Making Sense of the Right of Communication to the Public – Does Implied Licence have an Answer?

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SEMINAR ROOM SR5-3, BLOCK B LEVEL 5, NUS LAW (BUKIT TIMAH CAMPUS)

ABOUT THE SEMINAR

Internet has become an inseparable part of modern life. While internet has revolutionised our relationship with the information world, it has also been instrumental in proliferating access to content that infringes copyright. However, the legal response to some of the challenges it poses to copyright content has been slow and patchy.

Lawful access to content on the internet is influenced by the manner in which the right of communication to the public is interpreted. There is a growing body of case law of the Court of Justice of the European Union (CJEU) in this regard, due to the frequency with which the right of communication to the public is being litigated. However, this exclusive right has been given a reading far removed from the statutory language used, resulting in an incoherent body of law, while the new Digital Single Market Directive also bears down on this right. The CJEU’s interpretation of the right of communication to the public might prove largely unhelpful to other jurisdictions like Singapore.

With this as the background, Dr Mysoor’s presentation explores whether the flexibilities ingrained in the doctrine of implied licence can be pressed into service to make better sense of the right of communication to the public. On the back of a robust methodology guiding the implication of a copyright licence, her presentation explores the extent to which implied licences can deal with the access to infringing content on the internet in a way that brings about a better balance among the interests of various stakeholders.

ABOUT THE SPEAKER

Dr Mysoor’s research focus lies in the interface between intellectual property law and private law. She completed her DPhil at University of Oxford in 2017 on implied licences in copyright law. Over the years, she has taught several core private law subjects such as Land Law, Contract Law and Tort Law, and Copyright Law at Oxford. She obtained her undergraduate law degree from National Law School of India University and her LLM from SOAS, University of London. Before embarking on her DPhil, she practised intellectual property law in Hong Kong and was a litigator in India.