

MAKING COPYRIGHT WORK FOR THE ASIAN PACIFIC

JUXTAPOSING HARMONISATION WITH FLEXIBILITY

MAKING COPYRIGHT WORK FOR THE ASIAN PACIFIC

JUXTAPOSING HARMONISATION WITH FLEXIBILITY

EDITED BY SUSAN CORBETT
AND JESSICA C LAI



Australian
National
University

P R E S S



Published by ANU Press
The Australian National University
Acton ACT 2601, Australia
Email: anupress@anu.edu.au

Available to download for free at press.anu.edu.au

ISBN (print): 9781760462383
ISBN (online): 9781760462390

WorldCat (print): 1057230592
WorldCat (online): 1057230434

DOI: 10.22459/MCWAP.10.2018

This title is published under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International (CC BY-NC-ND 4.0).



The full licence terms are available at
creativecommons.org/licenses/by-nc-nd/4.0/legalcode

Cover design and layout by ANU Press

This edition © 2018 ANU Press

Contents

Abbreviations	vii
Introduction	1
Susan Corbett and Jessica C Lai	
The Asian Pacific Copyright Code.	7
JAL Sterling	

Part 1: Norm-making

1. TPP, RCEP and the Future of Copyright Norm-setting in the Asian Pacific	19
Peter K Yu	
2. Copyright Harmonisation in the Asian Pacific Region: Weaving the Peoples Together?	47
Lida Ayoubi	
3. Fair Use and Traditional Cultural Expressions	75
Natalie P Stoianoff and Evana Wright	

Part 2: Norm-taking?

4. Copyright Reform in the 21st Century: Adding Privacy Considerations into the Normative Mix	97
Doris Estelle Long	
5. Free Trade Agreements with the United States, Rulemaking and TPMs: Why Asian Pacific Nations Should Resist Increased Regulation of TPMs in their Domestic Copyright Laws	133
Susan Corbett	

Part 3: Users and Access

6. Harmony and Counterpoint: Dancing with Fair Use in New Zealand and Australia	163
Melanie Johnson, Robin Wright and Susan Corbett	

7.	Open Government Data Licences in the Greater China Region	197
	Jyh-An Lee	

Part 4: Non-authors?

8.	Putting Artists and Guardians of Indigenous Works First: Towards a Restricted Scope of Freedom of Panorama in the Asian Pacific Region	229
	Jonathan Barrett	

9.	The Development of Performers' Rights in New Zealand: Lessons for the Asian Pacific Region?	257
	Jessica C Lai	

	Conclusion	293
	Shubha Ghosh	

	Index	299
--	-----------------	-----