

Set out assignment/licensing rules at the bottom of statute book.
CLIP Exam: Multiple choice + long form questions.
Permitted materials: Code of Conduct/PCR Handbook + CLIP Handbook

COPYRIGHT

Protects creative works - eg. artworks, sculptures, songs and novels.
Not a monopoly right: incidental copying does not amount to infringement, only infringes if D had access + carried out infringing act.
Author need not register the work.

COPYRIGHT – SUBSISTENCE QUESTION

Copyright Subsistence - Structure:

1. Identify work(s)
2. Fixation
3. Originality
4. Authorship
5. Duration
6. Ownership
7. Conclude

DEAL WITH ALL WORKS TOGETHER:

Identify the work(s):

- **s1(1)(a) and s3(1) CDPA 1988** – mention both sections!
 1. Literary works: Written, spoken or sung, need not have literary merit.
 2. Dramatic works: Production of a play = not the script (literary work)
 3. Musical works: Melody of a song = not lyrics (literary work)
- **s1(1)(a) and s4(1)** – Artistic works:
 - **s4(1)(a)** graphic works, need not have artistic merit.
 - **s4(1)(a)** works of architecture (including models)

Three-dimensional works:

- Sculpture
- Work of architecture
- Work of Artistic Craftsmanship

Sculptures:

Sculpture = a cast or a model, made for the purposes of a sculpture.
Lucas Film Use the ordinary meaning of word sculpture. Main purpose of the work must be visual appeal. Other uses are irrelevant. – Helmet was not held to be a sculpture (main use was to use as a helmet not as a sculpture)

s4(1)(a) Works of artistic craftsmanship:

Craft: skill + pride in workmanship and artistic; intended for aesthetic appeal. High standard
(not mass-produced – 1,000 pieces are too many)

- **s5A, s6** – Sound recordings, films
- **s1(1)(c) and s6** – Typographical arrangement of published editions

Conclude: All items fell within ss. 1 and 4 CDPA as artistic works.

Fixation:

s3(2) Literary, dramatic and musical works must be fixed.
Artistic works need not be fixed.

DEAL WITH WORKS SEPARATELY:

Originality:

s3(1)(a) Must be original = not copied.

Eg. Client claims the lyrics are original because she wrote them. Check circumstances of composition.

Consider factors:

- Is there another work to call into question originality?
- No subsistence if work is a direct copy of existing work in which no copyright subsists.
- De minimis: too small to protect - eg. 1 word.
- May be **independent creation** of a similar imagery which is accepted but must be able to prove actual creation (eg sketches)
- **Derivative works** (based on another work): to be original author must exercise skill, labour or judgement.

Conclude: Copyright subsists.

Authorship:

s9(1) Author = person(s) who created the work.

Deemed authorship for certain works:

s9(2)(d) Typographical arrangement – publisher is author
s10(1) Joint authorship

Duration:

Lit. dram. musical and artistic works:

s12(2) End of year when author died + 70 years
Assuming client is the author, CR had not expired as she is alive.

Special rules for other types of work:

s15 Typographical arrangements = 25 years from year of first publication

Identify exact duration.

Ownership:

s11(1) Author is first owner.

s11(2) If author was, at the time of creation, an employee acting in course of employment, the employer will own the work – employment contract may state employee remains owner, check contract.

Commissioned works:

Eg. Owner of CD and music may be 2 different people.
Commissioned works are relevant for freelancers (not for employees).
Check contract between agency + freelancer

Also, check if assigned right or right was inherited, thus new owner.

Conclude:

Copyright in the oil paintings would have expired by reference to the date of death of the artist, whereas copyright still subsisted in the drawings and photographs.

COPYRIGHT – INFRINGEMENT QUESTION

Copyright Infringement - Structure:

1. Subsistence and Ownership (briefly)
2. Infringing act
3. Comparison
4. Defences
5. Remedies
6. Optional (only if asked): Moral rights
7. Optional (only if asked): Advice on managing infringement risk

SUBSISTENCE AND OWNERSHIP:

Identify what the work is, type of work and state that copyright subsisted in the work. Identify the author and check if the copyright is still valid. Also identify copyright owner. – Be brief as this is only an introduction.

