

PROGRAM



Rethinking Copyright Flexibilities

Nicosia

31 October & 1 November 2022

University of Cyprus,
Anastasios Leventis Building, Room B 108

A conference organized by
the Department of Law
of the University of Cyprus,
Scuola Superiore Sant'Anna (Pisa)
and the H2020 project *reCreating Europe*



The relationship of copyright law with the public interest is nowadays often seen as unbalanced, biased, or dysfunctional. The evolution and structure of EU copyright law is characterized by an approach which emphasizes a rigid protection of private interests of right holders whilst lacking a systematic reflection on copyright flexibilities. However, flexibility is not foreign to copyright law principles; on the contrary, it is an organic component of copyright discourse and practice over the three centuries of its existence.

Copyright law addresses issues related to access to culture, participation to cultural life, dissemination of information, creativity, freedom of art and science. Copyright law is designed as a principle-based legal framework that should ensure and provide the flexibility needed in these fields. The overall delicate equilibrium between right holders' prerogatives and users' interests and freedoms and the inherent limitations of copyright law are core elements of this flexibility. Additionally, the enhanced role of copyright law as a regulatory framework in the digital sphere increases the need for both flexibility and clarity regarding access and use of copyright-protected works. In parallel, the never-ending EU harmonization pushes for detailed rules and compromises that affect this flexibility.

In this context, and in the occasion of the launch of the Copyright Flexibilities database developed by the H2020 project reCreating Europe, the conference aims to provide some critical thinking concerning the present and future of copyright flexibilities in European copyright law and their evolutionary paths. The conference critically discusses the state of the art and evolution of copyright flexibilities in Europe, exploring their types, forms, limits, dynamics and perspectives, also in light of the most recent interventions of the EU legislators and landmark decisions of the Court of Justice of the EU, and debate opportunities and need for legislative reform.

Practical information

Venue: Room B 108, "Anastasios Leventis Building,
University of Cyprus, New Campus, Aglantzia, Nicosia, Cyprus.

The conference will be hybrid.

Registration link (for on line attendance):

https://ucy.zoom.us/j/7u66hrjsiH9jXWoBRj5txG1fp71__mY5Y

For more information see: <https://rethinkcopyright.blogspot.com/>

PROGRAM

31 OCTOBER 2022

10.30-10.45 Welcome speeches

Professor Tasos Christofides, Rector of the University of Cyprus
Associate Professor Constantinos Kombos, Chair of the Law Department, University of Cyprus
Dr. Elena Theodoulou, President of the Organisation for European Programs and Cultural Relationships

10.45-11.00 Introduction

General Introduction
Tatiana Eleni Synodinou, Professor of Private Law, Department of Law, University of Cyprus
Presentation of reCreating Europe's report and database on copyright flexibilities
Caterina Sganga, Associate Professor of Comparative Private Law, Sant' Anna School of Advanced Studies-Pisa

Panel 1 Copyright law exceptions, limitations and limits: in progress or in danger?

Round One– Copyright limits

Chair: Tatiana Eleni Synodinou

11.00-11.15 Internal delimitation: originality, ideas and facts

Marie-Christine Janssens, Professor of Intellectual Property Law, University of Leuven (KU Leuven), Head of Unit of the KU Leuven Centre for IT & IP Law (CiTiP)

11.15-11.30 The present and future of the public domain

Eleonora Rosati, Professor of Intellectual Property Law, Stockholm University

11.30-11.45 Free use" v. "adaptation" revisited: Will the CJEU further flexibilize copyright's boundaries?

Thomas Dreier, Professor of Law, /Karlsruhe Institute of Technology (KIT)

Round Two– Public regulatory sources

Chair: Caterina Sganga

11.45-12.00 Imperative flexibility stemming for the aims and objectives of the European Union

Bernd Justin Jutte, Assistant Professor in Intellectual Property Law, University College Dublin

12.00-12.15 Global mandatory fair use

Lionel Bently, Professor of Intellectual Property Law, University of Cambridge and **Tanya Aplin**, Professor of Intellectual Property Law, King's College London

12.15-12.30 Copyright Exceptions as User Rights –
Has the Time Come for a Status Upgrade?

