



ECS Conference Conflict and Trust

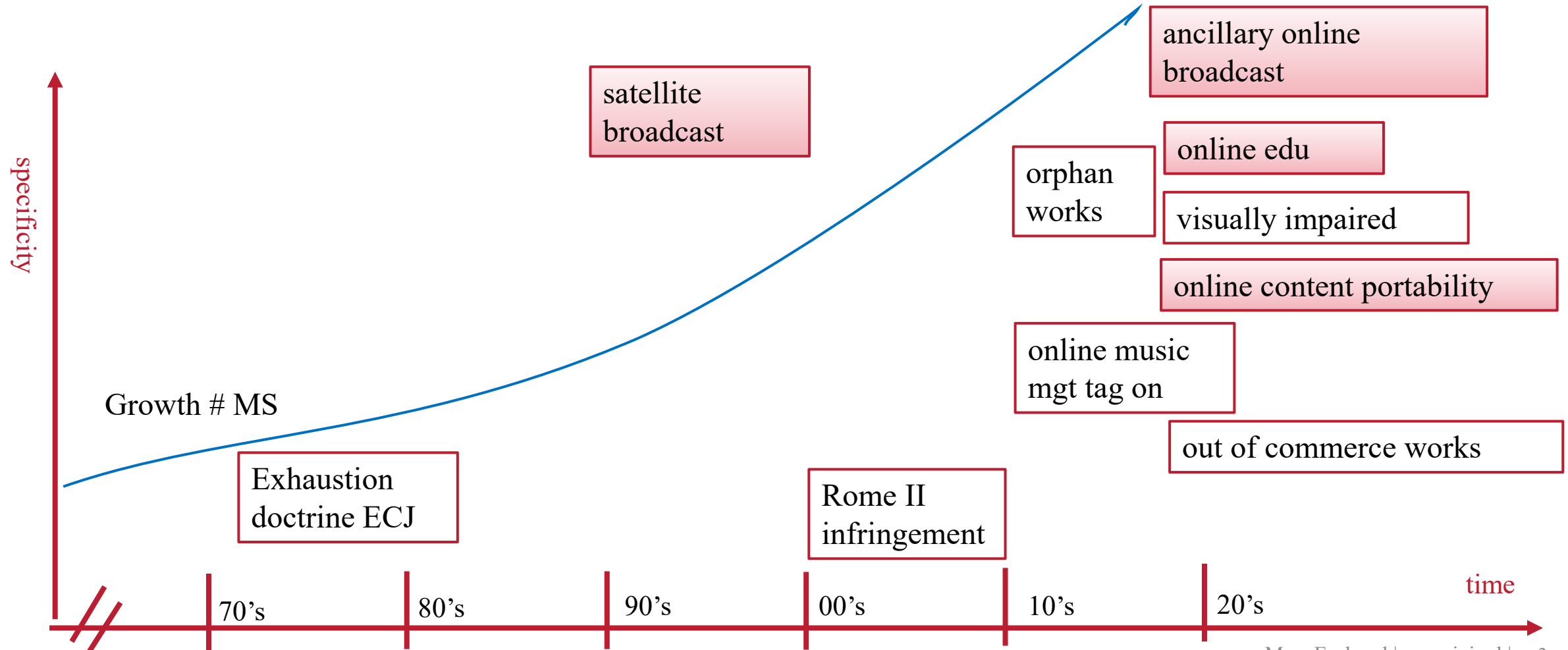
Does the data economy call for unitary copyright?

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‘Fixing’ territoriality problems -- mechanisms

- Exhaustion/first sale (limitation of distribution right)
- Localization fiction of acts in one particular place (aka 'country of origin principle')
- Mutual recognition of the special status of works or beneficiaries (also coupled with pan-European licensing)
- Harmonization of private international law rules (applicable law, eg Rome II for torts including IP infringement).

Trends in “fixes”: incidence & topics



Step 1: deepen harmonization

At least for:

- Authorship & initial ownership
- Moral rights
- Exceptions and limitations
- Transferability

Decide whether to include:

- Copyright contract law?
- Enforcement (standing, remedies, procedures)?

Step 2: develop models & articulate pros/cons, e.g.

- A. Uniform title for all works, existing and new.
- B. Uniform title for new works, with continuation of national rights for pre-existing works.
- C. Uniform title with supplementary national rules (e.g., for some limitations & exceptions for off-line use).
- D. National rights with a trigger point for transformation into a uniform title.

Thank you & more on this @

- Zenodo repository of the reCreating H2020 project:
 - [Zenodo.org/communities/recreatingeurope/](https://doi.org/10.5281/zenodo.7756568)
 - Van Eechoud, M (2023) Copyright territoriality policy recommendations (ReCreating Europe project). <https://doi.org/10.5281/zenodo.7756568>; Van Eechoud, M (2022) D4.4 Territoriality Roundtables (combined report). <https://doi.org/10.5281/zenodo.7564660>; Van Eechoud, M, Van Es, R (2021) D4.2 Report on EU policy space in light of international framework. <https://doi.org/10.5281/zenodo.5069608>; Van Eechoud, M, Van Es, R (2021) D4.1 Territoriality scoping paper. <https://doi.org/10.5281/zenodo.5040173>.
- IIC (55) 2024, Van Eechoud, Territoriality and the Quest for a unitary copyright title (open access)