

# Course description: Copyright and Transborder Litigation (15 ECTS) H2019

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# **1. General information about the course**

## **1.1 Content and objectives**

Module 2b provides a further specialisation in the field of copyright law and transborder litigation, with a focus on the challenges raised by the exploitation of works in digital environments.

The course covers European copyright law and European private international law. With respect to European copyright law, the course focuses on central questions concerning the extent of copyright protection in the digital society. Such questions include the possible need for the creation of new rights and/or new exceptions and limitations, as well as new enforcement tools, in order to achieve the policy objectives underlying EU copyright law without creating barriers to the creation of new works and inhibiting freedom to compete. With respect to the delicate balance between the copyright owners' need for protection and the public interest, the course covers the relationship between copyright and other public values and interests such as freedom of expression, access to information and culture, protecting the private sphere, and competition.

The ease with which works cross national borders and their instantaneous accessibility through the internet raises questions of private international law, in particular jurisdiction, choice of law, and the localization of infringing acts. Indeed, the policy goals and balances struck to achieve these goals differ from state to state depending on the social, political, and economic environments, not least between developing and developed states. Consequently, the course explores these transborder issues as well as the importance of and need for transnational solutions such as the development of new international principles as well as alternative mechanisms for resolving disputes such as arbitration.

The goal of the course is to train students to use legal scientific methods to present, discuss and solve problems that arise in transborder copyright litigation. Research in this area is important due to its effect on interpretation of the EU regulatory framework. As copyright traditionally plays an important role for furthering states' economic, social and cultural policies for their own territories and constituencies, the course provides an opportunity for the students to critically assess and discuss the effects of current legislation and legislative proposals as well as transnational solutions of relevance within the theme of the course. Upon completion of the course, the students will have developed an increased awareness of the interplay of economic, cultural and political aspects of copyrights, and will have obtained a nuanced and critical view of existing rules and proposed solutions.

## **1.2 Learning Outcomes**

After successful completion of the course, the student is expected to be able to:

- demonstrate advanced knowledge and understanding of overall principles and governance mechanisms for European copyrights, including cross-border litigation jurisdiction;
- demonstrate advanced knowledge of intellectual property law methods and other legal or social science methods that can be appropriate for deeper analysis and treatment of intellectual property law issues;

- display the ability to integrate knowledge and to analyse, assess and manage complex copyright circumstances and questions, including those characterized by international private law issues, and with regard to economic and other social aspects;
- display the ability to clearly in oral and written format report and discuss their conclusions and the knowledge and arguments and the social, cultural and ethical values that form the basis for their conclusions; and
- display the necessary skills to participate in research and development with a focus on copyright issues, or to work with copyright issues in other specialised activities.

### **1.3 The Course Structure**

#### *1.3.1 Course Outline*

The teaching in Module 2b is spread out over the ten-week period. Module 2b covers copyright law both separately and integrated with private international law. Students are required to study relevant literature and prepare memoranda in between the teaching sessions. Please remember that this is a full-time program, which requires 40 hours of study per week.

A major focus of the course is a Moot court exercise, which concerns a transborder copyright dispute between various parties. As moral rights are often the “wild card” in transborder copyright disputes, the students are required to submit two individually written research memoranda on moral rights, which will be discussed during the seminar on moral rights. This seminar provides some basic groundwork for the moot court exercise. After the moral rights seminar, the facts underlying the Moot court exercise will be distributed to the students. In further preparation for the Moot court exercise, the students are required to write two individually written memoranda on the private international law issues and on the substantive law issues, one group memorandum in the form of a statement of claims or defenses and to actively perform in the oral moot court. A memorandum and seminar on arbitration supplements the Moot court exercise and highlights alternative mechanisms for resolving transborder copyright disputes. Finally, a memorandum and seminar on method prepares the students for the next module on writing a Master thesis.

The teaching provides the basis for a continuous training of the required skills through lectures, workshops and seminars. The students are expected to study the mandatory literature and to conduct independent research in order to find additional sources to complete their memoranda, complete the practical exercises, and fulfil the learning outcomes of the course.

Further information about the Moot court exercise will be given after the moral rights seminar.

#### *1.3.2 Written memoranda*

Memo 1 (moral rights I)

Memo 2 (moral rights II)

Memo 3 (private international law)

Memo 4 (substantive law)

Memo 5 (arbitration)

Memo 6 (method)

Memo 7 (group statements/defenses)

Memos 1 and 2 on moral rights train the students in the differences between legal dogmatic methods across jurisdictions and in the comparative method. It also provides some basic research for the Moot court exercise.

