

# Contemporary Issues in Intellectual Property Law

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Course Convenor

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# **Part I – Overview of the course**

# What is the course about?

The course aims to provide you with an insight into and a critical understanding of **contemporary controversies in intellectual property law** and to situate them within the international debates in this field.

You will have an opportunity to **critically engage** with the specialist research, follow the policy and decision making processes while exploring a selection of topical IP issues.

# What will you be able to do?

The course will allow you to:

- Critically assess and **participate** in the ongoing IP debates,
- Place IP issues in the **broader context** of creative industries, markets, and society.

Make sure to read the [Intended Learning Outcomes and Objectives](#) on the course Moodle page.

# Who will be teaching you?

The teaching team is composed of:

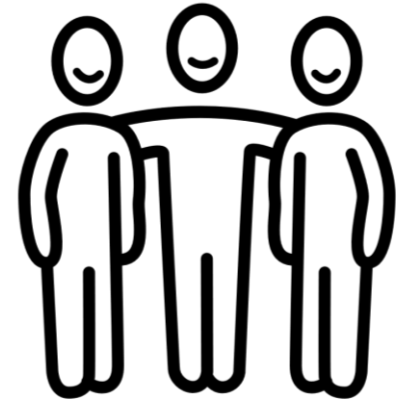
[Dr Ula Furgat](#) (course convenor)

[Prof. Kristofer Erickson](#)

[Prof. Martin Kretschmer](#)

[Ms Phalguni Mahapatra](#)

[Dr Jiarong Zhang](#)



**CREATE**

<https://www.create.ac.uk/>

# Who should you contact?

Questions on the course and assessment:

contact dr Ula Furgal

[ula.furgal@glasgow.ac.uk](mailto:ula.furgal@glasgow.ac.uk)

Office hours: Mondays, 9:30-10:30am by appointment only (via email)

Questions about a particular seminar:

contact a member of the teaching team giving the seminar

All email addresses are available on Moodle

# Schedule

14 January	<b>Introduction   (Un)creative copyright</b> Dr Ula Furgat
21 January	<b>Can I share this? Linking, framing and embedding</b> Dr Ula Furgat
28 January	<b>Right to repair</b> Ms Phalguni Mahapatra
4 February	<b>eBooks and digital exhaustion</b> Dr Ula Furgat/Prof. Martin Kretschmer
11 February	<b>Contracting out of copyright</b> Ms Phalguni Mahapatra
<b>16-22 February Reading week</b>	
25 February	<b>Press vs big tech: bargaining over payments</b> Dr Ula Furgat
4 March	<b>Open business models, follow-on and user innovation</b> Prof. Kristofer Erickson
11 March	<b>Preservation, GLAM, TPMs</b> Prof. Kristofer Erickson
18 March	<b>NFTs, blockchain and virtual goods</b> Prof. Kristofer Erickson
25 March	<b>Traditional knowledge</b> Dr Jiaron Zhang

**6 March:**  
**Summative essay**

**April/May: Exam**

# Moodle

## ▼ LAW5011 - Contemporary Issues in Intellectual Property Law [Collapse all](#)



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## ▼ Course Info & Support

### Welcome to the course

Welcome to the course. We hope you enjoy studying with us and look forward to discussing your thoughts and ideas. Please ensure you review the [Induction](#) and [Important Guidance](#) Moodle pages for information on your studies and opportunities to connect with peers (including a [Student Discussion Forum](#)).



Please leave a message on the 'Introduction' forum below to tell us a little about yourself - what's your background in Law and why did you decide to undertake an LLM? What do you hope to achieve and learn?

### Getting Started

Moodle is an advanced online learning platform that will serve as your virtual classroom throughout this course. Here, you will have access to course materials, lectures, assignments, and discussion forums. Make sure to familiarise yourself with the course handbook or alternative, check for updates, and actively engage in discussions with your peers.

 [Staff Contact Information](#)

 [Course Description, Aims & Intended Learning Outcomes \(ILOs\)](#)

 [Course schedule](#) 

 [Course reading list](#)

Here you will find both essential and recommended readings for this course, as well as a selection of relevant statutory materials and recommended books and online resources.

# Reading lists

Readings for this course are provided in the following formats

- **Full reading list**

Both the essential and recommended readings for all seminars

Statutory materials, recommended textbooks, blogs and online resources

- **Seminar-specific reading lists**

Both essential and recommended reading for a particular seminar. You are required to tackle essential reading in advance of the seminar. Recommended reading list provides further context. Lists are finalised a week before each seminar.






