

## WIPO Workshop on Enforcement of Intellectual Property Rights for Law Enforcement Officials

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## Topic 4: Copyright Piracy

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### copyright ...

- copyright work
  - literary, artistic, music, film
- subsistence
  - qualification, not expired
- ownership – author, employer

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### ... piracy

- infringement
  - normally the whole vs a substantial part
- prohibited acts
  - copying
  - issuing copies to the public
  - communication to the public

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### piracy of works of art



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### Harry Potter ... and Leopard walk up to Dragon



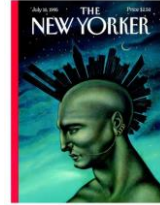
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**infringement:** *Temple Island Collections Ltd v New English Teas Ltd* [2012] EWPC 1; [2012] FSR 9



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**no infringement:** *Kerr v New Yorker Magazine Inc* 63 F. Supp 2d 320 (SDNYU 1999)



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### sports merchandising



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### communication to the public

- *Stichting Brein v Ziggo* Case C-610/15, 14<sup>th</sup> June 2017 (the *Pirate Bay* case)
- *Filmpelex*, Case C-527/15, 26<sup>th</sup> April 2017
- sale of a multimedia player with pre-installed apps that allow access to protected works amounts to a communications to the public

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### hyperlinking

- *GS Media* C-160/15
- hyperlinking to unauthorised content not a communication to the public, if
  - no financial gain
  - did not know illegal nature of the publication

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### database of complaints

- The Lumen database of complaints and requests for removal of online materials
- *Google Inc* Case №. 18 W 826/17, 7<sup>th</sup> June 2017
- Higher Regional Court of Munich

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## deterrent sentencing

- *R v Wayne Evans*
- [2017] EWCA Crim 139
- [2017] 1 Cr App R (S) 56
- 7 factors relevant to sentencing
  - usually custodial

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- MA (Natural Sciences) (Cantab)
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- All areas of IP law and practice, in particular trade marks and passing-off, copyright and designs, and patents and confidential information.

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