



ASSOCIATION LITTÉRAIRE ET ARTISTIQUE INTERNATIONALE

ALAI
2021
Madrid



ALAI CONGRESS 2021
29 September to 1 October 2021, Madrid
COPYRIGHT, COMPETITION AND INNOVATION
Scientific programme

29 September 2021

WELCOME RECEPTION at the MUSEO DEL PRADO.

Museo del Prado: Private visit to the Museum, followed by a cocktail reception.

30 September 2021

HOUR	SESSION TYPE / SESSION TITLE
08:30 09:00	Welcome and registration
09:00 09:50	Opening session <i>Victor Francos Díaz - General Secretary, Ministry of Culture and Sport</i> <i>Frank Gotzen - President of ALAI</i> <i>Sylvie Forbin - Deputy General Director, WIPO</i> <i>Marco Giorello - Head of Copyright Unit, DG CNECT, EU Commission.</i> <i>Raquel Xalabarder - President of ALADDA</i>
09:50 11:00	SESSION 1: COPYRIGHT AND MARKETS <i>PANEL 1 - INTRODUCTION: COPYRIGHT LAWS AND GLOBAL MARKETS</i> This panel will offer a general overview of the inherent relationship between copyright, market competition and innovation, and their global impact, beyond national (or regional) copyright law regimes. Based on national reports, this panel will deal with the several measures already embedded in copyright laws aimed at fostering market competition and innovation. These may include the very definition of the scope of protected subject matter and of exclusive rights, the provision of exceptions and limitations and public domain, as well as specific licensing conditions envisioned for specific markets. President: Ramón Casas Vallés (Spain) - Copyright Adjustments to foster market competition and innovation (40') - Ansgar Ohly (Germany) Debate (Q&A)
11:00 11:30	Coffee break
11:30 13:15	<i>PANEL 2 - LICENSING MARKETS</i> This panel will examine different licensing practices, in different copyright markets, and their impact on innovation and market development. In specific markets, Extended-Collective Licensing (ECL), as well as compulsory collective management may be required to facilitate access to protected subject-matter and prevent anticompetitive results in

	<p>downstream markets. Open licensing also has a significant impact in different markets. For instance, the academic publishing sector is being re-shaped as open licensing and open-access repositories develop. And, as far as software, open licensing (FLOSS) or even FRAND conditions and package licenses seek to promote market efficiency and avoid anti-competitive practices. (4 x 20')</p> <p>President: Mihály Ficsor (Hungary)</p> <ul style="list-style-type: none"> - Extended Collective Licensing - Peter Schonning (Denmark) - Mandatory collective management - Rudolf Leska (Czech republic) - Software Licensing: FRANDs & Open source - Franz Ruz (Chile) - Academic Publishing: Open-access and Data Bases - M. Christine Janssens (Belgium) <p>Debate (Q&A)</p>
<p>13:15 15:00</p>	<p>Lunch</p>
<p>15:00 16:00</p>	<p><i>PANEL 3.1 - TDM AND PSI IN THE DATA ECONOMY</i></p> <p>The development of new products and services based on the Data Economy, specifically, those relying on text and data mining (TDM) of copyrighted works and the reuse of vast public sector information (PSI), will offer a good opportunity to reflect on the internal adjustments of Copyright laws to foster market competition and further innovation. This panel will examine whether and how the specific measures adopted in copyright laws (scope of rights and protected subject matter, E&L and fair use, licensing mechanisms, etc.) may affect the development of new products and services in these markets, either facilitating it or creating entry barriers. National solutions vary widely. Further assessment of both issues (TDM and PSI) and a general debate with stakeholders will follow after the coffee break.</p> <p>President: Paolo Lanteri (WIPO)</p> <ul style="list-style-type: none"> - TDM (machine reading) and Copyright: General report (20') - Tatsuhiro Ueno (Japan) - PSI reuse and Copyright: General report (20') - Mireille van Eechoud (Nederlands) <p>Debate (Q&A)</p>
<p>16:00 16:30</p>	<p>Coffee break</p>
<p>16:30 18:00</p>	<p><i>PANEL 3.2 - STAKEHOLDERS DEBATE ON TDM AND PSI</i></p> <p>President: Carolina Romero (Colombia)</p> <ul style="list-style-type: none"> - PSI: Crown Copyright and PPP: The risk of privatizing PSI? - Stéphane Caron (Canada) - PSI: How far should the "public task" cover? - Maria Lilla Montagnani (Italy) - TDM: The uncertain borders of academic TDM - Alexandra Bensamoun (France) - TDM: Academic Publishers - Carlo Scollo-Lavizzari (Switzerland) <p>Debate (Q&A)</p>



