

PROGRAM



# Rethinking Copyright Flexibilities

Nicosia

**31 October & 1 November 2022**

University of Cyprus,  
Anastasios Leventis Building, Room B 108

A conference organized by  
the Department of Law  
of the University of Cyprus,  
Scuola Superiore Sant'Anna (Pisa)  
and the H2020 project *reCreating Europe*



## PROGRAM

31 OCTOBER 2022

### 10.30-10.45 Welcome speeches

**Professor Tasos Christofides**, Rector of the University of Cyprus  
**Associate Professor Constantinos Kombos**, Chair of the Law Department, University of Cyprus  
**Dr. Elena Theodoulou**, President of the Organisation for European Programs and Cultural Relationships

### 10.45-11.00 Introduction

General Introduction  
**Tatiana Eleni Synodinou**, Professor of Private Law, Department of Law, University of Cyprus  
Presentation of reCreating Europe's report and database on copyright flexibilities  
**Caterina Sganga**, Associate Professor of Comparative Private Law, Sant' Anna School of Advanced Studies-Pisa

### Panel 1 Copyright law exceptions, limitations and limits: in progress or in danger?

#### Round One– Copyright limits

*Chair: Tatiana Eleni Synodinou*

#### 11.00-11.15 Internal delimitation: originality, ideas and facts

**Marie-Christine Janssens**, Professor of Intellectual Property Law, University of Leuven (KU Leuven), Head of Unit of the KU Leuven Centre for IT & IP Law (CiTiP)

#### 11.15-11.30 The present and future of the public domain

**Eleonora Rosati**, Professor of Intellectual Property Law, Stockholm University

#### 11.30-11.45 Free use" v. "adaptation" revisited: Will the CJEU further flexibilize copyright's boundaries?

**Thomas Dreier**, Professor of Law, /Karlsruhe Institute of Technology (KIT)

#### Round Two– Public regulatory sources

*Chair: Caterina Sganga*

#### 11.45-12.00 Imperative flexibility stemming for the aims and objectives of the European Union

**Bernd Justin Jutte**, Assistant Professor in Intellectual Property Law, University College Dublin

**12.00-12.15** Global mandatory fair use

**Lionel Bently**, Professor of Intellectual Property Law, University of Cambridge and **Tanya Aplin**, Professor of Intellectual Property Law, King's College London

**12.15-12.30** Copyright Exceptions as User Rights –  
Has the Time Come for a Status Upgrade?

**Martin Senftleben**, Professor of Intellectual Property Law, Director of the Institute for Information Law (IViR), University of Amsterdam

■ Q&A 12.30 - 13.00

■ 13.00 – 14.00 Lunch break

## **Panel 2** Private regulatory sources and actors

*Chair: Sean M. Fiil-Flynn*

**14.00-14.15** Regulating Online Content Moderation: Introduction of Due Process standards

**Orit Fischman Afori**, Associate Professor, College of Management Academic Studies (COLMAN), Haim Striks School of Law

**14.15-14.30** An empirical study on EULAs impact on copyright flexibilities

**Peter Mezei**, Professor, Faculty of Law, University of Szeged, Adjunct Professor (Dositelli) – University of Turku

**14.30-14.45** On platforms and copyright flexibilities

**Sebastian Schwemer**, Associate Professor of Law, CIIR, University of Copenhagen

■ Q&A 14.45 - 15.00

## **Roundtable** Towards a new equilibrium in EU copyright law? Perspective from policy makers, the judiciary and stakeholders

*Chair: Marie-Christine Janssens*

**15.00-15.15** **Marco Giorello** - Head of the Copyright Unit, DG CNCT, European Commission

**15.15-15.30** **Maciej Szpunar**, 1<sup>st</sup> Advocate General of the Court of Justice of the EU

**15.30-15.45** **Marc du Moulin** – Secretary General, European Composer and Songwriter Alliance (ECSA)

■ Q&A 15.45 - 16.00

**16.00-16.30** **Presentation of the “Creative Europe” Programme and the “Citizens, Equality, Rights and Values” Programme**

**Nenad Bogdanovic**, Planning and Development Coordinator, Organization for European Programs and Cultural Relations, Head of Creative Europe Desk and CERV National Contact Point Cyprus

■ 16.30 – 17.15 Coffee break

### Panel 3 New paradigms for copyright flexibilities

Chair: *Eleonora Rosati*

**17.15-17.30** Openness commodified

**Leo Pascault**, Ph.D. candidate at the Sciences Po Law School

**17.30-17.45** How big should the room for creativity be in the house of public domain?

**Cristiana Sappa**, Associate Professor, IESEG School of Management, Lille

**17.45-18.00** From freedom of access to the metaverse, the nebulous notion of interoperability in Copyright law

**Philippe Jougleux**, Associate Professor, Law School, European University Cyprus

**18.00-18.15** Research exception in comparative copyright law

**Sean M. Fiil-Flynn**, Associate Director, American University Washington College of Law, **Luca Schirru** Executive Director at the Brazilian Copyright Institute, **Michael Palmedo**, Post Doc Research Fellow, American University Washington College of Law, **Andres Izquierdo**, Senior Research Analyst, American University Washington College of Law

