

Preface

The intriguing relationship between freedom of expression and copyright law has deepened in the 21st century. Freedom of expression and copyright are seen as two harmonizing concepts, but there exists two opposing views also against this backdrop. Some characterise copyright as “engine of free expression”. Copyright incentivises the creations and promotes the freedom of expression. The obverse of this reasons the copyright law to operate as a fetter on what others do express and hence, results in a tension between copyright law and freedom of expression. The potential coexistence and conflict between the freedom of expression and copyright law has brought into being much of academic reviews and interpretations. Copyright law, more because of advent of the internet; open-source software initiatives; peer-to-peer exchanges and changes to copyright rules, is under the scholarly debates. The debates about copyright law unfold the questions relating to substantive law, right to education, freedom of expression and the concept of ownership. These debates question our existing legal system on how do they work and how should they work in the internet age. There are scholars who argue that over emphasis on commercialising the literary and artistic creations is epistemically unfavourable to the overall advancement as it inhibits the stream of information. The philosophical or theoretical justification behind the copyright law is utilitarian i.e. best situations are those in which people are in total as happy or fulfilled as possible. The internet has landed as one of the most revolutionary social development which has exploded more prospects to access the information. The emergence of digital media and network connections has enabled the dissemination of information which was previously unimaginable. The intellectuals set up dichotomous justifications for copyright protection, as a few view copyright owners having control over their creations and extracting some commercial value, while others perceive it as a mechanism which promotes the mass interests. Technological advancements upsetting the link between copyright and freedom of expression, have radically impacted the scope of protection under the copyright law.

This volume is set of papers reflecting the diverse perspectives on copyright law. A good number of papers canvass almost the entire breadth of copyright law which will appeal the professionals in the copyright world.

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Challenges and Opportunities

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