



Towards compensation for news infringement

A leaked paper revealed that the European Commission's new proposal will see a novel right to news publishers to claim compensation for use of their content online. The paper is the EU's effort to reform its copyright laws towards a single digital market. The proposal will create a "*neighbouring right*" for news publishers to demand payment from service providers, such as news aggregators (e.g. Google), that have businesses built around search results of news articles with short article snippets. Snippets generally fall under a fair use or fair dealing exception to copyright. Critics consider the proposal as a "link tax" that will hinder innovation and access to information on the internet. However, the leaked working paper says that this proposal would not affect the right to link to otherwise freely available information.

China to crackdown on copyright internet infringers

China announced the creation of a black list for websites, mobile apps and other platforms that violate copyrights as part of its campaign to tackle copyright infringements. Cloud piracy is a massive problem in China for illegal downloads of movies and TV series. According to Chinese administration 35 percent shows are potentially illegal.

Philippines passes executive order for the adoption of Right to Information law

The Government of Philippines adopted a comprehensive Freedom of Information Act, three weeks after the new President assumed office. On 15 August 2016, the President of Philippines called upon the Philippines' legislature to adopt the comprehensive law. The Philippines joins Vietnam, Sri Lanka, Myanmar and Fiji which also adopted new laws and bills in a wave of transparency reforms in Asia this year.

Judgment in Hyperlinks at the European Court

The fact of posting, on a website, hyperlinks to protected works, which are freely available on another website without the consent of the copyright holder, is not a

breach of copyright if those links are provided without the pursuit of financial gain by a person who did not know or could not reasonably have known the illegal nature of the publication of those works. (GS Media v.s. Sanoma Media & Ors, 08.09.2016)

Cambodia joins Patent Cooperation Treaty (PCT)

Cambodia became the 151st country to join the Patent Cooperation Treaty (PCT), which enables inventors of a nation to seek patent protection for their inventions internationally. The PCT will enter into force in Cambodia on December 8, 2016.

Spotify wins cybersquatting row

Digital music service Spotify was successful in recovering a domain name at the United States' Alternative Dispute Resolution Forum. The alleged infringing domain name, cheapspotify.com, was registered in June 2015. Spotify, which registered its trademark in 2009 filed its complaint at the forum in July this year on grounds that the domain name was confusingly similar to its trademark.

Indian Court rules that watching pirated film online is not illegal

The High Court of Bombay has ruled that merely viewing an illicit copy of a film online is not a punishable offence under the Indian Copyright Act 1957. The Judge pronounced that the offence was not in viewing but in distributing, publicly exhibiting or letting for sale or hire without appropriate permission of the copyright holder.

Constitutional challenge against US Copyright law

The Electronic Frontier Foundation (EFF) has filed a lawsuit to strike down the provisions on Digital Rights Management (DRM) in the Digital Millennium Copyright Act. The suit has been filed by Matthew Green (a security researcher) and Andrew "bunnie" Huang (a technologist) of the EFF on grounds that the RM provisions restricted free speech and the fair-use of copyrighted materials.

The E-Bulletin of the ABU Legal Dept. is a fortnightly initiative to bring news and other updates to members.

Editor: **Mr Nawaz Dookhee**, Legal Manager /Contributor: **Ms Sharma Seemantani**, Legal Officer

To subscribe please email: [Ms.Sharma – seemantani@abu.org.my](mailto:Ms.Sharma@abu.org.my)