INFRINGING ACT:

Possible infringing acts: Put down more than 1 act

- **s16(1)(a) and s17 Copying**
Add this section if indirect copying: **s16(3)(b)**
s17(2) Copying = making copies, reproducing them or storing copies electronically.
- **s16(1)(b) and s18 Issuing copies to the public**
Must have committed active act of distributing.
Eg. Issuing copies of a song to the public.
- **s16(1)(c) and s19 Performing work in public**
Consider factors:
 1. Venue: Not infringing, if private setting, but potentially public if outside
 2. Any fees: if so, it may harm owner's economic interests and thus, infringe original work
 3. Number of guests = less important.
- **s16(1)(d) and s20 Communicating work to public**
Posting on website / Storing on server (forums): copying (electronically storing pic) and communicating to the public

s16(2) Act is only infringing if done without owner's consent.

Lpc Revision

Perry Xiao



Lpc Revision :

Die Entwicklung des Europäischen Verwaltungsrechts aus der Perspektive der Handlungsformenlehre Andreas Glaser, 2013 In den Rechtsordnungen der EU Mitgliedstaaten sind den Formen des Verwaltungshandelns bestimmte Rechtsfolgen in Bezug auf das Verwaltungsverfahren die Wirksamkeit von Verwaltungshandlungen die Auswirkungen von Rechtsverstößen und den Rechtsschutz zugeordnet Ausgehend hiervon untersucht Andreas Glaser die Einwirkungen der als Unionsverwaltungsrecht bezeichneten Vorgaben des EU Rechts auf die jeweilige Handlungsformenlehre des nationalen Rechts Weitere Schwerpunkte der Analyse bilden die Handlungsformen der EU Eigenverwaltung auf der Grundlage des Vertrages von Lissabon sowie das Zusammentreffen nationaler und unionaler Handlungsformen im Rahmen des Europäischen Verwaltungsverbundes Anhand dieser Betrachtungen benennt der Autor übergreifend Übereinstimmungen und Unterschiede zwischen den Rechtsordnungen Abschliessend zeigt er das rechtspolitische Entwicklungspotenzial auf **One Country, Two Systems, Three Legal Orders - Perspectives of Evolution** Jorge Oliveira, Paulo Cardinal, 2009-07-21 One Country Two Systems Three Legal Orders Perspectives of Evolution Essays on Macau's Autonomy after the Resumption of Sovereignty by China can be said in a short preamble like manner to be a book that provides a comprehensive look at several issues regarding public law that arise from or correlate with the Chinese apex motto for reunification One Country Two Systems and its implementation in Macau and Hong Kong Noble and contemporary themes such as autonomy models and fundamental rights are thoroughly approached with a multilayered analysis encompassing both Western and Chinese views and an extensive comparative law acquis is also brought forward Furthermore relevant issues on international law criminal law and historical and comparative evolutions and interactions of different legal systems are laid down in this panoramic yet comprehensive book One cannot but underline the presence in the many approaches and comments of a certain aura of a modern Kantian cosmopolitanism revisitation throughout the work especially when dealing with the cardinal principle of One Country Two Systems which enabled a peaceful and integral reunification ex vi international law the Joint Declarations that ended an external and distant control Proposed Revisions to Ocean Dumping Criteria United States. Environmental Protection Agency. Oil and Special Materials Control Division, 1977 **The Changing Policy-Making Process in Greater China** Bennis Wai Yip So, Yuang-kuang Kao, 2014-04-24 This book explores how the policy making process is changing in the very volatile conditions of present day mainland China Taiwan and Hong Kong It considers the overall background conditions the need to rebalance in mainland China after years of hectic economic growth governance transition and democratic consolidation in Taiwan and governance crisis in Hong Kong under a regime of uncertain legitimacy It examines the various actors in the policy making process the civic engagement of ordinary people and the roles of legislators mass media and bureaucracy and discusses how these actors interact in a range of different policy cases Throughout the book contrasts the different approaches in the three different jurisdictions and assesses how the policy making process is changing and how it is