18:00 18:30	End of session
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1 October 2021

HOUR	SESSION TYPE / SESSION TITLE
09:30 11:00	<p>SESSION 2: MARKET ADJUSTMENTS National courts must ensure that the exercise of copyright does not result in an abuse of a dominant position, either on the original or secondary markets. This applies both to off-line and online markets. Competition authorities, as well as courts and arbitrators, play a decisive role in shaping the relationship between copyright exercise and market competition, when qualifying specific copyright licensing practices as unfair, discriminatory, abusive, or anti-competitive. Refusals to license (a natural part of exclusive rights), vertical integration of markets, tying sales and bundling of rights/means of exploitation... may hinder competition and innovation, reduce consumer choice, and restrict output (when acquired rights are not, or only partially, exploited). Licensing terms (including pricing) may also be challenged in courts as unfair or discriminatory. This panel will examine and compare cases and solutions in different jurisdictions.</p> <p>PANEL 4 - COPYRIGHT, ANTI-TRUST AND UNFAIR COMPETITION</p> <p>President: Fernando Zapata (Colombia)</p> <ul style="list-style-type: none"> - General report: Essential facilities and Abuse of dominant position (20') - Fernando Carbajo (Spain) - Discriminatory pricing (15') - Víctor Castro Rosa (Portugal) - Further adjustments: Abuse of right, de minimis ("ius usus inocui") (15') - Ignacio Sancho-Gargallo (Spain) - The "Right to repair" (20') - Anthony D. Rosborough (Canada) <p>Debate (Q&A)</p>
11:00 11:30	Coffee break
11:30 13:15	<p>SESSION 3: ONLINE MARKETS AND "VALUE GAPS" Copyright and competition concerns seem to reverse in online markets. Online markets are evolving around a few ever-stronger platforms or operators, opening challenges both for market competition (abuse of dominant position) as well as for copyright enforcement. Specific provisions aimed at fostering the development of online markets adopted 20 years ago (i.e., ISP safe-harbors in the 1998 DMCA and 2000 e-commerce Directive) may now need readjustment, as technology and markets evolve, so as to enforce copyright in these markets. This session will examine the specificities of online copyright markets regarding two main topics (content-sharing platforms and news aggregators) and how different jurisdictions are dealing with these so-called "value gap" problems. (3 x 20')</p>



	<p>Panel 5 - CONTENT-SHARING PLATFORMS</p> <p>President: Cristina Perpiñá-Robert (CISAC)</p> <ul style="list-style-type: none"> - Overview of the "value gap" problem and available national solutions - Eleonora Rosati (Sweden) - Art.17 CDSM Directive and its national implementation - Mathias Leistner (Germany) - Other "value gaps" (i.e., cloud services - CJEU C-433/20 Austro-Mechana) and how to solve them? - Michel Walter (Austria) <p>Debate (Q&A)</p>
<p>13:15 15:00</p>	<p>Lunch</p> <p>PANEL 6 - NEWS AGGREGATORS</p> <p>President: Jane C. Ginsburg (USA)</p> <ul style="list-style-type: none"> - Art.15 CDSM Directive and its national implementation - Agnes Lucas-Schloetter (France) - The Australian way - Andrew Christie (Australia) - And the Spanish way? - Carlos Guervós (Spain) <p>Debate (Q&A)</p>
<p>15.00 16:30</p>	
<p>16.30 17.00</p>	<p>Coffee break</p> <p>CLOSING SPEECH</p> <p>President: Carlos Fernández-Ballesteros (Uruguay)</p> <ul style="list-style-type: none"> - Copyright, Competition and Innovation: Closing summary - Antoon Quaadvlieg (Nederlands)
<p>17:00 17:45</p>	
<p>18.00 18:30</p>	<p>ALAI General Assembly</p>
<p>21:00 23:00</p>	<p>GALA DINNER <i>At the Casino de Madrid, with musical entertainment.</i></p>