These memoranda should be about 3-5 pages, with a 1.5 spacing, 12 p font size and 2.5 margins (about 1000-1500 words).

Further information about the moral rights memoranda and seminar will be given separately.

The memoranda on the private international law issues and on the substantive law issues (Memos 3 and 4) concern theoretical aspects as well as practical issues of relevance to the Moot court exercise and are written individually. For Memo 3, you should conduct objective legal research identifying the relevant problems of the case with respect to private international law and outline the legal situation with the use of relevant sources. Thereafter, you should propose a forum, bases for jurisdiction, and statements of the applicable law that the plaintiffs will likely raise, and thereafter objections to jurisdiction and the counter statements on the applicable law that the defendant will likely raise.

For Memo 4, you should assume that whatever court hears the case has jurisdiction with respect to all claims. You should identify the relevant problems of the case with respect to the substantive law issues and outline the legal situation with the use of relevant sources. Thereafter, you should propose a statement of claims that the plaintiffs will likely raise, and a statement of defenses that the defendant will likely raise. With respect to applicable substantive law, the primary focus should be on European law, although you may also refer to national law.

For Memos 3 and 4, it is not necessary to have a separate section on method as we assume you will apply a EU legal dogmatic method. If you apply some other method, please be clear about it. Of course, however, you should reflect over what it means to apply a EU legal dogmatic method and this should be reflected in your choice of sources and how you interpret and evaluate them.

These memoranda should be about 10-15 pages, with a 1.5 spacing, 12 p font size and 2.5 margins. This is not an absolute page limit but merely a guideline. Keep in mind that the “ability to clearly in oral and written format report conclusions and the knowledge that forms the basis for the conclusions”, which is one of the grading criteria, includes the ability to treat a complicated subject with brevity.

The memoranda on the private international law issues and on the substantive law issues will be further treated at two research seminars where the students are expected to discuss and peer review the submissions of their classmates.

After the peer review seminars, you will have the opportunity to amend Memos 3 and 4. This is optional, and not mandatory. It is your responsibility to assess the validity of the feedback received (both the positive and the negative). If you choose to submit amended versions of Memos 3 and 4, the changes must be made in track changes. Observe that you will be given one grade for Memo 3 and one grade for Memo 4, which will be based on a combined assessment of both versions.

Further instructions will be given in connection to the peer review seminars.

Information about Memo 5 on arbitration and the arbitration seminar and on Memo 6 on method and the method seminar will be given separately.

The group Memo (Memo 7) consists of a statement of claims or defenses (depending on what party your group represents) and is the written basis for the moot court. Unlike the other memos, Memo 7 is an exercise in persuasive writing. The statement of claims or defenses should be written in a way that advances your client's position by persuasively weaving the facts and law into the legal analysis, distinguishing unfavorable legal sources, and addressing arguments that opposing counsel will likely raise. As the statement of claims or defenses are due the same day, the groups representing the defendant will need to anticipate the plaintiff's arguments and write as if they were responding to them. As you will have already analyzed the issues in Memos 3 and 4 and during the peer review seminars, you should be familiar with the plaintiff's position.

Memo 7 should be about 7 pages, with a 1.5 spacing, 12 p font size and 2.5 margins (about 2000-2500 words).

Observe that the length of the memos are guidelines and can be applied with some flexibility. Keep in mind however that the "ability to clearly in oral and written format report conclusions and the knowledge that forms the basis for the conclusions", which is one of the grading criteria, includes the ability to treat a complicated subject comprehensively and with brevity.

### *1.3.3 Submission deadlines*

See the schedule for the submission deadlines.

### *1.3.4 Moot Court*

The course culminates in a moot court exercise. You will be "coached" for the moot court exercise (see schedule) and additional guidelines will be made available at a later date.

## **1.4 Compulsory Elements of the course**

Participation in at least 80 percent of all seminars and workshops is mandatory. In the event of special circumstances, the head of the course can grant exceptions. In this case, the student

shall be responsible for completing an additional Memo. Participation in the Moot court is mandatory and cannot be made up.

## **1.5 Group Work**

As mentioned, Module 2b is structured around a Moot court exercise. At the beginning of the course, students will be divided into groups or teams consisting of two to four participants each. Each team will represent one of the parties involved in the dispute.