likely to change further **Behavioral and Neurophysiological Approaches to Code-Switching and Language Switching** Jeanine Treffers-Daller, Esther Ruigendijk, Julia Elisabeth Hofweber, 2021-05-03 Symbolic and Quantitative Approaches to Reasoning with Uncertainty Claudio Sossai, Gaetano Chemello, 2009-06-05 This book constitutes the refereed proceedings of the 10th European Conference on Symbolic and Quantitative Approaches to Reasoning with Uncertainty ECSQARU 2009 held in Verona Italy July 1 3 2009 There are 76 revised full papers presented together with 3 invited lectures by three outstanding researchers in the area All papers were carefully reviewed and selected from 118 submissions for inclusion in the book The papers are organized in topical sections on algorithms for uncertain inference argumentation systems Bayesian networks Belief functions Belief revision and inconsistency handling classification and clustering conditioning independence inference default reasoning foundations of reasoning decision making under uncertainty Fuzzy sets and Fuzzy logic implementation and application of uncertain systems logics for reasoning under uncertainty Markov decision process and Mathematical Fuzzy Logic **Entscheidungen des schweizerischen Bundesgerichts** Switzerland. Bundesgericht, 1997 **Manual de Derecho Urbanístico - 20.a Edición** Esteban Corral García, 2006 Proceedings Luca Chittaro, 1996 The May 1996 proceedings bring together an international group of researchers working in the area of temporal representation and reasoning in Artificial Intelligence AI and exploring the key issues and trends in the subject The 30 collected papers describe studies in reasoning about actions and events temporal constraints time granularity and abstraction temporal databases temporal reasoning and logic programming time in problem solving temporal logics belief and uncertainty in temporal knowledge and applications for multimedia systems lattice computers and an MT system Includes calculations and illustrations Lacks an index Annotation copyright by Book News Inc Portland OR *The ACA Encyclopedia of Counseling* American Counseling Association, 2015-04-15 This premiere counseling reference book is ideal for students educators supervisors researchers and practitioners seeking to quickly update or refresh their knowledge of the most important topics in counseling More than 400 entries span the 2009 CACREP core areas used in counselor preparation continuing education and accreditation of counseling degree programs making this a perfect text for introductory counseling classes or for use as a study guide when preparing for the National Counselor Exam This encyclopedia makes counseling come alive through its user friendly writing style instructive examples that connect readers to practice teaching supervision and research and its helpful cross referencing of entries boldfaced important terminology and suggested resources for further study Requests for digital versions from ACA can be found on www.wiley.com To purchase print copies please visit the ACA website Reproduction requests for material from books published by ACA should be directed to permissions@counseling.org *Public Key Infrastructures, Services and Applications* Svetla Petkova-Nikova, Andreas Pashalidis, Günther Pernul, 2012-05-12 This book constitutes the thoroughly refereed post conference proceedings of the 8th European Workshop on Public Key Infrastructures Services and Applications EuroPKI 2011 held in Leuven Belgium in September 2011 co located

with the 16th European Symposium on Research in Computer Security ESORICS 2011 The 10 revised full papers presented together with 3 invited talks were carefully reviewed and selected from 27 submissions The papers are organized in topical sections on authentication mechanisms privacy preserving techniques PKI and secure applications **Brain and Music**

