European Intellectual Property Review

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Virtual Reality: From your Home to Everywhere 1
Virtual reality (VR) equipment has now been launched in many homes, and as a disruptive technology it will soon change how we see the world. While VR's use and business cases seem endless, we have just scratched the surface of its potential today: VR games have been released or announced by nearly all of the major gaming hardware and software providers. As with any disruptive technology, however, it remains to be seen whether our current IP, IT and privacy laws are able to handle this new technology, especially when it progresses and merges with other technologies, such as biometric sensors.

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The entry into force of the EU Trade Secrets Directive 2016/943 ushers in a new era of breach of confidence and trade secret law in the EU. All EU Member States are required to conform their laws to the requirements of the Directive before 9 June 2018, while also complying with related provisions of the EU Charter of Fundamental Rights. For countries that already have a robust set of trade secret laws, this may require only minor changes; for others, an entirely new statute or code will be required. In either case, all EU countries should carefully consider the requirements and potential flexibilities of the Directive and how they wish to protect trade secrets within their countries. This article briefly summarises arts 1 to 15 of the Directive (arts 16 to 21 concern the implementation of the Directive) and then lists issues that are relevant to each of the articles discussed.

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Many copyright laws were expanded to embrace computer-generated works. What was understood by the expansion and what it protected are also referred to. Since the first generation of computer-generated works protected by copyright, the types of computer-generated works have multiplied further. This article examines some of the scenarios involving new types of computer-generated works and recent claims for copyright protection. This includes contextual consideration and comparison of monkey selfies, camera traps, robots, artificial intelligence (AI) and machine learning. While often commercially important, questions arise as to whether these new manifestations of copyright works are actually protected under copyright at all.

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In 2014, Ecuador launched a project entitled the Organic Code for the Social Knowledge and Innovation Economy, known popularly as the Código Ingenios. For two years, the initiative was subjected to a drafting and revision process involving public participation through multifarious channels, and the law was ultimately approved by the legislature in October 2016. The Código Ingenios endeavours to reinvent the frameworks for intellectual property protections in Ecuador, as well as to reconceptualise how IP interrelates with the Ecuadorian economy, society and culture. This article explores the socio-political underpinnings of the Código Ingenios and raises questions for future analysis.

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Film producers, sound recorders and artists sometimes capture copyright material in their new works as incidental use. The Chinese Copyright Law includes 12 situations in which users of the works do not need to obtain prior authorisation from the copyright owner and pay remunerations. Incidental capture of copyright material does not apparently fall within the 12 situations and, thus, can hardly be deemed as fair use of copyright works. To address incidental capture of copyright material for new creations, a couple of jurisdictions have incorporated incidental or de minimis use as an exception against copyright infringement in their legislations and judicial practice. This article will discuss the necessity of incorporating incidental use as a kind of copyright limitation and exception in China through a comparative study of legislations and judicial practice among various jurisdictions, and will suggest proposals for China's amendment of copyright limitations and exceptions by incorporating incidental use.
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