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Tanya Aplin, Lionel Bently
Frontmatter
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GLOBAL MANDATORY FAIR USE

In a path-breaking work, Tanya Aplin and Lionel Bently make the case that the quotation exception in Article 10 of the Berne Convention constitutes a global mandatory fair use provision. It is global, they argue, because of the reach of Berne and TRIPS, and its mandatory nature is apparent from the clear language of Article 10 and its *travaux*. It relates to ‘use’ that is not limited by type of work, type of act or purpose, and it is ‘fair’ use because the work must be made available to the public, with attribution, and the use must be proportionate and consistent with fair practice. By explaining the contours of global mandatory fair use – and thus displacing the ‘three-step test’ as the dominant, international copyright norm governing copyright exceptions – this book creates new insights into how national exceptions should be framed and interpreted.

Tanya Aplin has been a professor of intellectual property law at King’s College London since 2011. She is Director of the Postgraduate Diploma in UK, EU and US Copyright Law and Co-director of the LLM in Intellectual Property and Information Law offered by King’s College London, and a door tenant at Three New Square, Lincoln’s Inn. Her publications include *Copyright Law in the Digital Society: The Challenges of Multimedia*, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (7th, 8th and 9th eds., with Prof. Cornish and Prof. Llewelyn); *Intellectual Property Law: Text, Cases and Materials* (1st, 2nd and 3rd eds, with Dr Davis); and *Gurry on Breach of Confidence: The Protection of Confidential Information* (with Prof. Bently, Prof. Johnson and Mr Malynicz). She has also edited the *Research Handbook on Intellectual Property and Digital Technologies* and is on the Editorial Committee of the *Modern Law Review* and *Current Legal Problems*.

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Global Mandatory Fair Use

THE NATURE AND SCOPE OF THE RIGHT TO QUOTE
COPYRIGHT WORKS

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King's College London

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