00 - 13.00

3.1 Limitations derived from human rights norms

Caselaw of the European Court of Human Rights and national courts
(Jonathan Griffiths)

Access to the Internet as a Human Right (Jukka Liedes)

Discussion (20 min)

3.2 Orphan Works (10.00-13.00)

General Reporter covering general issue, extant and proposed solutions:
Berne implications of solutions: 20-30 minutes [to be designated]

Panel: Solutions already in place (Copyright Board of Canada: to be designated; Nordic Extended Collective Licenses: to be designated) [another speaker to be designated based on responses to questionnaire] (10 min each)

Coffee break 11.00-11.30

Proposed solutions: Interests at stake (11.30-12.30)

Panelists: representatives of concerned parties, e.g. collecting societies; non-collectivized authors; libraries; users (e.g. documentary film makers) [4 speakers to be designated; 15 minutes each]

Discussion (30 min) (12.30-13.00)

Lunch Break (13.00 – 14.30)

Day 2 – Afternoon Session (14.30 – 18.00)

Fourth Working Session

4. Theme: Enforcement of Rights in an era of digital communications: National laws and private agreements

4.1 Enforcement against file-sharing: The “Graduated Response” (14:30-15:45)

Chair: Judge Peter Charleton

General Report: Adoption of graduated response measures (how many States? similarities and differences of regime?) [Reporter Alain Strowel] (20 min)

Implementation of graduated response regimes (including problem of data privacy) [Reporter France HADOPI member?] (20 min)

Alternative Solutions (private law contracts) (including problem of data privacy) [Reporter Helen Sheehy] (20 min)

Discussion (15 min)

Coffee Break 15:45-16:15

4.2 Private agreements addressing “User-Generated Content” (16:15-17:15)

CHAIR: to be designated

Private Agreements and Charters of Best Practices (panelist Chair: Judge Peter Charleton) (15 min)

Is the solution collective licensing or is there room for private licensing?
Panelist from Disney

Implementation of Agreements – content identification systems (panelist Chair: Judge Peter Charleton) (15 min) *Industry speaker*; panelist from Google

Discussion (30 min)

Closing (17:15-17:30)

17:30-18:00: ALAI General Assembly