

# European Intellectual Property Review

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## Publication Review

### Digital Copyright

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**\*E.I.P.R. 632** For quite a few years there has been a digital wind disturbing the traditional benchmarks of copyright law. As a result, some say, the delicate balance between right holders and users of copyright works has been compromised. A broader protection for copyright owners has been pleaded for and obtained from European legislators, in order to re-establish the balance. Technical contrivances have been developed with the aim of self-enforcing the new regulations. But catapulted into the middle of digital copyright, so differently structured and populated, cultural operators and copyright users may feel a little bewildered. To their rescue, and with particular attention to the UK legislation, comes this digital copyright handbook by Paul Pedley.

Written in a colloquial and pragmatic style, the book brings us immediately *in medias res*. After a brief mention of the copyright digital unbalance and an outline of the differences between the analogue and the digital world, the work opens with an overview of digital signatures, Electronic Rights Management Information ("ERMI"), temporary copies, and the Digital Rights Management System ("DRMS"). On digital signatures, librarians in the United Kingdom are warned that the law recognises the validity of a digital signature but does not allow in practice its use on the declaration form with which patrons delegate librarians to copy on their behalf. The position of the law is also clarified in the context of ERMI, temporary copies, and DRMS. In respect of the latter the author provides a brief overview of the technologies available for technical protection measures ("TPMs"), the relevant legislation (Directive 2001/29, Art.6.4), existing case law and interoperability issues.

Subsequently, the book takes us through the legal difficulties that can be encountered in relation to websites, deep linking, database, screenshots, and music download. On the subject of internet websites, the readers are acquainted with the different works that can be copyright-protected on a web page; moreover, the author informs them of the risks of content theft and recommends some practical strategy to protect a website from plagiarism. Further, deep-linking behaviours are explored in depth, with all the calls for caution that the subject requires. On database rights and copyright on computers' screenshots, web developers are provided with rights clearance instructions to enrich their own work without crossing the limits established by copyright law. The chapter closes with a particular focus on music download, which is treated, originally, from the **\*E.I.P.R. 633** angle of the users. In particular, peer-to-peer enthusiasts are given suggestions in order to assess the legality of filesharing services, before starting a music collection that may end up in a court of law.

In the third chapter there follows an illustration of the licensing system and of related contracts, with a detailed focus on corporate licence agreements and an interesting reference to alternative forms of licensing, such as Creative Commons, Open Archive, and Open Access. More specifically, in this chapter the author outlines the complex relation between contract law and copyright law, and he recommends resorting to model licence agreements, of which he provides some sample wordings. A quick excursus on copyright exceptions in the digital environment, with a deeper focus on the exemption for visually impaired and the scanning of expressive works for research and private study, precedes a whole chapter dedicated to educational establishments.

E-learning structures and higher education institutions, in the persons of their teachers, managers, and content developers, will find this section particularly interesting, thanks to practical hints on the way to ensure clearance of rights on the educational material.

The book concludes with a pragmatic overview of economic and moral rights of the author, followed by a reference to international copyright protection, illustrated with the support of the relevant legislation. On the specific subject of the UK Copyright Law ("CDPA 1988"), researchers are instructed on how to reach copyright compliance; the author gives detailed suggestions on a correct

use of the exception of fair dealing (for research and private study). Flowcharts are used to guide the reader through the necessary steps to follow for a careful investigation on the ownership of protected works.

This work by Paul Pedley is a useful guide for those who are professionally involved with copyright issues without being practitioners or lawyers. The consultation of this manual is easy and functional thanks to checklists, flowcharts, sample wordings and text boxes. The latter contain tips, case law and summaries on relevant issues, which are easier to keep handy in this format. In conclusion, this book is a compass that education, information, and cultural operators will find very valuable whenever they need directions to find their way out of the labyrinth of digital copyright.

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