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**Volume 8**

Sunimal Mendis

# Copyright, the Freedom of Expression and the Right to Information

Exploring a Potential Public Interest Exception to Copyright in Europe



**Nomos**

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Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.d-nb.de> abrufbar.

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data is available in the Internet at <http://dnb.d-nb.de>.

a.t.: Munich, Univ., Diss., 2010

ISBN 978-3-8329-5849-7

1. Auflage 2011

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# Preface

With the advent of the modern information based society which is founded the unhindered communication of expression and information; there has been a steady increase in the significance accorded to the freedom of expression and the right to information in legal systems all over the world based upon the democratic ideal.

The steady advancements in the sphere of modern communication and the progress of the media has meant that today it is possible to use and exchange information in ways which would not have been envisioned a few decades ago. With the increase in the importance granted to the exchange of ideas and information between individuals there has been a corresponding increase in the significance accorded to Copyright within legal frameworks and a stricter supervision on the protection of Copyright.

The tension between copyright and the freedom of speech in modern society stems from the inevitability of the clash of opposing interests between those creating information and expression to control its use, dissemination and financial exploitation and the interests of the public in the use, enjoyment, communication of such creations. As such has been a very real interest in different legal systems of finding a means by which the discord between these competing values may be reconciled.

In view of the emerging interest in the exploration of a means by which an equilibrium maybe affected between these competing values, I have sought to explore the possibility of the introduction of a public interest exception to copyright within the European Union Member States.

The research culminating in this thesis was carried out by me while a student of the LL.M Program at the Munich Intellectual Property Law Center (MIPLC) during the period from October 2008 to September 2009.

My gratitude goes out to Professor Paul Goldstein Lillick Professor of Law at the Stanford University who directed this thesis and who was also instrumental in channeling my interest to research on this particular topic of copyright law. My heartfelt appreciation also goes out to Mr. Wolrad Prinz zu Waldeck and Seth Ericsson Directors of the LLM program at the MIPLC to Dagmar, Margit and other members of the staff of the MIPLC and all the wonderful people that I met in Munich, especially to my colleagues Bea, Marina, Ni and Gaurav and to my friends Kerry and Jarrod and mainly to my family, my parents Lakshmi and Ranjan Mendis and to my brother Chinthaka for all their love and support and for believing in me at all times.

Colombo, Sri Lanka  
February 18<sup>th</sup>, 2011

*Sunimal Mendis*

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