



Prof. Wendy Gordon

Monday December 7th 12.30-14.00h

Faculty Lecture "Conceptual Relations between Copyright and Ordinary Tort Law"

Tuesday December 8th 17.00-19.00h

Public Lecture "Copyright Reform in the US: Some Judicial Developments Override for Legislative Rejection, these are Things that Congress Could Do"

**Organizers: Prof. dr. Esther van Zimmeren,
Prof. dr. Hein Vanhees and Prof. dr. Gert Straetmans**

Dear colleagues,

Prof. Wendy Gordon (Boston University (BU), School of Law), William Fairfield Warren Distinguished Professor of Law, will be visiting professor at our Faculty between December 7-11th. We kindly invite you to participate in the Faculty Lecture organized on December 7th and/or the Public Lecture on December 8th organized by the Research Group Business & Law.

Prof. Gordon is specialized in intellectual property law and the interface with property law and tort law. She tremendously enjoys interdisciplinary dialogue. Her scholarship utilizes economics as well as both ethical and analytic philosophy to understand copyright, trademark, and related forms of property and tort law. Her current scholarly project seeks to develop an "ideal" model of copyright law, with particular attention to the doctrine known as fair use. The project examines how various legal rights against harm, and legal rights of control, interact with justified personal liberties such as free speech. Her ultimate goal is to reform the law to improve those interactions, from varying perspectives of morality, economics, and internal consistency.

Prof. Gordon's visit has been enabled by funding provided by the International Relations Office.

In this week, we organize several activities for Faculty members, academics, students and practitioners.

Please note: If you would be interested in participating in the *Faculty Lecture and/or the Public Lecture*, please register at the latest on December 4th 2015 with Valerie Dehaeck at valerie.dehaeck@uantwerpen.be

Monday December 7th 12.30-14.00h

Faculty Lecture "Conceptual Relations between Copyright and Ordinary Tort Law"

Room: D.014

Abstract: In the US, statutory copyright law functions in many ways as if it were a mirror image of its common law of tort. That is, each area's lawmakers make virtually identical types of choices, but while ordinary tort deals with injury and punishment, copyright deals with benefits and reward. Tracing the many parallel but reversed relations between the tort and copyright doctrines can be remarkably rewarding in terms of deepening one's understanding of copyright law, and giving a stable conceptual base from which to evaluate many of the choices facing copyright lawmakers.

Tuesday December 8th 17.00-19.00h

Public Lecture "Copyright Reform in the US: Some Judicial Developments Override for Legislative Rejection, these are Things that Congress Could Do"

Room: R.004

Abstract: The US Congress has an internal dynamic that is likely to continually expand the rights and remedies of copyright owners. The US judiciary is often more capable than the legislature of recognizing occasions when the public interest might be better served by contracting rather than expanding copyright. Yet sometimes the opinions of copyright judges tend in the opposite (that is, expansive) direction. The focus of this lecture is on identifying and assessing those judicial positions which extend copyright owners' powers *beyond* those granted by statute. Examples: some judges have broadened the extent to which a derivative work copyright is impaired by using a prior work unlawfully; some US judges treat as 'substantial' a bare moment's worth of sampling from a sound recording; and some judges have broadened the derivative work right to the point where it might serve as a protean 'moral right' without limit. While most of these developments are far from unanimously adopted, some judicial expansions of US copyright – notably the rule that 'subconscious copying' suffices for liability – are unanimously applied. Can Congress cure ailments to which its own body too often succumbs?



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