Martin Senftleben, Professor of Intellectual Property Law, Director of the Institute for Information Law (IViR), University of Amsterdam

■ Q&A 12.30 - 13.00

■ 13.00 – 14.00 Lunch break

Panel 2 Private regulatory sources and actors

Chair: Sean M. Fiil-Flynn

14.00-14.15 Regulating Online Content Moderation: Introduction of Due Process standards

Orit Fischman Afori, Associate Professor, College of Management Academic Studies (COLMAN), Haim Striks School of Law

14.15-14.30 An empirical study on EULAs impact on copyright flexibilities

Peter Mezei, Professor, Faculty of Law, University of Szeged, Adjunct Professor (Dositelli) – University of Turku

14.30-14.45 On platforms and copyright flexibilities

Sebastian Schwemer, Associate Professor of Law, CIIR, University of Copenhagen

■ Q&A 14.45 - 15.00

Roundtable Towards a new equilibrium in EU copyright law? Perspective from policy makers, the judiciary and stakeholders

Chair: Marie-Christine Janssens

15.00-15.15 **Marco Giorello** - Head of the Copyright Unit, DG CNCT, European Commission

15.15-15.30 **Maciej Szpunar**, 1st Advocate General of the Court of Justice of the EU

15.30-15.45 **Marc du Moulin** – Secretary General, European Composer and Songwriter Alliance (ECSA)

■ Q&A 15.45 - 16.00

16.00-16.30 **Presentation of the “Creative Europe” Programme and the “Citizens, Equality, Rights and Values” Programme**

Nenad Bogdanovic, Planning and Development Coordinator, Organization for European Programs and Cultural Relations, Head of Creative Europe Desk and CERV National Contact Point Cyprus

■ 16.30 – 17.15 Coffee break

Panel 3 New paradigms for copyright flexibilities

Chair: *Eleonora Rosati*

17.15-17.30 Openness commodified

Leo Pascault, Ph.D. candidate at the Sciences Po Law School

17.30-17.45 How big should the room for creativity be in the house of public domain?

Cristiana Sappa, Associate Professor, IESEG School of Management, Lille

17.45-18.00 From freedom of access to the metaverse, the nebulous notion of interoperability in Copyright law

Philippe Jougleux, Associate Professor, Law School, European University Cyprus

18.00-18.15 Research exception in comparative copyright law

Sean M. Fiil-Flynn, Associate Director, American University Washington College of Law, **Luca Schirru** Executive Director at the Brazilian Copyright Institute, **Michael Palmedo**, Post Doc Research Fellow, American University Washington College of Law, **Andres Izquierdo**, Senior Research Analyst, American University Washington College of Law

18.15-18.30 The Copyright Property Paradigm and the Impact of the Covid19 Pandemic

Kevin O'Sullivan, Assistant Professor in Private and Intellectual Property Law, Dublin City University

■ Q&A 18.30 - 19.00

1 NOVEMBER 2022

Panel 4 Towards more flexible rights, fixed concepts or new horizons?

Chair: *Tanya Aplin*

10.00-10.15 How much "new" public is too much? CJEU's VG Bild-Kunst judgment and non-exhaustive control over work's consumption

Liliia Oprysk, Associate Professor, Faculty of Law, University of Bergel

10.15-10.30 A right to rule them all? Rethinking the right of communication to the public

Ioannis Revolidis, Resident Academic Lecturer, University of Malta

10.30-10.45 Copyright and e-lending through the lens of the CJEU: copyright limitations of digital consumption

Matteo Frigeri, Researcher, CREATE, University of Glasgow

■ Q&A 10.45 - 11.00

Panel 5 Copyright flexibilities and the role of platforms

Chair: Peter Mezei

11.00-11.15 Algorithmic propagation: do property rights in data increase bias in content moderation?

Thomas Margoni, Research Professor of Intellectual Property Law, KU Leuven and CiTiP, **Joao Quintais**, Assistant Professor of Intellectual Property Law, IViR, University of Amsterdam, **Sebastian Schwemer**, Associate Professor of Law, CIIR, University of Copenhagen

11.15-11.30 Cover songs, Remixes, and Copyright: An empirical examination of users' interactions with notice and takedown procedures on YouTube

Giorgos Vrakas, PhD, University of Edinburgh

11.30-11.45 Copyright Governance by Algorithms: rules and standards on algorithmic transparency

Aline Iramina, Ph.D. student and Researcher, University of Glasgow School of Law and UK Copyright and Creative Economy Centre (CREATe)

