Assignment A - The Presentation

1. Select a case from the annexed list

2. The presentation of the case

On the basis of the case you have chosen, introduce the topic and specify the issue and the purpose of your report. - Describe a specific question, which arises in the case. A case can consist of various questions, you are to choose one. Be very clear on what issue in the case that is of importance for your presentation. - The purpose should be presented in one sentence, where every word has a meaning and matters. Try to problematize. It cannot be enough underlined how important an absolutely clear purpose is for any type of assignment. The purpose is the line of argument in your presentation.

Introduce the issue that you have chosen taking in consideration that your fellow students are not familiar with your topic. Briefly describe the circumstances and facts from the case that represent the foundation of the problem that you have chosen.

3. Define Method When you know exactly what you shall investigate, you must already up front decide how you shall go about it. You have to define your method and your perspectives. See annexed method discussion paper and develop your own approach.

4. Delimitations Now, if your purpose is overly broad, you always have a possibility to provide separate delimitations. Describe what may fit under the purpose, but you do not intend to address.

5. Provide references - external sources In the making of you presentation, remember that it is important to indicate what sources you rely on. You shall provide at least ten relevant references, primarily from the case that you have chosen but you can also use external sources. If you find it necessary you might also discuss how trustworthy they are. See the linked document below to learn how to refer to your sources correctly.

The case presentation

This paper will analyze Infopaq case (C-5/08)[1] dealing with copyright infringement issue and will seek an answer to following question: Is published newspaper information protected by copyright therefore cannot be further distributed without consent to of the author?

Infopaq International (IPI), a media monitoring and analysis business, was screening Danish newspapers and periodicals and sending to subscribed customers summarized information related to their topic of interest by e-mail for an agreed fee. Danske Dagblades Forening (DDF), a professional association of Danish daily newspaper publishers, became aware IPI was scanning newspaper articles for commercial purposes without obtaining consents from the authors and complained about this procedure. IPI used special computer program to convert hard copies of articles into searchable soft copies and printed out final hardcopies of relevant search results. IPI disputed DDF’s claim that consent from the rightholders was required and brought an action against DDF before the local court. The issue was later referred to European Court of Justice.

The area of copyright applicable to this case is covered by EU Directive 2001/29/EC [2], therefore Danish Highest Court in absence of agreement between IPI and DDF approached European Court of Justice with request for clarifications.

Method

The paper will analyze selected case from the “Law and sociology perspective”. This method complements traditional, dogmatic method that interprets and synthetize applicable law only with sociologic evaluation. Sociology method asks questions about the background of the law, its consequences and functions. This method helps understanding of the inner world of law that is of relevance for law and legal policy[3].

Following legal documents will be analyzed: Directive 2001/29/EC, Berne Convention and ECJ documents.

Delimitations

The paper will not attempt to cover all options of copyright infringements in relation to copying and distribution of news articles, but rather will focus on the specific case. However as by now majority of news are published in electronic form additional sociology perspective may be needed to reflect on ECJ ruling for the future cases.

References

[1] Case C-5/08 *Infopaq International* [2009]

[2] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society

[3] Kaijus Ervasti: Sociology of Law as a Multidisciplinary Field of Research

<http://www.scandinavianlaw.se/pdf/53-6.pdf> accessed 11/01/2015

Besides direct references listed above, other consulted sources in preparation of this paper were:

1.     Peter Wienand and Gary Hopkins: Copying just 11 words could be too much...  September 2009 [http://www.farrer.co.uk/Global/Briefings/-04%20IP%20Commercial%20briefings/14.%20Copying%20just%2011%20words%20could%20be%20too%20much.pdf](http://www.farrer.co.uk/Global/Briefings/-04 IP Commercial briefings/14. Copying just 11 words could be too much.pdf) accessed on 10/01/2015

2.     How Far Should the Law Go In Order To Protect The Right Holders? <http://cylaw.info/how-far-should-the-law-go-in-order-to-protect-the-right-holders/> accessed 11/01/2015

3.     European Court of Justice, 16 July 2009, Infopaq v DDF <http://www.ippt.eu/files/2009/IPPT20090716_ECJ_Infopaq_v_DDF.pdf> accessed 11/01/2015

### Evaluation/feedback on the above work

##### 1. The presentation of the case: 3 points Assess and score the student’s ability to (1) introduce the topic and (2) specify the issue and (3) the purpose of the report, on the basis of the case the student has chosen. - 3 points – The student has accurately and relevantly made a presentation of the three required elements. - 2 points – The presentation consists of at least two of the three required elements but lacks one element or other aspects of relevance. - 1 points – The presentation consists of at least one of the three required elements but lacks two element or other aspects of relevance. - 0 points - The presentation lacks all the required elements.

**2. Purpose and methodology:** 3 points

**Assess and score the student’s ability to define the purpose and the methodology of their legal report based on the criteria specified below.**

**- 3 points – The production has a clear and focused purpose and a clear description of the method and is otherwise well elaborated.**  
**- 2 points – The presentation of the purpose and method is understandable, but can be defined much more clearly.**   
**- 1 points – Based on an overall impression the reader understands the main features, but the presentation is generally messy and needs to be tightened up properly.**  
**- 0 points – The production either lacks purpose and methodology or is inconsistent and incomprehensible.**

**3. References: 3 points**

**Assess and score the student’s ability to refer to relevant sources. At this stage of the assignment** **it is primarily reference to the case the student has chosen that is relevant.**

**- 3 points - Student applies eight sources correctly.**   
**- 2 points - Student applies at least five sources correctly.**  
**- 1 points - The student refers to at least three sources, but they are incorrectly referenced.**  
**- 0 points – The student has used less than three or no references.**

### Overall evaluation/feedback

Write a statement of 100-300 words regarding the contents of the essay you just read. Your statement serves to indicate what the student needs to improve and should bring up the following points:

- Has the student specified the issue and the purpose is a clear and suitable way?

- Has the student given a relevant and understandable presentation of the issue?

- Has the student motivated their choice of methods and materials?

- What did the student do really well and what can the student improve?

- Any tips for the final report?

The student specified the issue and purpose in a clear and suitable way and I gave all perfect grades. They gave a relevant and understandable presentation of the issue. The student motivated their choice of methods and materials. The only think I can think of for improvement would be to add more details. They provided all that was needed for a clear understanding of their purpose. However, I'm from a mostly technical background and very new not only to business law, legal speak and the EU since I'm from the USA, the more details provided, the better for those less educated and experienced in these areas. I've taken some legal type humanities but those were more related to human rights than business law, and my only business course experience has been in economics, otherwise totally technical in background. So the manner of writing and presenting in legal worlds, the EU database resources, these things are all new for me, and the more details people provide in their writing the better for me, meaning they've sifted through the legal speak documents and databases and presented it in a more pleasing readable manner. I think they did a good job though - but they asked how it could be improved and this is what I can say.