

YONG SHOOK LIN PROFESSORIAL LECTURE

COMPLIANCE OF NATIONAL TDM RULES WITH INTERNATIONAL COPYRIGHT LAW – AN OVERRATED NON-ISSUE?

Professor Martin Senftleben
University of Amsterdam

Chairperson: Professor Ng-Loy Wee Loon, NUS Law

THURSDAY, 19 JANUARY 2023
6.00 PM to 7.30 PM

NUS LAW (BUKIT TIMAH CAMPUS), WEE CHONG JIN MOOT COURT

Seeking to devise an adequate regulatory framework for text and data mining (TDM), countries around the globe have adopted different approaches. While considerable room for TDM can follow from the application of fair use provisions (US) and broad statutory exemptions (Japan), countries in the EU rely on a more restrictive regulation that is based on specific copyright exceptions. Surveying this spectrum of existing approaches, lawmakers in countries seeking to devise an appropriate TDM regime may wonder whether the adoption of a restrictive approach is necessary in the light of international copyright law. In particular, they may feel obliged to ensure compliance with the three-step test laid down in Article 9(2) of the Berne Convention, Article 13 of the TRIPS Agreement and Article 10 of the WIPO Copyright Treaty.

Against this background, the talk raises the question whether international copyright law covers TDM activities at all. TDM does not concern a traditional category of use that could have been contemplated at the diplomatic conferences leading to the current texts of the Berne Convention, the TRIPS Agreement or the WIPO Copyright Treaty. It is an automated, analytical type of use that does not affect the expressive core of literary and artistic works. Arguably, TDM constitutes a new category of copying that falls outside the scope of international copyright harmonization altogether (see the paper available at <https://ssrn.com/abstract=4134651>).

ABOUT THE SPEAKER



Martin Senftleben is Professor of Intellectual Property Law and Director, Institute for Information Law (IViR), University of Amsterdam. His activities focus on the reconciliation of private intellectual property rights with competing public interests of a social, cultural or economic nature. Current research topics include platform and AI regulation in the EU, the preservation of the public domain of cultural expressions, the future of quality journalism and media diversity, and the impact of personalized advertising on supply and demand in market economies.

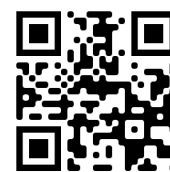
Professor Senftleben is a member of the Benelux Council for Intellectual Property and a former member of the Copyright Advisory Committee of the Dutch State. He provided advice to WIPO in copyright, trademark and unfair competition projects. For the European Commission, he prepared a study on data access and reuse. He is President of the Trademark Law Institute (TLI), a member and former President of the European Copyright Society (ECS) and a member of the Executive Committee of the Association littéraire et artistique internationale (ALAI). As a visiting professor, he was invited to the National University of Singapore, the Engelberg Center at NYU Law School, the Oxford Intellectual Property Research Centre, Tel Aviv University and the Intellectual Property Research Institute of Xiamen University. His numerous publications include *Copyright, Limitations and the Three-Step Test* (2004), *European Trade Mark Law – A Commentary* (with Annette Kur, 2017) and *The Copyright/Trademark Interface* (2020).

PROGRAMME

5.30PM: Registration
6.00PM: Lecture by Professor Martin Senftleben
7.00PM: Q&A Session
7.30PM: End of Programme

REGISTRATION

There is no registration fee for this lecture but seats are limited. Visit <http://bit.ly/3VRty3b> or scan the QR Code to register by 12 January 2023 (Thursday) 5.00 PM.



CONTACT PERSON

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CPD POINTS



Public CPD Point: 1
Practice Area: Intellectual Property
Training Level: Foundation

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