■ Q&A 11.45 - 12.00

Panel 6 Copyright exceptions and limitations: the evolution of the EU acquis

Round One

Chair: Thomas Dreier

12.00-12.15 Exceptions and limitations in the DSM Directive

Maria Daphne Papadopoulou, Dr., Acting Director of the Hellenic Copyright Organization, Counsellor-at-law, Post-Doc Researcher, Ionian University

12.15-12.30 The interplay between the new press publishers' right and the pre-existing exceptions

Ana Lazarova, PhD Candidate, Sofia University "St. Kliment Ohridski", Bulgaria, Chair of Digital Republic Association

12.30-12.45 Private copying in the cloud

Philipp Homar, Chair of Intellectual Property, Johannes Kepler University Linz /University of Continuing Education Krems

12.45-13.00 Zen and the Art of Repair Manuals: Enabling a Participatory Right to Repair Through an Autonomous Concept of EU Copyright Law

Anthony D. Rosborough, PhD Researcher, European University Institute

■ Q&A 13.00 - 13.15

■ 13.15 – 14.15 Lunch break

▣ Round Two

Chair: Bernd Justin Jutte

14.15-14.30 Accessibility Duties and Copyright Law - Considering the case of media players
Abigail Rekas, Lecturer, Universität Augsburg

14.30-14.45 What should we mean with pastiche in a copyright context?
Martin Taimr Bird & Bird, Junior Associate

14.45-15.00 Internet memes as an element of free speech online
Matija Damjan, Assistant Professor, University of Ljubljana

15.00-15.15 Artificial Intelligence Systems as Facilitators of Online Education – Enabling a Sustainable Education in a Post-pandemic EU
Branka Marusic, Senior lecturer in EU law, Stockholm University

■ Q&A 15.15 - 15.30

Panel 6 Creativity between copyright flexibilities and contract

Chair: Orit Fischman Afori

15.30-15.45 Remuneration or exception? Compelling issues for sampling and remix artists after “Kraftwerk”
Rudolf Leska, Assistant Professor, University of Finance and Administration, Prague, and **Pavel Zahrádka**, Associate Professor of Media Studies, Palacky University, Olomouc, Charles University, Prague, Czech Republic

15.45-16.00 Codes of best practices in creative reuse: making copyright flexibilities a viable option for creators
Bartolomeo Meletti, Creative Director and Lecturer, CREATE, University of Glasgow and **Stef van Gompel**, Professor of Intellectual Property Law, Vrije Universiteit Amsterdam

16.00-16.15 Licensing access and fostering creativity online
Georgia Jenkins, PhD Candidate, Queen Mary University of London

16.15-16.30 Artificial intelligence as a vehicle for creativity in video games – any room for flexibility via contracts in copyright authorship claims
Alina Trapova, Assistant Professor in Law and Autonomous Systems, University of Nottingham

16.30-16.45 To opt-out or not to opt-out: music as data, an EU and UK perspective
Rachael Drury, PhD Candidate, University of Liverpool

■ Q&A 16.45 - 17.15

■ 17.15 - 17.45 Coffee break

Roundtable with closing remarks 17.45-18.30

When we
create together,
we encourage
innovation.



© European Union, 2021 (CC BY-NC-ND 4.0) - Images sources: © Openfiliab, Corbis, Hannover Staatsoper - © Sandra Thom / iStockphoto.com / Unsplash

Creative Europe
2021-2027
The EU programme
supporting cultural
and creative sectors.

BOUNDARIES

Co-funded by
the European Union



Creative
Europe
MEDIA

SPONSORS



Co-funded by
the European Union

ΥΠΟΥΡΓΕΙΟ ΠΟΛΙΤΙΣΜΟΥ
ΕΠΙΧΕΙΡΗΣΙΑΚΟ ΠΡΟΓΡΑΜΜΑ
ΚΑΛΩΝ ΤΕΧΝΩΝ ΚΑΙ ΠΟΛΙΤΙΣΤΙΚΩΝ
ΣΧΕΣΕΩΝ

ΚΙΝΗΣΙΟΛΟΓΙΑ ΚΑΙ ΦΥΣΙΚΗ ΑΓΩΓΗ
ΕΠΙΧΕΙΡΗΣΙΑΚΟ ΠΡΟΓΡΑΜΜΑ
ΚΑΛΩΝ ΤΕΧΝΩΝ ΚΑΙ ΠΟΛΙΤΙΣΤΙΚΩΝ
ΣΧΕΣΕΩΝ

SAKKOULAS PUBLICATIONS S.A.
ATHENS - THESSALONIKI