The teams will provide the Registrar of the Court (see below) with (i) the Client's Name, (ii) a list of lawyers representing the Client (Litigation Team), and (iii) one e-mail address to be used for communication with the Litigation Team.

For Memo 7, the members of each Litigation Team work together for its preparation and submission as well as for the Moot court preparation and performance. Please note that the other memos (Memos 1-6) are written and submitted individually.

## **2. Instruction**

The aim of the Lectures is to assist the student in acquiring advanced knowledge and understanding of the overall principles and governance mechanisms for European copyright law, including cross-border litigation issues. External lecturers will contribute to the teaching and share their expert knowledge on copyright and private international law.

The course also contains Case seminars with the same structure as in Module 1. In addition, the course contains Research seminars on moral rights, arbitration, and method. The peer review Research seminars are devoted to the discussion and feedback of the memoranda on the private international law issues and on the substantive law issues (Memos 3 and 4).

A new instruction element is introduced in Module 2b, namely Workshops. A research workshop on Copyright and Private International Law provides the students with an opportunity to solve, discuss, and evaluate complex copyright and private international law issues through fictional exercises. In addition, the course provides workshops (including practical exercises) on Copyright Exceptions and Limitations, Online issues, and Digital Single Market. Further information about these workshops will be given during the course.

## **3. Examination**

### **3.1 Course Requirements**

The learning outcomes are examined through composition of memoranda, oral argumentation and active participation in seminars and Moot court exercises. When the student has completed elements in a group, the individual student's fulfilment of goals is checked through identification of that student's contribution to memoranda as well as through questions at seminars.

All course requirements must be met in order to pass the course. Course grades are determined based on a combination of the individual's performance in each of the different

elements of the course: memoranda 60 percent, oral argumentation 30 percent, and active participation 10 percent.

Students who initially fail the examination are given the opportunity to be assessed a second time. Students who fail the course twice from the same examiner have the right to request a different examiner for their next examination. This, however, does not apply if there are particular reasons that a different examiner cannot be appointed.

Students who have received a passing grade are not allowed to be assessed again in order to achieve a higher grade.

### **3.2 Grading Criteria**

#### **A (Excellent)**

- Have excellent advanced knowledge within selected areas of copyright and private international law.
- Have excellent knowledge of methods for copyright and private international law.
- Have excellent ability to integrate knowledge and analyse questions within copyright and private international law.
- Have excellent ability to identify and formulate questions.
- Have very good ability to clearly in oral and written format report conclusions and the knowledge that forms the basis for the conclusions in dialogues with different groups.
- Have good knowledge of scholarly, social and ethical aspects as well as excellent knowledge and understanding of overall principles and governance mechanisms for copyright and private international law.

#### **B (Very good)**

- Have very good advanced knowledge within selected areas of copyright and private international law.
- Have very good knowledge of methods for copyright and private international law.
- Have very good ability to integrate knowledge and analyse questions within copyright and private international law.
- Have very good ability to identify and formulate questions.
- Have good ability to clearly in oral and written format report conclusions and the knowledge that forms the basis for the conclusions in dialogues with different groups.
- Have good knowledge of scholarly, social and ethical aspects as well as very good knowledge and understanding of overall principles and governance mechanisms for copyright and private international law.

### **C (Good)**

- Have good advanced knowledge within selected areas of copyright and private international law.
- Have good knowledge of methods for copyright and private international law.
- Have good ability to integrate knowledge and analyse questions within copyright and private international law.
- Have good ability to identify and formulate questions.
- Have good ability to clearly in oral and written format report conclusions and the knowledge that forms the basis for the conclusions in dialogues with different groups.
- Have good knowledge of scholarly, social and ethical aspects as well as good knowledge and understanding of overall principles and governance mechanisms for copyright and private international law.

### **D (Satisfactory)**

- Have satisfactory advanced knowledge within selected areas of copyright and private international law.
- Have satisfactory knowledge of methods for copyright and private international law.
- Have satisfactory ability to integrate knowledge and analyse questions within copyright and private international law.
- Have satisfactory ability to identify and formulate questions.
- Have acceptable ability to clearly in oral and written format report conclusions and the knowledge that forms the basis for the conclusions in dialogues with different groups.
- Have good knowledge of scholarly, social and ethical aspects as well as satisfactory knowledge and understanding of overall principles and governance mechanisms for copyright and private international law.

