

Conception

Intermediaries play an essential role in internet communication. They allow us to access the net, to exchange information and to enjoy entertainment. But at the same time their services are used by infringers. This raises the issue of liability, particularly in copyright law. The EU law framework dates back to the late 1990s, when modern types of intermediaries were still unknown. The line between liability for primary infringement and the liability of intermediaries is difficult to draw. Injunctions against intermediaries whose services are used by infringers must be available, but EU law leaves the conditions of such relief to the Member States. Arts 12-15 of the E-Commerce Directive provide safe havens, which are, however, of limited and uncertain scope. In this normative vacuum, the CJEU has become the engine of harmonisation, creating rules and principles of liability step by step and by trial and error. The Commission has proposed new, but very cautious regulation concerning copyright in the Digital Single Market.

Organisation and Contact

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Registration

Please register by 10 March 2017 at

<http://www.platforms.jura.lmu.de>

The number of participants is limited to 100 persons.



ONLINE PLATFORMS AND INTERMEDIARIES IN COPYRIGHT LAW



Against this background, this conference will focus on the economic, EU law, constitutional and competition law framework, take stock of the present law, compare different national approaches in the EU, the US and Asia and consider potential ways forward.

**Participation at the conference is free of charge.
Please find detailed information on the conference website.**

Conference Venue

Ludwig Maximilian University of Munich
Geschwister-Scholl-Platz 1
LMU Main Building
80539 Munich

Munich, 23 and 24 March 2017



23 March 2017

10:00 – 10:15 Get-together & registration

10:15 – 10:30 Welcoming remarks

10:30 – 13:00 **Basics: the economic and constitutional framework**

Joost Poort *Institute for Information Law, University of Amsterdam*

A welfare economic analysis

Andreas Paulus *Federal Constitutional Court*
The constitutional framework

Maciej Szpunar *Court of Justice of the European Union*

The EU law framework

Andreas Heinemann *University of Zurich*
The competition law framework

13:00 – 14:00 Lunch

14:00 – 16:00 **Concepts: primary infringement or secondary liability?**

Alain Strowel *UC Louvain and Saint-Louis University Brussels*

Liability of intermediaries: an intermediate liability? A Review of the CJEU case-law

Peter Yu *Texas A&M University School of Law*
Primary and secondary liability of intermediaries in US law

Michael Grünberger *University of Bayreuth*
European and German concepts of intermediary liability – towards a context-sensitive approach

16:00 – 16:15 Coffee break

16:15 – 17:45 **Perspectives 1: recent research**

Joao Quintais *Institute for Information Law, University of Amsterdam*

Untangling online communication to the public in CJEU case law: some implications for online intermediaries

Karina Grisse *CBH Rechtsanwälte Köln*

No way around access blocking – Ways towards a balanced blocking approach

Martin Husovec *Tilburg University*
Accountable, not liable: injunctions against intermediaries

24 March 2017

09:00 – 11:00 **Models: national approaches to the liability of intermediaries**

Richard Arnold *High Court of England and Wales*

Current UK practice on website-blocking injunctions and the need for further harmonisation

Joachim Bornkamm *University of Freiburg*
German 'Störerhaftung' as a model?

Agnès Lucas-Schloetter *LMU Munich*
France: the importance of safe harbours and initiatives aimed at filling the value gap

Tatsuhiko Ueno *Waseda University, Tokyo*
Japan: Beyond the Karaoke theory?

11:00 – 11:15 Coffee break

11:15 – 12:45 **Perspectives 2: Legislative proposals**

Maria Martin-Prat *EU Commission*
The EU legislative agenda

Matthias Schmid *German Ministry of Justice and Consumer Protection*
Lost in complexity – The debate on regulation at member state level

12:45 – 13:45 Lunch

13:45 – 16:30 **Perspectives 3: remuneration, levies, self-regulation, automatic agents?**

Jonathan Griffiths *Queen Mary, University of London*

A fundamental rights based approach to the online platform problems

Ole-Andreas Rognstad *University of Oslo*
A 'unitary' copyright approach to online platforms and intermediaries liability?

Coffee break

Gerald Spindler *University of Göttingen*
Exclusive rights and liability: Dead end or key to a fair balance?

16:30 – 17:00 **Closing remarks**

Matthias Leistner and Ansgar Ohly
LMU Munich

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