

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.

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Global Mandatory Fair Use

THE NATURE AND SCOPE OF THE RIGHT TO QUOTE
COPYRIGHT WORKS

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CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
978-1-108-83545-9 — Global Mandatory Fair Use
Tanya Aplin, Lionel Bently
Frontmatter
[More Information](#)

CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India

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It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781108835459

DOI: 10.1017/9781108884099

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First published 2020

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

NAMES: Aplin, Tanya Frances, 1972– author. | Bently, Lionel, 1964– author.

TITLE: Global mandatory fair use : the nature and scope of the right to quote copyright works / Tanya Aplin, King's College London; Lionel Bently, University of Cambridge.

DESCRIPTION: Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2020. | Series: Cambridge intellectual property and information law | Includes bibliographical references and index.

IDENTIFIERS: LCCN 2020018242 | ISBN 9781108835459 (hardback) | ISBN 9781108884099 (ebook)

SUBJECTS: LCSH: Fair use (Copyright) | Copyright.

CLASSIFICATION: LCC K1420.5 .B46 2020 | DDC 346.04/82–dc23

LC record available at <https://lcn.loc.gov/2020018242>

ISBN 978-1-108-83545-9 Hardback

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Acknowledgements

This book has had a long gestation period, and versions of it have previously been presented at multiple seminars, workshops and conferences, including the Fordham Conference on Intellectual Property Law and Policy (Cambridge, UK, April 2015), the workshop on ‘Music and Creativity’ (Cambridge, UK, April 2015), the IP Bar Association Annual Lecture (Gray’s Inn, London, July 2015), the ZiF conference ‘Towards an Ethics of Copying’ (Bielefeld, Germany, October 2015), a seminar at Emmanuel College, Cambridge (November 2015), the Bournemouth University conference on ‘Copyright Reform: The Implications One Year On’ (Bournemouth, November 2015), ATRIP (Jagiellonian University, Cracow, June 2016), the conference on ‘Comparative Dimensions of Limitations and Exceptions’ (Singapore, July 2016), the IViR seminar (IViR, University of Amsterdam, April 2016), the Wolfson Humanities Society (Wolfson College, Cambridge, February 2018), ALADDA Intellectual Property Conference (Salamanca, Spain, June 2018), the ‘Age of Stream’ Conference (UEA, Norwich, July 2018), ‘One Hundred Years of Copyright’ (House of World Culture, Berlin, Germany, October 2018), ‘Learning on Screen Members’ Day: Copyright and Creative Reuse’ (London, December 2018, RSA House), ‘Owning Expression and Propertizing Speech’ (University of Luxembourg, November 2019), CREATE Public Lecture (University of Glasgow, February 2020), and the Harold Fox Memorial Lecture (Toronto, Canada, February 2020). Our thanks go to the many peers who have commented on and debated the questions we have engaged in over several years, including Richard Arnold, Graeme Austin, Amrei Bahr, Jørgen Blomqvist, Kathy Bowrey, Robert Burrell, Richard Danbury, Jennifer Davis, Graeme Dinwoodie, Thomas Dreier, Alan Durant, Séverine Dusollier, Niva Elkin-Koren, Hector Foucé, Suzy Frankel, Christophe Geiger, Peter Fydlar, Daniel Gervais, Jane Ginsburg, Jonathan Griffiths, Henning Grosse Ruse-Khan, Darren Hick, Emily Hudson, Bernt Hugenholtz, Sabine Jacques, Ariel Katz, Barbara Lauriat, Brigitte Lindner, Makeen F. Makeen, Thomas Margoni, Ryszard Markiewicz, Daniel McClean, Bartolomeo Meletti, Chris Morrison, Wee Loon Ng-Loy, Norbert Niclauss, Ansgar Ohly, Ruth

Acknowledgements

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Okediji, Johnson Okpaluba, Claudy Op den Kamp, Eberhard Ortland, James Parish, Alexander Peukert, Sam Ricketson, Pamela Samuelson, Nick Scharf, Jane Secker, Martin Senftleben, Michael Silverleaf, Aram Sinnreich, Will Slauter, Anna Tischner, Mireille van Eechoud and Kim Weatherall.

The manuscript draws on two published articles: ‘Whatever Became of Global, Mandatory Fair Use: A Case Study in Dysfunctional Pluralism’, in S. Frankel (ed), *Is Intellectual Property Pluralism Functional?* ATRIP Intellectual Property Series (Edward Elgar 2019), ch. 1, and ‘Displacing the Dominance of the Three Step Test’, in Shyamkrishna Balganesh, Wee Loon Ng-Loy and Haochen Sun (eds.), *Comparative Aspects of Limitations and Exceptions in Copyright Law* (Cambridge University Press, forthcoming 2020), ch. 3.

Thanks also to Malcolm Langley at the QMUL IP Archive for his help in locating sources and to Mr James Parish and Dr Jacqueline Nwozo for their valuable research assistance at different stages of the project. We are grateful to the editors, Cameron Daddis, Matt Gallaway and Rebecca Jackaman, at Cambridge University Press and the production and copyediting team of Richards Paul and Rachel Paul, all of whom greatly assisted in the smooth journey from proposal to publication. Finally, we would like to thank our respective partners, Megan Smith and Clair Milligan, for their constant and patient support.

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