**18.15-18.30** The Copyright Property Paradigm and the Impact of the Covid19 Pandemic

**Kevin O'Sullivan**, Assistant Professor in Private and Intellectual Property Law, Dublin City University

■ Q&A 18.30 - 19.00

## 1 NOVEMBER 2022

### Panel 4 Towards more flexible rights, fixed concepts or new horizons?

Chair: *Tanya Aplin*

**10.00-10.15** How much "new" public is too much? CJEU's VG Bild-Kunst judgment and non-exhaustive control over work's consumption

**Liliia Oprysk**, Associate Professor, Faculty of Law, University of Bergel

**10.15-10.30** A right to rule them all? Rethinking the right of communication to the public

**Ioannis Revolidis**, Resident Academic Lecturer, University of Malta

**10.30-10.45** Copyright and e-lending through the lens of the CJEU: copyright limitations of digital consumption

**Matteo Frigeri**, Researcher, CREATE, University of Glasgow

■ Q&A 10.45 - 11.00

## Panel 5 Copyright flexibilities and the role of platforms

Chair: Peter Mezei

**11.00-11.15** Algorithmic propagation: do property rights in data increase bias in content moderation?

**Thomas Margoni**, Research Professor of Intellectual Property Law, KU Leuven and CiTiP, **Joao Quintais**, Assistant Professor of Intellectual Property Law, IViR, University of Amsterdam, **Sebastian Schwemer**, Associate Professor of Law, CIIR, University of Copenhagen

**11.15-11.30** Cover songs, Remixes, and Copyright: An empirical examination of users' interactions with notice and takedown procedures on YouTube

**Giorgos Vrakas**, PhD, University of Edinburgh

**11.30-11.45** Copyright Governance by Algorithms: rules and standards on algorithmic transparency

**Aline Iramina**, Ph.D. student and Researcher, University of Glasgow School of Law and UK Copyright and Creative Economy Centre (CREATe)

■ Q&A 11.45 - 12.00

## Panel 6 Copyright exceptions and limitations: the evolution of the EU acquis

### Round One

Chair: Thomas Dreier

**12.00-12.15** Exceptions and limitations in the DSM Directive

**Maria Daphne Papadopoulou**, Dr., Acting Director of the Hellenic Copyright Organization, Counsellor-at-law, Post-Doc Researcher, Ionian University

**12.15-12.30** The interplay between the new press publishers' right and the pre-existing exceptions

**Ana Lazarova**, PhD Candidate, Sofia University "St. Kliment Ohridski", Bulgaria, Chair of Digital Republic Association

**12.30-12.45** Private copying in the cloud

**Philipp Homar**, Chair of Intellectual Property, Johannes Kepler University Linz /University of Continuing Education Krems

**12.45-13.00** Zen and the Art of Repair Manuals: Enabling a Participatory Right to Repair Through an Autonomous Concept of EU Copyright Law

**Anthony D. Rosborough**, PhD Researcher, European University Institute

■ Q&A 13.00 - 13.15

■ 13.15 – 14.15 Lunch break

## ▣ Round Two

*Chair: Bernd Justin Jutte*

**14.15-14.30** Accessibility Duties and Copyright Law - Considering the case of media players  
**Abigail Rekas**, Lecturer, Universität Augsburg

**14.30-14.45** What should we mean with pastiche in a copyright context?  
**Martin Taimr** Bird & Bird, Junior Associate

**14.45-15.00** Internet memes as an element of free speech online  
**Matija Damjan**, Assistant Professor, University of Ljubljana

**15.00-15.15** Artificial Intelligence Systems as Facilitators of Online Education – Enabling a Sustainable Education in a Post-pandemic EU  
**Branka Marusic**, Senior lecturer in EU law, Stockholm University

■ Q&A 15.15 - 15.30

## Panel 6 Creativity between copyright flexibilities and contract

*Chair: Orit Fischman Afori*

**15.30-15.45** Remuneration or exception? Compelling issues for sampling and remix artists after “Kraftwerk”

**Rudolf Leska**, Assistant Professor, University of Finance and Administration, Prague, and **Pavel Zahrádka**, Associate Professor of Media Studies, Palacky University, Olomouc, Charles University, Prague, Czech Republic

**15.45-16.00** Codes of best practices in creative reuse: making copyright flexibilities a viable option for creators

**Bartolomeo Meletti**, Creative Director and Lecturer, CREATE, University of Glasgow and **Stef van Gompel**, Professor of Intellectual Property Law, Vrije Universiteit Amsterdam

**16.00-16.15** Licensing access and fostering creativity online

**Georgia Jenkins**, PhD Candidate, Queen Mary University of London

**16.15-16.30** Artificial intelligence as a vehicle for creativity in video games – any room for flexibility via contracts in copyright authorship claims

**Alina Trapova**, Assistant Professor in Law and Autonomous Systems, University of Nottingham

**16.30-16.45** To opt-out or not to opt-out: music as data, an EU and UK perspective

**Rachael Drury**, PhD Candidate, University of Liverpool

■ Q&A 16.45 - 17.15

■ 17.15 - 17.45 Coffee break

Roundtable with closing remarks 17.45-18.30

When we  
create together,  
we encourage  
innovation.



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