Conception
Intermediaries play an essential role in internet communication. They allow us to access the net, to exchange information and to enjoy entertainment. But at the same time their services are used by infringers. This raises the issue of liability, particularly in copyright law. The EU law framework dates back to the late 1990s, when modern types of intermediaries were still unknown. The line between liability for primary infringement and the liability of intermediaries is difficult to draw. Injunctions against intermediaries whose services are used by infringers must be available, but EU law leaves the conditions of such relief to the Member States. Arts 12-15 of the E-Commerce Directive provide safe havens, which are, however, of limited and uncertain scope. In this normative vacuum, the CJEU has become the engine of harmonisation, creating rules and principles of liability step by step and by trial and error. The Commission has proposed new, but very cautious regulation concerning copyright in the Digital Single Market.

Organisation and Contact
Prof. Dr. Ansgar Ohly
Chair of Private Law, Intellectual Property and Competition Law
http://www.jura.uni-muenchen.de/personen/o/ohly_ansgar/index.html

Prof. Dr. Matthias Leistner
Chair of Private Law and Intellectual Property Law with Information Law and IT-Law (GRUR Chair)
http://www.jura.uni-muenchen.de/personen/l/leistner_matthias/index.html

Contact: ls.ohly@jura.uni-muenchen.de

Registration
Please register by 10 March 2017 at http://www.platforms.jura.lmu.de
The number of participants is limited to 100 persons.

Participation at the conference is free of charge. Please find detailed information on the conference website.

Conference Venue
Ludwig Maximilian University of Munich
Geschwister-Scholl-Platz 1
LMU Main Building
80539 Munich

Munich, 23 and 24 March 2017
23 March 2017

10:00 – 10:15 Get-together & registration

10:15 – 10:30 Welcoming remarks

10:30 – 13:00 Basics: the economic and constitutional framework

Joost Poort Institute for Information Law, University of Amsterdam
A welfare economic analysis

Andreas Paulus Federal Constitutional Court
The constitutional framework

Maciej Szpunar Court of Justice of the European Union
The EU law framework

Andreas Heinemann University of Zurich
The competition law framework

13:00 – 14:00 Lunch

14:00 – 16:00 Concepts: primary infringement or secondary liability?

Alain Strowel UC Louvain and Saint-Louis University Brussels
Liability of intermediaries: an intermediate liability? A Review of the CJEU case-law

Peter Yu Texas A&M University School of Law
Primary and secondary liability of intermediaries in US law

Michael Grünberger University of Bayreuth
European and German concepts of intermediary liability – towards a context-sensitive approach

16:00 – 16:15 Coffee break

16:15 – 17:45 Perspectives 1: recent research

Joao Quintais Institute for Information Law, University of Amsterdam
Untangling online communication to the public in CJEU case law: some implications for online intermediaries

Karina Grisse CBH Rechtsanwälte Köln
No way around access blocking – Ways towards a balanced blocking approach

Martin Husovec Tilburg University
Accountable, not liable: injunctions against intermediaries

24 March 2017

09:00 – 11:00 Models: national approaches to the liability of intermediaries

Richard Arnold High Court of England and Wales
Current UK practice on website-blocking injunctions and the need for further harmonisation

Joachim Bornkamm University of Freiburg
German ‘Störerhaftung’ as a model?

Agnès Lucas-Schloetter LMU Munich
France: the importance of safe harbours and initiatives aimed at filling the value gap

Tatsuhiro Ueno Waseda University, Tokyo
Japan: Beyond the Karaoke theory?

11:00 – 11:15 Coffee break

11:15 – 12:45 Perspectives 2: Legislative proposals

Maria Martin-Prat EU Commission
The EU legislative agenda

Matthias Schmid German Ministry of Justice and Consumer Protection
Lost in complexity – The debate on regulation at member state level

12:45 – 13:45 Lunch

13:45 – 16:30 Perspectives 3: remuneration, levies, self-regulation, automatic agents?

Jonathan Griffiths Queen Mary, University of London
A fundamental rights based approach to the online platform problems

Ole-Andreas Rognstad University of Oslo
A ‘unitary’ copyright approach to online platforms and intermediaries liability?

Coffee break

Gerald Spindler University of Göttingen
Exclusive rights and liability: Dead end or key to a fair balance?

16:30 – 17:00 Closing remarks

Matthias Leistner and Ansgar Ohly
LMU Munich

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