### **E (Sufficient)**

- Have sufficient advanced knowledge within selected areas of copyright and private international law.
- Have sufficient knowledge of methods for copyright and private international law.
- Have sufficient ability to integrate knowledge and analyse questions within copyright and private international law.
- Have sufficient ability to identify and formulate questions.
- Have acceptable ability to clearly in oral and written format report conclusions and the knowledge that forms the basis for the conclusions in dialogues with different groups.
- Have good knowledge of scholarly, social and ethical aspects as well as sufficient knowledge and understanding of overall principles and governance mechanisms for copyright and private international law.

### **Fx (Insufficient)**

- Minor deficiencies exist such that the student does not fulfil all the requirements necessary for a grade of E.

### **F (Entirely insufficient)**

- Considerable deficiencies exist such that the student does not fulfil all the requirements necessary for a grade of E.

## **4. Literature**

### **4.1 Compulsory literature**

There are no compulsory course books for Module 2b (beyond the compulsory course books for Module 1). For Module 2b, you are expected to use the research skills you acquired during Module 1 to obtain the information and materials you need to fulfil the course requirements. This means you need to do independent research. That said, below are some recommendations to guide you (see below under recommended books and articles). Books marked with an asterisk are highly recommended. However, it is up to you to decide what materials to use.

For some of the seminars and workshops, the teacher may assign mandatory reading in the form of case law or articles. These cases and articles are freely accessible on-line, through the library's data system, or available on the course website. In addition, the Statutory materials from Module 1 and the supplementary European and International Statutory Instruments (see below) are mandatory and must be brought to and consulted under each lecture, seminar, or workshop.

#### *4.1.1 Supplement to European and International Statutory Instruments*

### **International Statutory Instruments**

-2019 Hague Convention on the recognition and enforcement of foreign judgments in civil or commercial matters, <https://www.hcch.net/en/instruments/conventions/full-text/?cid=137>

- 2005 Hague Convention on Choice of Court,  
<https://assets.hcch.net/docs/510bc238-7318-47ed-9ed5-e0972510d98b.pdf>

- New York Convention on Recognition and Enforcement of Foreign Arbitral Awards,  
[http://www.uncitral.org/uncitral/en/uncitral\\_texts/arbitration/NYConvention.html](http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/NYConvention.html)

- The UNCITRAL Model Law on International Commercial Arbitration,  
[http://www.uncitral.org/uncitral/en/uncitral\\_texts/arbitration/1985Model\\_arbitration.html](http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/1985Model_arbitration.html)

- The UNCITRAL Arbitration Rules,  
[http://www.uncitral.org/uncitral/en/uncitral\\_texts/arbitration/2010Arbitration\\_rules.html](http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/2010Arbitration_rules.html)

## European Statutory Instruments

- EU copyright *acquis*, <https://ec.europa.eu/digital-single-market/en/eu-copyright-legislation> (most of these instruments are the Statutory materials from Module 1)
- 2007 Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, <http://ec.europa.eu/world/agreements/downloadFile.do?fullText=yes&treatyTransId=13041>
- 1980 Rome Convention on the Law Applicable to Contractual Obligations, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3A133109>

## Soft Law Instruments

- Max Planck, CLIP Principles for the Conflict of Laws in Intellectual Property, [http://www.cl-ip.eu/\\_www/files/pdf2/Final\\_Text\\_1\\_December\\_2011.pdf](http://www.cl-ip.eu/_www/files/pdf2/Final_Text_1_December_2011.pdf)
- American Law Institute, Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes, <http://www.wipo.int/wipolex/en/details.jsp?id=7687>
- ILA, Draft Guidelines: Intellectual Property in Private International Law [as of May 22, 2018], <http://www.ila-hq.org/index.php/committees>

## Miscellaneous

- Swiss Private International Law Act, [https://www.hse.ru/data/2012/06/08/1252692468/SwissPIL%20%D0%B2%20%D1%80%D0%B5%D0%B4.%202007%20\(%D0%B0%D0%BD%D0%B3%D0%BB.\).pdf](https://www.hse.ru/data/2012/06/08/1252692468/SwissPIL%20%D0%B2%20%D1%80%D0%B5%D0%B4.%202007%20(%D0%B0%D0%BD%D0%B3%D0%BB.).pdf)

### 4.1.2 Compulsory Case law

Information about the Compulsory case law will be provided at a later date.

