

COLECCIÓN DE PROPIEDAD INTELECTUAL



EUROPEAN COPYRIGHT LAW: ADDRESSING NEW CHALLENGES AND EXPANDING HORIZONS

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*In memory of María Serrano Fernández y José Antonio Vega Vega.
In our thoughts forever.*

PRESENTATION

Twenty years ago, when Carlos Rogel and Abel Martín met with the firm idea of forming an association dedicated to the defense and teaching of copyright, I don't think they could have foreseen that this association would be gathering two decades later to impart its knowledge and intellectual expertise within the walls of the most prestigious university in the world.

Arriving at Harvard University to celebrate the scientific conference dedicated to Copyright in the European Union on the twentieth anniversary of ASEDA is not only an academic and scientific achievement of extraordinary value for those of us who were there representing our entire association but is also an extraordinary incentive to continue demonstrating what a job well done can achieve in this complex world.

Over the three days of the conference, participants discussed the differences and similarities between copyright in Europe and the United States, videogames, cultural heritage as a limitation and framework for these rights, the responsibility of content providers, performers' rights, digital libraries, challenges to these rights from artificial intelligence, the protection of haute cuisine, text and data mining, and open knowledge. In addition, four research projects from the Spanish Ministry of Science were presented. These projects, along with our own funds as an association, support from the AISGE Foundation, and money from each of the attendees, made the event financially possible.

But, amid all this joy, there have been two tremendous misfortunes from our days at Harvard until the publication of this book that cannot be overlooked in these pages of celebration and recognition. In September, our two friends and colleagues, María Serrano Fernández and José Antonio Vega Vega, passed away. Professor Serrano passed away after having been with us at Harvard, as a speaker and member of the Board of Directors

and having enjoyed the early summer days with us in the United States. None of us could have foreseen, in those days of American happiness, the enormous blow that the return from vacation would bring. María probably made a superhuman effort to be with us those days and to be able to say goodbye to her people at ASEDA. Months later, we were able to understand the impressive generosity and dedication that her company represented for all those present, every second she was by our side those days. These pages are dedicated to her, knowing that her loss is the loss of a part of us.

The famous tango, with lyrics by Alfredo Le Pera and the melancholic voice of the immortal Carlos Gardel, says that twenty years is nothing. May it be so for our association and may these twenty years have been only the prelude to what time, life, and work are yet to reveal. With our eternal gratitude to all the people who have made it possible to get to where we are and our hope in all those who, paraphrasing the sculpture by Anna Hyatt Huntington that accompanies us at the Complutense University of Madrid, will be the new bearers of the torch of knowledge and teaching about copyright, we hope to return here in another twenty years.

Dexter Gate at Harvard University says on its lintel: «Enter to grow in Wisdom». Likewise, since we joined ASEDA we have grown in wisdom, camaraderie and affection among those of us who are part of this great family dedicated to copyright. May we continue like this for a long, long time.

Dr. Luis A. Anguita Villanueva
President of ASEDA



Speakers and Chairmans in the garden of the Real Colegio Complutense of Harvard during a break from the Seminar. July 2024.

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Are the copyright and authors' rights systems truly that different? Why is the model of copyright protection within the European Union globally relevant? Should access to cultural heritage assets or open science take precedence over copyright? Are online service providers liable for copyright infringements committed by their users? How does the European Union address the protection of these rights in light of the emergence of Generative Artificial Intelligence? How are holders of related rights protected under European legislation? Are there new forms of creation that redefine the subject matter of copyright today and require regulation under European Union law? Are haute cuisine and video games part of this new object? These and other questions are addressed in the works compiled by the university professors who contribute to this first volume in English of the Intellectual Property Collection published by REUS.

European Union copyright law presents a model that appears to contrast with the copyright system of Anglo-Saxon countries. However, this study reveals that there are more similarities than differences between these two traditional approaches to protecting creators and the cultural industries that depend on their work. Readers engaging with the works of leading copyright scholars will observe that the European Union is emerging as one of the most significant efforts at global harmonization. The existence of a supranational legal framework that overrides the laws of its member states grants the EU system unique and diverse features, particularly in its capacity to safeguard rights increasingly challenged by new technologies. These rights must be protected and upheld from a global perspective, and in an era marked by the fragmentation of international alliances, EU law stands out as a global reference point in this field.