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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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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 LLM Program at the Munich Intellectual Property Law Center (MIPLC) during the period from October 2008 to September 2009.

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Colombo, Sri Lanka
February 18th, 2011 *Sunimal Mendis*

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