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Foreign and International Influences on National Copyright Law: A Surprisingly Rich Picture?

Abstract:

Under a classical understanding of international copyright law, and in a pre-digital age, the prevailing social and legal premise of territoriality ensured that national copyright laws remained relatively autonomous. Public international law only intruded minimally upon local sovereignty. While the legal premise remains largely intact, the erosion of territoriality as an organizing principle of social and commercial relations has interfered with national copyright policy in a number of ways. Some of that interference emanates from obvious sources, such as global intellectual property law agreements (e.g., TRIPS or the WIPO Copyright Treaty). But even greater external influences might be found in social and commercial practices, private national litigation of transborder disputes, and public international developments that occur in less obvious fora.