PREFACE

Copyright as a concept took birth with Gutenberg’s invention of printing press. It made printing work comparatively easy. Technological improvement during the course of time made the printing press an important technological invention for Stationer or publishers. However, during these developments ‘copyright’ emerged as a territorial right, meaning thereby that the copyright works were protected within the territory of the State where it was recognised. This implies that once a work is available outside the territory of protection, then it is subject to infringement. This was a big impediment in international trade. To avoid this situation States started negotiation on bilateral treaties or reciprocity treatment of copyright works. The territorial nature and reciprocity treatment laid to variety kinds of copyright laws. Attempts were made by States to resolve the issue and it resulted into the Berne Convention for the Protection of Literary and Artistic work, 1886. Main purpose of this Convention was to have national treatment in place of reciprocity and to harmonise the copyright laws among States. The subsequent conventions related to copyright also supported the Berne Convention whole heartedly on harmonisation and expansion of the subject matter of copyright. However, nature of copyright remained territorial in nature, which means that there is no International Copyright law. Every State has their own territorial copyright laws.

On the other side internet has created havoc for the intellectual Property protection in cyberspace. The unregulated territory and borderless nature of internet is the main reason of Intellectual Property Rights infringement. Once a copyright work is on internet, it is bound to infringe. This cross border violation of private rights is to be resolved by the Conflict of laws principles. Various nations have understood the importance of Intellectual Property Rights and have adopted new Conflict of laws principles like Brussels I Regulation on Jurisdiction and Recognition and Enforcement of Foreign Judgements, 2000, Rome I Regulations, Rome II Regulations, Hague Convention on Choice of Court Agreements 2005. Apart from that various non government institutions have shown their interest in this area of law like American Law Institute, Max Planck Institute, Transparency report etc.

The present thesis is an attempt to understand the new emerging Conflict of laws or Private International Principles due to interface of internet and copyright laws.