Stefan Koelsch,2012-03-22 A comprehensive survey of the latest neuroscientific research into the effects of music on the brain Covers a variety of topics fundamental for music perception including musical syntax musical semantics music and action music and emotion Includes general introductory chapters to engage a broad readership as well as a wealth of detailed research material for experts Offers the most empirical and most systematic work on the topics of neural correlates of musical syntax and musical semantics Integrates research from different domains such as music language action and emotion both theoretically and empirically to create a comprehensive theory of music psychology New Zealand Journal of Agricultural Research ,1986 **Buying a Bride** Marcia A. Zug,2016-06-07 There have always been mail order brides in America In this book Zug starts with the so called Tobacco Wives of the Jamestown colony and moves forward to today s modern same sex mail order grooms to explore the advantages and disadvantages of mail order marriage It s a history of deception physical abuse and failed unions It s also the story of how mail order marriage can offer women surprising and empowering opportunities **THE CONSTITUTIONAL LANDSCAPE IN CONTEMPORARY CHINA** Qianfan Zhang (张倩帆),2024-05-30 In the past two decades China has endured together with the rest of the world two pandemics originating in Guangdong and Wuhan While the severity and management of these pandemics varied they both stemmed from the same root cause the absence of constitutional enforcement and protection of fundamental rights such as freedom of speech and press In the global village today especially given China s size and impact the Chinese constitutional democracy is critical not only for China itself but also for the whole world Largely following China s current 1982 Constitution this book aims to produce a contemporary landscape of Chinese constitutional developments in essentially all major areas Despite the lack of constitutional enforcement and serious backlashes in recent years the author believes that the Constitution still matters as China has achieved significant de facto progress in human rights and the rule of law since its Reform and Opening in 1978 Particularly increasing number of citizens are becoming aware of their constitutional rights which they are eager to defend in their interest Ultimately the future of China and the world depends on the efforts of the people themselves to promote its constitutional reforms and enforcement Routledge Handbook of Asian Parliaments Po Jen Yap,Rehan

Abeyratne,2023-03-24 This handbook showcases the rich varieties of legislatures that exist in Asia and explains how political power is constituted in 17 jurisdictions in East Southeast and South Asia Legislatures in Asia come in all stripes Liberal democracies co exist cheek by jowl with autocracies semi democratic and competitive authoritarian systems abound While all legislatures exist to make law and confer legitimacy on the political leadership how representative they are of the people they govern differs dramatically across the continent such that it is impossible to identify a common Asian prototype Divided into

thematic and country by country sections this handbook is a one stop reference that surveys the range of political systems operating in Asia Each jurisdiction chapter examines the structure and composition of its legislature the powers of the legislature the legislative process thereby providing a clear picture of how each legislature operates both in theory and in practice The book also thematically analyses the following political systems operating in Asia communist regimes liberal democracies dominant party democracies turbulent democracies presidential democracies military regimes and protean authoritarian rule This handbook is a vital and comprehensive resource for scholars of constitutional law and politics in Asia

New Zealand Journal of Agricultural Research ,1986 Critical Perspectives On Educational Leadership John

Smyth,2005-08-12 This book is an edited collection of original papers which challenge in a very direct manner the dominant behaviourist and functionalist views that have come to entrap those who live work and conduct research in the areas of educational leadership and focusing instead on the structures and processes within schools as organisations that frustrate distort and ultimately stifle educative relationships the writers provide a much needed way of reconceptualising both thought and action in so called acts of educational leadership **Das große inoffizielle FRITZ!Box Handbuch** E. F.

Engelhardt,2012-05-04 Ihre FRITZ Box kann weit mehr als der Hersteller verr t Dieses Buch zeigt wie Sie die Reichweite Ihrer FRITZ Box mit einer leistungsstarken Antenne erh hen wie Sie Ihre eigene FRITZ Box Firmware programmieren und mit den richtigen Einstellungen maximale Datenpower herausholen egal ob Sie einen DSL Anschluss UMTS oder Kabel benutzen Auch die WLAN Sicherheit und die Einbindung von iPhone iPad und Android Ger ten in das Netzwerk kommen nicht zu kurz Mit diesem Buch machen Sie Ihre FRITZ Box noch besser und sicherer **Technical Abstract Bulletin** ,

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