2020 Volume 42 Issue 7
ISSN: 0142–0461

European Intellectual Property Review

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Implementing User Rights for Research in the Field of Artificial Intelligence: A Call for International Action 393

Last year, before the onset of a global pandemic highlighted the critical and urgent need for technology-enabled scientific research, the World Intellectual Property Organization (WIPO) launched an inquiry into issues at the intersection of intellectual property (IP) and artificial intelligence (AI). We contributed comments to that inquiry, with a focus on the application of copyright to the use of text and data mining (TDM) technology. This article describes some of the most salient points of our submission and concludes by stressing the need for international leadership on this important topic. WIPO could help fill the current gap on international leadership, including by providing guidance on the diverse mechanisms that countries may use to authorise TDM research and serving as a forum for the adoption of rules permitting cross-border TDM projects.

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The Portability Regulation1 became fully applicable in the European Union (EU) on 1 April 2018. It aims to enable consumers to access their online subscriptions when they travel outside their Member State of residence. This idea seems rather obvious, but the reality is that before many EU residents could not access their subscribed online streaming and downloading services when they went abroad, and this frustrated many. To remedy this, the Portability Regulation created an intricate legal fiction that pretends that all access to subscribed online content services is deemed to occur in the Member State of residence where the subscription is made. This Regulation solved problems, and created new ones: it has the potential to upset licensing negotiations between EU-established content providers, and content distributors located outside of the EU; and some online service providers were caught red-handed when trying to limit content portability by violating the privacy provisions.

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Protection of Celebrity Image and Likeness in Australia: From the Perspectives of Trade Mark Law and the Common Law Tort of Passing Off 438

Celebrity endorsement is used worldwide to promote various goods and services. Usually, one of the celebrity's characteristics, such as voice, name, or image, is appropriated to promote goods or services. This is popular because celebrity endorsement is a powerful marketing tool that grabs the attention of consumers. However, the unauthorised use of a celebrity's image in a commercial setting may infringe the rights of the celebrity. In Australia, there is no "right to publicity" or "image right" that allows a celebrity to control the use of an image. Therefore, it is essential to examine how celebrity images are protected in Australia. Among the other legal avenues, such as defamation, copyright and right of privacy, this article explores how celebrity images and likeness are protected in trade mark law and the common law tort of passing off.

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