Copyright Law
A Handbook of Contemporary Research

Edited by
Paul Torremans

School of Law, University of Nottingham, UK and
Faculty of Law, University of Ghent, Belgium

RESEARCH HANDBOOKS IN INTELLECTUAL PROPERTY

Edward Elgar
Cheltenham, UK • Northampton, MA, USA
## Contents

*List of contributors*  
vii  
*Foreword*  
viii  

1. Originality in copyright: a solution to the database problem?  
   *John Adams*  
   1  
2. Legal issues pertaining to the restoration and reconstitution of manuscripts, sheet music, paintings and films for marketing purposes  
   *Paul Torremans*  
   28  
3. A Canadian copyright narrative  
   *Daniel Gervais*  
   49  
4. Can and should misappropriation also protect databases?  
   A comparative approach  
   *Estelle Derclaye*  
   83  
5. Database copyright: the story of BHB  
   *Charlotte Waelde*  
   109  
6. ‘Une chose publique’? The author’s domain and the public domain in early British, French and US copyright law  
   *Jane Ginsburg*  
   133  
7. Draw me a public domain  
   *Valérie-Laure Benabou and Séverine Dusollier*  
   161  
8. Could multimedia works be protected as a form of audiovisual works?  
   *Irini Stamatoudi*  
   185  
9. Adequate protection of folklore – a work in progress  
   *Silke von Lewinski*  
   207  
10. Regulating competition by way of copyright limitations and exceptions  
    *Thomas Dreier*  
    232  
11. Competition in the field of collective management: preferring ‘creative competition’ to allocative efficiency in European copyright law  
    *Josef Drexl*  
    255  
12. Individual and collective management of copyright in a digital environment  
    *Marco Ricolfi*  
    283
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Copyright law and scientific research</td>
<td>Reto Hilty</td>
<td>315</td>
</tr>
<tr>
<td>14</td>
<td>Copyright and freedom of expression in Sweden – private law</td>
<td>Jan Rosén</td>
<td>355</td>
</tr>
<tr>
<td>15</td>
<td>On-line teaching and copyright: any hopes for an EU harmonized</td>
<td>Raquel Xalabarder</td>
<td>373</td>
</tr>
<tr>
<td></td>
<td>playground?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Development of law in Asia: divergence versus convergence. Copyright</td>
<td>Ida Madieha bt. Abdul Ghani Azmi</td>
<td>402</td>
</tr>
<tr>
<td></td>
<td>piracy and the prosecution of copyright offences and the adjudication</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>of IP cases: is there a need for a special IP court in Malaysia?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Alternative dispute resolution – a remedy for soothing tensions</td>
<td>Brigitte Lindner</td>
<td>426</td>
</tr>
<tr>
<td></td>
<td>between technological measures and exceptions?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Qualitative effects of copyright policies</td>
<td>Antoon Quaedvlieg</td>
<td>449</td>
</tr>
<tr>
<td>19</td>
<td>Questioning the principles of territoriality: the determination</td>
<td>Paul Torremans</td>
<td>460</td>
</tr>
<tr>
<td></td>
<td>of territorial mechanisms of commercialisation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>A broadcasters’ treaty?</td>
<td>Tom Rivers</td>
<td>483</td>
</tr>
</tbody>
</table>

Index

515