## 2: Linking, framing and embedding

### Essential reading

- |   |  |                             |   |   |
|---|--|-----------------------------|---|---|
|  | <b>Axioms of Web architecture - The Implications of Links</b><br>Webpage - by Tim Berners-Lee - 04/1997 - Essential -  | <a href="#">VIEW ONLINE</a> | ↕ | ⋮ |
|  | <b>Untangling the hyperlinking web: In search of the online right of communication to the public</b> in The Journal of World Intellectual Property<br>Article - by João Pedro Quintais - 11/2018 - Essential -   | <a href="#">VIEW ONLINE</a> | ↕ | ⋮ |
|  | <b>Liability for Providing Hyperlinks to Copyright-Infringing Content</b> in The Columbia Journal of Law & the Arts<br>Article - by Jane C. Ginsburg; Luke Ali Budiardjo - 2018 - Essential -<br> Read section III.A Direct Liability for Hyperlinking in the United States (pp 177-193) only | <a href="#">VIEW ONLINE</a> | ↕ | ⋮ |

### Case law

Note on reading the CJEU judgements: all decisions begin with the summary of the legal context. As all cases listed concern the right of communication to the public, you can familiarize yourself with the legal context while reading the first judgement (ideally Svensson) and skip when reading other cases.

- |   |   |                             |   |   |
|---|---|-----------------------------|---|---|
|    | <b>Svensson v Retriever Sverige (C-466/12)</b><br>Legal Case Document - Essential -   | <a href="#">VIEW ONLINE</a> | ↕ | ⋮ |
|    | <b>GS Media v Sanoma (C-160/15)</b><br>Legal Case Document - Essential -  | <a href="#">VIEW ONLINE</a> | ↕ | ⋮ |
|  | <b>Stichting Brein v Jack Frederik Wullems (C-527/15)</b><br>Legal Case Document - Essential -<br> Read without paras 54-72. | <a href="#">VIEW ONLINE</a> | ↕ | ⋮ |
|  | <b>Stichting Brein v Ziggo BV (C-610/15)</b><br>Legal Case Document - Essential -   | <a href="#">VIEW ONLINE</a> | ↕ | ⋮ |

### Recommended reading

# Reading lists

Pay attention to the notes left by the teaching team.

# Seminars

## 2: Can I share this? Linking, framing and embedding

A link is the internet's basic building block. It acts as a connector, allowing internet users to refer and share content in a simple, efficient manner. Originally, a neutral communication tool, the link has become a vital point in the discussion on copyright in the digital environment. Since the structure of the web enables everyone to freely link to any content available online, it is bound to clash with copyright law which requires rightsholders' authorisation whenever a copyright-protected work is communicated.

In this seminar we will discuss the legal framework concerning linking, framing and similar online technologies. Whereas our main focus will be on the EU law, we will place the European approach in a broader context (incl. US standard).

 Reading



### Questions for consolidation

1. What is a link? What types of links do you see/use online?
2. Who is Sir Tim Berners-Lee and what are his views on restricting linking by (copyright) law?
3. What conditions are used to assess whether the right of communication to the public applies in the EU (as outlined by Quintais)?
4. How is knowledge factored in the above assessment?
5. What are the differences and similarities between EU and US approaches to the legal status of links?

# Assessment

Assessment will be by way of

1,500-word essay (25% final mark)

Questions will be released in due course

Deadline: **6 March 2026 (tbc)**

2-hour examination (75% final mark)

You must answer 2 out of 4 questions

April/May exam diet

**Everything will take place online**



## **Part II – (Un)creative copyright**

# What is the purpose of copyright?

*under copyright's standard rationale, a copyright owner's objective in asserting copyright is to ensure their market exclusivity in their work and to protect their economic interests*

Cathy Smith, *Weaponizing Copyright*

## **Weaponization?**

use of copyright to achieve noncopyright objectives, regardless of the reason

Is that all?

What other purposes does copyright serve?

Let's go back to weaponization.

What noncopyright objectives does Smith list?

How do those objectives relate to the other copyright purposes we listed?

Ways to solve conflicts per Smith:

Rejection of copyright weaponization

Acceptance of weaponization to protect privacy

Support of weaponization to support personal interests

*Copyright has infiltrated our lives so that we all exist in a field of uses and infringements.*

Rebecca Tushnet

**Thank you for your attention  
and see you next week!**