

# Collective Management of Copyrights between Competition, Regulation and Monopolism

**A Comparison of European and U.S. Approaches to Collective Management Organizations**

Ladenpreis: 68,00EUR

**ISBN:** 978-3-7089-1663-7

**Verlag:** Facultas, Nomos

**Erscheinungsdatum:** 15.01.2018

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**Reihe:** Studien zum Unternehmens- und Wirtschaftsrecht

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## **Details**

The collective management of copyrights has traditionally occupied a fundamental role in the exploitation of exclusive rights. Yet, the environment for collective management organizations (CMOs) like ASCAP or GEMA has undergone profound changes in recent years; the question of how regulation should respond to these changes remains highly controversial. Suggested answers oscillate between national monopolies for CMOs and free competition among these organizations. To contribute to this discussion, the present work deals with the collective management of copyrights and copyright regulation in the European Union and the United States. For this purpose, the legal status of CMOs is analysed with regard to their relations to right holders, users, and other CMOs; a particular focus is put on antitrust law and sector-specific regulation. This research is conceived as a comparative study and defines concrete legal questions and juxtaposes the answers given by the two jurisdictions. In this way, the research discloses fundamental differences in the legal approaches to CMOs and highlights that these differences are rooted in historical developments, market structures, underlying substantive laws, and, to a certain extent, ideological conceptions. Der Band ist Teil der Schriftenreihe Studien zum Unternehmens- und Wirtschaftsrecht, Band 35.

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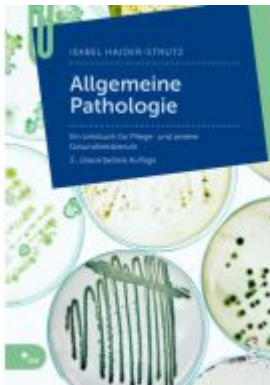
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