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Table of Contents

Opinions

SARAH ATKINSON

Sir Cliff Richard's Victory: An Extra 20 Years for Copyright Protection in Sound Recordings and Performers' Rights Where a Sound Recording of the Performance is Released 75

On 1 November 2013 the provisions of Directive 2011/77/EU came into force, extending the term of copyright in sound recordings and the duration of performers' rights where a sound recording of the performance is released from 50 to 70 years. Additional measures, including a 20 per cent session fund and "use it or lose it" and "clean slate" provisions have also been implemented. This article considers a number of arguments in favour and against the controversial changes and whether these can be justified.

Articles

IRENE CALBOLI

Betty Boop and the Return of Aesthetic Functionality: A Bitter Medicine Against "Mutant Copyrights"? 80

This article offers a brief overview of the history and developments of the doctrine of aesthetic functionality in the United States and examines the recent decisions in *Fleischer Studios, Inc v AVELA, Inc*. In particular, the article argues that the courts in *Fleischer* added an important element to the interpretation of the doctrine, namely the fact that the courts seemed willing to resort to aesthetic functionality to counter the consequences resulting from the practice of using trade mark law as an additional form of protection for copyrighted, or once copyrighted, creative works.

ROB J. AERTS

The Patenting of Biotechnological Inventions in the EU, the Judicial Bodies Involved and the Objectives of the EU Legislator 88

The patenting of biotechnological inventions in the EU is governed by Directive 98/44. Diverse judicial bodies decide on the patentability of biotechnological inventions. However, not all judiciaries involved can correctly apply Directive 98/44, and therefore legal uncertainty remains in the EU about the interpretation and application of the Directive. Given this situation, it may be questioned whether the lawmakers of Directive 98/44 can fully achieve their aim.

JEREMY DE BEER AND MIRA BURRI

Transatlantic Copyright Comparisons: Making Available via Hyperlinks in the European Union and Canada 95

This article provides a timely comparative analysis of recent Canadian and European Union (EU) copyright cases regarding the nature and scope of communication rights, as applied to the issue of copyright liability for hyperlinking. It links these evolving practices with the pertinent international law, in particular with the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), together known as the WIPO Internet Treaties.

ALICE BLYTHE

Internal Company Emails: Should the Inclusion of Trade Marks be Regarded as Use in the Course of Trade or a Private Matter? 106

In *OCH-Ziff v OCH Capital* the issue of use in the course of trade/private use of a trade mark was largely overlooked. In an attempt to rectify this oversight this element has been analysed in light of the existing body of EU case law concerning Directive 2008/95.

KUNLE OLA

Fundamentals of Open Access 112

This article examines open access, what is it and how it came about. It provides an analysis of the fundamentals of open access and discusses the barriers to open access. The fields related to open access, open educational resources and public sector information are also mentioned. The final section of the article looks at strategies to achieving OA.

BRENDAN TOBIN

Biopiracy by Law: European Union Draft Law Threatens Indigenous Peoples' Rights over their Traditional Knowledge and Genetic Resources 124

The Nagaya Protocol is the first binding international instrument to formally recognise Indigenous peoples' rights over their traditional knowledge and genetic resources. Draft European legislation to implement the Protocol fails to adequately secure these rights. Unless amended, the draft European law will serve to legitimise historic expropriation of genetic resources and traditional knowledge and may accelerate rather than prevent biopiracy. This article critiques the draft European law and explores how customary law and intellectual property may work in a complementary fashion to secure the rights of Indigenous peoples and local communities and to bring legal certainty to the trade in traditional knowledge and genetic resources.

Comments

JOEL SMITH AND ALEXANDRA LERICHE

CJEU Ruling in *Pinckney v Mediatech*: Jurisdiction in Online Copyright Infringement Cases Depends on the Accessibility of Website Content 137

In *Pinckney v KDG Mediatech AG* the Court of Justice of the European Union (CJEU) ruled on October 3, 2013 on the question of online cross-border copyright infringement. It considered that courts of Member States in which copyright works were protected and in which the "harmful event" had occurred, or might occur, were competent to determine liability and damage caused in that territory. The court ruled that there was a likelihood of the harmful event arising in a territory where it was possible to obtain infringing copies of works from websites accessible in that territory. The CJEU considered that the relevant question for determining where the harmful event took place was to ask whether copies of copyright works were made accessible online in the Member State of the court seised rather than ask whether the activity of a website was "directed to" the Member State of the court seised.

HANNAH YEE FEN LIM

The Day the Music Died on the Internet in Australia: *Phonographic Performance Co of Australia Ltd v Commercial Radio Australia Ltd* 139

The recent case of *Phonographic Performance Co of Australia Ltd v Commercial Radio Australia Ltd* in the Full Federal Court of Australia highlights some of the difficulties faced when definitions in contracts are based on definitions found in legislation and the legislation is subsequently amended, with rights and definitions also re-defined. Unfortunately, in August 2013, the High Court of Australia rejected a leave application by Commercial Radio Australia to appeal the Full Federal Court's decision, so this decision is the final word on the matter.

Book Review

145