## 4.2 Recommended literature

### 4.2.1 Books on Copyright and Private International Law

## Basic copyright law

\*Dreier, T & Hugenholtz, PB (eds), Concise European Copyright Law (Wolters Kluwer 2016)

Goldstein, P & Hugenholtz, B, International copyright: Principles, law, and practice (Oxford University Press 2013)

Ricketson, S & Ginsburg, J, International Copyright and Neighbouring Rights – The Berne Convention and Beyond (Oxford University Press 2006)

\*Rosati, E, Copyright and the Court of Justice of the European Union (Oxford University Press 2019)

von Lewinski, Silke, International Copyright Law and Policy (Oxford University Press 2008)

Walter, Michel & von Lewinski, Silke (eds.), European Copyright Law (Oxford University Press 2010)

Torremans, P & Stamatoudi, I (eds.), EU Copyright Law: A Commentary (EE 2014)

### **Basic private international law**

Van Calster, G, European Private International Law (Hart Publishing 2016)

Hill, J. and M. Ní Shúilleabháin, Clarkson & Hill's conflict of laws (Oxford University Press, 2016)

Torremans, P. et al. (eds), Cheshire, North & Fawcett: private international law. (Oxford University Press 2017)

### **Specific copyright issues**

Angelopoulos, C, European intermediary liability in copyright: A tort-based analysis (Wolters Kluwer 2017)

Husovec, M, Injunctions against intermediaries in the European Union: accountable but not liable? (Cambridge 2017)

Ramalho, A, The competence of the European Union in copyright lawmaking – A normative perspective of EU powers for copyright harmonization (Springer 2016)

Riordan, J, The liability of internet intermediaries (Oxford University Press 2016)

Rosati, E, Originality in EU copyright – Full harmonization through case law (Edward Elgar 2013)

Synodinou, TE (ed), Codification of European copyright law – challenges and perspectives (Wolters Kluwer 2012)

Torremans, P (ed.), Research Handbook on Cross-border Enforcement of Intellectual Property (Edward Elgar Publishing 2014)

## **The interface of private international law and copyright (and IP)**

Basedow, Kono, & Metzger (eds.), Intellectual Property in the Global Arena. Jurisdiction, Applicable Law, and the Recognition of Judgments in Europe, Japan and the US (Mohr Siebeck 2010)

Fawcett & Torremans, Intellectual property and private international law (Oxford University Press 2011)

Larsen, Torsten Björn, Intellectual Property Strategies: Where to litigate unitary rights vs national rights in the EU (EE 2017)

Lundstedt, Lydia, Territoriality in Intellectual Property Law (Doctoral thesis 2016), Available online <https://www.diva-portal.org/smash/get/diva2:972658/FULLTEXT01.pdf>

Matulionyte, R, Law Applicable to Copyright: A Comparison of the ALI and Clip Proposals (EE 2011)

Strömholm, S, Copyright and the Conflict of Laws: A Comparative Survey, Heymanns 2010

Torremans, P (ed), Intellectual Property and Private International Law (EE 2015)

Ubertazzi, B, Exclusive Jurisdiction in Intellectual Property (Mohr Siebeck 2012)

van Eechoud, M, Choice of Law in Copyright and Related Rights: Alternatives to the Lex Protectionis (Kluwer Law International 2003), Available online <https://www.ivir.nl/publicaties/download/970.pdf>

## **Arbitration and copyright**

Arroyo, M, Arbitration in Switzerland: The Practitioner's Guide (Wolters Kluwer 2018) (Chapter 16)

Chrocziel, P et al., International arbitration of intellectual property disputes: a practitioner's guide (C.H. Beck 2017)

Cook, T & Garcia, A, International Intellectual Property Arbitration (Kluwer Law International 2010) (especially chapters 1-6, 7.11, 10). Available online [http://www.kluwarbitration.com/book-toc?toc=TOC\\_Cook\\_2010\\_V1](http://www.kluwarbitration.com/book-toc?toc=TOC_Cook_2010_V1)

Halket, T D (ed.), Arbitration of International Intellectual Property Disputes (Juris 2012)

WIPO, Guide to WIPO Arbitration, WIPO Publication no. 919E, available at [https://www.wipo.int/edocs/pubdocs/en/arbitration/919/wipo\\_pub\\_919.pdf](https://www.wipo.int/edocs/pubdocs/en/arbitration/919/wipo_pub_919.pdf)

#### 4.2.2 Articles on Copyright and Private International Law

-Boschiero, Nerina, 'Infringement of Intellectual Property Rights. Comments on Article 8 of the Rome II Regulation', in Yearbook of Private International Law IX, Sellier European Law Publishers, 2007, pp.87.

