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| 1. Record Nr. | UNINA9910255199403321 |
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| Titolo | The Competence of the European Union in Copyright Lawmaking : A Normative Perspective of EU Powers for Copyright Harmonization // by Ana Ramalho |
| Pubbl/distr/stampa | Cham : , : Springer International Publishing : , : Imprint : Springer, , 2016 |
| ISBN | 3-319-28206-9 |
| Edizione | [1st ed. 2016.] |
| Descrizione fisica | 1 online resource (257 p.) |
| Disciplina | 340 |
| Soggetti | Mass media Law Law—Europe European Economic Community literature European Union IT Law, Media Law, Intellectual Property European Law European Integration European Union Politics |
| Lingua di pubblicazione | Inglese |
| Formato | Materiale a stampa |
| Livello bibliografico | Monografia |
| Note generali | Description based upon print version of record. |
| Nota di contenuto | 1. Introduction -- 2. A Normative Gap in Copyright Lawmaking? -- 3. Colonizing the Normative Gap: The Intervention of the Court of Justice -- 4. Minding the Normative Gap: The EU Treaties -- 5. Bridging the Normative Gap: Proposed Benchmarks for Copyright Lawmaking -- 6. Field-Testing the Normative Bridge: The EU Copyright Acquis -- 7. The Normative Gap: Water Under the Bridge. |
| Sommario/riassunto | This book inquires into the competence of the EU to legislate in the field of copyright, and uses content analysis techniques to demonstrate the existence of a normative gap in copyright lawmaking. To address that gap, it proposes the creation of benchmarks of legislative activity, reasoning that EU secondary legislation, such as directives and regulations, should be based on higher sources of law. It investigates two such possible sources: the activity of the EU Court of Justice in the |

pre-legislative era and the EU treaties. From these sources, the author establishes concrete benchmarks of legislative activity, which she then tests by applying them to current EU copyright legislation. This provides examples of good and bad practices in copyright lawmaking and also shows how the benchmarks could be implemented in copyright legislation. Finally, the author offers some recommendations in this regard.
