



(RE) THINKING INTELLECTUAL PROPERTY

FUNDAMENTAL QUESTIONS AND NEW PERSPECTIVES

Looking ahead: Reinstating formalities as a means
for addressing some key challenges in today's
copyright law

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CEIPI – Amphitheatre 23
11, rue du Maréchal Juin BP 68
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The conference will be held in English



Abstract :

In recent years the idea of reintroducing compulsory copyright formalities has been occasionally discussed in scholarly writing and cautiously proposed by a number of policy-makers at the national and international levels. Yet the idea remains controversial, particularly in the European context where discourse is still dominated by author's rights abhorrence of formalities. The topic of this lecture is whether it is legally feasible to reintroduce formalities in copyright law. Questions that will be addressed are: what are the possible role and functions of copyright formalities? What are the rationales behind the prohibition on formalities at the international level (art. 5(2) of the Berne Convention)? Are the historical and philosophical objections against formalities still relevant today? And to what extent is it possible to reinstate compulsory copyright formalities, given the prohibition on formalities in art. 5(2) of the Berne Convention? The lecture attempts to stimulate the debate about the role that formalities may play in making copyright law fit for the digital age.

Bio :

Stef van Gompel is senior researcher at the Institute for Information Law (IViR) of the University of Amsterdam. He is specialized in intellectual property law and, in particular, in international and comparative copyright law.

In 2011, he received his doctorate from the University of Amsterdam for his thesis entitled *Formalities in Copyright Law: An Analysis of their History, Rationales and Possible Future*. He studied law at the University of Amsterdam (2005, cum laude) and Music Management at the Fontys Business College of Higher Education in Tilburg (1999).

Apart from his doctoral thesis, which is published by Kluwer Law International (2011), he has written articles and book chapters on various topics, including collective rights management, orphan works, term extension for related rights in sound recordings and copyright formalities. He is co-author of the study for the European Commission on 'The Recasting of Copyright & Related Rights for the Knowledge Economy' (2006) and of the book *Harmonizing European Copyright Law: The Challenges of Better Law Making* (Kluwer Law International 2009).

He is secretary of the Dutch Copyright Committee that advises the Minister of Justice of the Netherlands on copyright-related matters. He is also a member of the editorial board of the Dutch copyright journal *AMI* (*Tijdschrift voor Auteurs-, Media- & Informatierecht*) and of the Study group on the history of copyright of the Dutch copyright organization, *Vereniging voor Auteursrecht* (VvA).