<https://www.degruyter.com/downloadpdf/books/9783866537200/9783866537200.1.87/9783866537200.1.87.pdf>

- Depreeuw, Sari, Hubin, Jean-Benoit, 'Of Availability, Targeting and Accessibility: Online Copyright Infringements and Jurisdiction in the EU', 9 J Intell Prop L & Prac 750 2014.

<https://academic.oup.com/jiplp/article/9/9/750/2910906/Of-availability-targeting-and-accessibility-online>

-Dessemontet, Francois, 'A European Point of View on the ALI Principles-Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes', 30 Brook. J. Int'l L 849 2004-05.

<http://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1288&context=bjil>

- Dinwoodie, Graeme B., 'Developing a Private International Intellectual Property Law: The Demise of Territoriality?', 51 William & Mary L. Rev. 732 2009.

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1502228](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1502228)

- Dinwoodie, Graeme B., Dreyfuss, Rochelle C., Kur, Annette, 'The Law Applicable to Secondary Liability in Intellectual Property Cases', 42 N.Y.U. J. Int'l L. & Pol. 201 2009.

<http://nyujilp.org/wp-content/uploads/2013/02/42.1-Dinwoodie-Dreyfuss-Kur.pdf>

- Dreyfuss, Rochelle, 'The ALI Principles on Transnational Intellectual Property Disputes: Why Invite Conflicts?', 30 Brook. J. Int'l L. 819 2005.

<http://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1287&context=bjil>

- Geller, Paul Edward, 'Conflicts of Laws in Copyright Cases: Infringement and Ownership Issues', 51 Copyright Soc'y USA 315 2004.

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=602901](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=602901)

- Ginsburg, Jane, 'The (New?) Right of Making Available to the Public, Columbia Law School Public Law & Legal Theory Working Paper Group', paper nr 04-

78.[http://lsr.nellco.org/cgi/viewcontent.cgi?article=1003&context=columbia\\_pllt](http://lsr.nellco.org/cgi/viewcontent.cgi?article=1003&context=columbia_pllt)

- Kur, Annette, 'Applicable Law: An Alternative Proposal for International Regulation—The Max-Planck Project on International Jurisdiction and Choice of Law', 30 Brook. J. Int'l L. 951 2005.

<http://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1293&context=bjil>

-Lundstedt, Lydia, Putting Right Holders in the Centre: Bolagsupplysningen and IIsjan (C-194/16): What Does It Mean for International Jurisdiction over Transborder Intellectual Property Infringement Disputes?, IIC (2018) 49: 1022. <https://doi.org/10.1007/s40319-018-0769-0>

- Matulionyte, Rita, 'IP and Applicable Law in Recent International Proposals: Report for the International Law Association', 3(3) JIPITEC 263 2012. <https://www.jipitec.eu/issues/jipitec-3-3-2012/3520>
- Patry, William, 'Choice of Law and International Copyright', 48 Am. J. Comp. L. 383 2000. <https://www.jstor.org/stable/840860>
- Peukert, Alexander, 'Territoriality and Extraterritoriality in Intellectual Property Law', in Handl & Zekoll (eds) Beyond Territoriality: Transnational Legal Authority in an Age of Globalisation, Leiden/Boston: Queen Mary Studies in International Law, Brill Academic Publishing 2011. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1592263](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1592263)
- Rättzén, Mattias, Cross-border 'illegal' linking: questions of localization and choice of law, Journal of Intellectual Property Law & Practice, jpz031, <https://doi.org/10.1093/jiplp/jpz031>
- Savola, Pekka, 'The Ultimate Copyright Shopping Opportunity - Jurisdiction and Choice of Law in Website Blocking Injunctions', 45(3) IIC 287 2014. <https://link.springer.com/article/10.1007/s40319-014-0184-0>
- Trimble, Marketa, 'The Multiplicity of Copyright Laws on the Internet', 25 Fordham Intell. Prop. Media & Ent. L.J. 339 2015. <http://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=1935&context=facpub>
- Trimble, Marketa, Public Policy Exceptions to Recognition and Enforcement of Judgments in Cases of Copyright Infringement, International Review of Intellectual Property and Competition Law, 40, 642-65 (2009)
- WIPO-HCCH, Guide on "When Private International Law meets Intellectual Property Law – A Guide for Judges" – version 2, <https://assets.hcch.net/docs/e21a50bc-d927-4dd3-9ad4-fcd2e4eacc2e.pdf>

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