AHRC Workshop on Human Rights, Corporate Power and Copyright 27th January 2006

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Comparative Advertising and Copyright Law - the claims of free speech

Abstract: It is well-known that the practice of comparative advertising presents difficulties in trade mark law. However, brand owners sometimes also rely on copyright in disputes about comparative advertising campaigns. This paper examines the relationship between copyright law and comparative advertising and, in particular, asks how the demands of the right to free speech can be fulfilled in such disputes.