

Thomas Dreier

LIMITATIONS & EXCEPTIONS

Some critical remarks

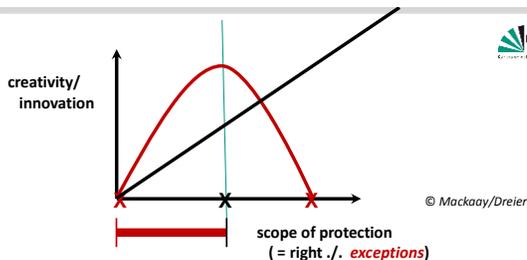
1. Introduction

Happy birthday © 1912

dUrhG: 50 in 2015

Overview:
functions – NL/EU – ./ . contracts

2. General: *function(s)* of limitations in the © system



©: Breathing space
(utilitarian and personal rationales)

Shaping (not merely „fine tuning“) of © scope

Disparities

EU: remuneration
./ . US: all or nothing

3. A closer look:
Limitations
in NL and EU

EU-InfoSoc: *No* harmonisation

opening possible (?)

Courts: opening attempts (1):
rules of interpretation

MS: remarkable *differences*

Courts: opening attempts (2):
„*safety valves*“

„*Fair use*“ as *solution*?

4. Broader picture:
Limitations & Contracts

mass use/automatisation

./. *DRM*

Regulatory models:
Remuneration / Licensing / *Sharing*

Pro's & Con's of ...

... Remuneration

... Licensing

Limitations: to be *signed away*?

... or *conditioned* upon
non-existing contract (DRM)?

*Depending on
function/purpose?*

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