

INDEX

- adaptation rights
 - China 1.94, 1.137
 - European Union 2.151
 - India 3.12, 3.52
 - Singapore 6.09, 6.37
 - South Africa 7.32
- address or speech delivery, India 3.167
- alienation of original work, Russia 5.225–8
- anonymous and pseudonymous works
 - India 3.149
 - Mexico 4.69
 - Russia 5.102, 5.106
 - US 8.11
- Anton Piller orders 3.152, 6.119
- Apostolidis, A 7.01–118
- appreciable adverse effect (AAE), India
 - 3.77–8, 3.81, 3.85–8, 3.100–101, 3.108–9, 3.122, 3.131
- arbitration clause
 - China 1.98
 - European Union 2.115
 - India 3.141, 3.180, 3.185
 - Russia 5.244–7
 - Singapore 6.134
 - South Africa 7.114
 - US 8.73
- architectural works
 - India 3.154
 - Russia 5.231, 5.234
- art works
 - China 1.17, 1.84
 - European Union 2.177
 - India 3.12, 3.35, 3.37, 3.40, 3.42, 3.46, 3.55
 - Mexico 4.17
 - Russia 5.229
- assignment agreements
 - as alternative to licensing 5.131
 - China 1.44–5, 1.83–7
 - European Union 2.74–6
 - India 3.03–4, 3.06–7, 3.63–6
 - licence and assignment distinction 2.74–6, 3.63–6
 - Mexico 4.81
 - Russia 5.10–14, 5.131, 5.160, 5.241
 - Singapore 6.08, 6.21, 6.49–55
 - South Africa 7.44–9
- audio-visual works
 - China 1.18–19, 1.27–30, 1.39, 1.58, 1.93
 - European Union 2.55, 2.60–61, 2.66, 2.94
 - Mexico 4.62
 - Russia 5.08, 5.12–13, 5.51–2, 5.73, 5.89
 - see also* sound recordings
- Austria 2.75
- authorship determination and rights
 - China 1.16, 1.21–2, 1.69
 - European Union 2.19, 2.50, 2.51–8, 2.61
 - India 3.26, 3.56, 3.164–5
 - Mexico 4.51–2, 4.64
 - Russia 5.230–31
 - Singapore 6.17, 6.20–21, 6.26, 6.29, 6.37, 6.41
 - South Africa 7.16–21, 7.26, 7.31–3
 - US 8.03–4, 8.08–11
 - see also* ownership determination
- automated message systems, Singapore 6.16
- bankruptcy considerations, US 8.59–66
- Bechthold, S 2.47
- Belgium 2.22, 2.48
- bespoke licences *see* India, bespoke licences; Russia, bespoke licences
- Blignaut, H 7.01–118
- block exemptions
 - European Union 2.07, 2.120, 2.129–30
 - India 3.96
- ‘boilerplate clauses’, India 3.177
- book publishing rights *see under* literary copyright
- Bordans, J 2.99

- broadcasting rights
 China 1.29, 1.30
 European Union 2.28
 European Union, cable retransmission
 2.25, 2.98–9, 2.113
 India 3.13, 3.46, 3.60, 3.126
 Russia 5.75
 Singapore 6.23
 US 8.30
see also radio broadcasts; sound recordings;
 television broadcasts
- Bu, Y 1.79, 1.83, 1.85, 1.87, 1.141, 1.149
- Buhrow, A 2.178
- bundling of rights
 China 1.153
 European Union 2.165
 India 3.24
 Mexico 4.53, 4.67
 South Africa 7.70–72
 US 8.23–8
see also tying provisions
- business customs regulation, Russia 5.111
- cable retransmission, *see under* broadcasting
 rights
- cease and desist orders
 China 1, 41, 1.47
 India 3.135
- China 1.01–164
 applied art 1.17
 assignment agreements 1.83–7
 audio-visual works 1.18–19, 1.27–30,
 1.39, 1.58
 authors' rights 1.16, 1.21–2, 1.69
 cease and desist orders 1, 41, 1.47
 choice of law and venue of jurisdiction
 consideration 1.12–14
 cinematographic works 1.20, 1.68, 1.102
 Civil Procedure Law 1.14–15
 compulsory licensing 1.120
 computer software 1.18, 1.85
 conflict of law principles 1.10–15, 1.65
 defendant with no domicile within PRC,
 property rights dispute 1.15
 exploitation of works of others 1.22
- Foreign Invested Enterprises, actions
 arising from the performance of
 contracts for 1.15
- foreigners with software first published
 within PRC 1.18
- habitual residence laws 1.13–14
- information networks, audio or video
 recording distribution 1.28
- international conventions and conflict of
 law principles 1.08–15
- jointly owned works 1.70–72, 1.123
- judicial interpretation, important 1.07
- legal entities, ownership determination
 1.66
- literary copyright 1.119
- moral rights 1.16, 1.21, 1.48, 1.84, 1.101,
 1.126
- music copyright 1.117–18
- neighbouring rights 1.23
- as net importer of cultural goods 1.01
- ownership determination 1.65–9
- performer's rights 1.26
- producers of sound or video recordings
 and their licensees 1.27–8
- publishers' exclusive right of publication
 and time limits 1.25
- publishers' permission for revision or
 abridgement of works 1.24
- radio and television stations 1.29, 1.30
- transfer of ownership of an original work
 of fine art 1.84
- works by employees 1.73–6, 1.77–8
- WTO and TRIPS accession 1.02, 1.04
- China, anti-monopoly law and licensing
 1.140–64
 agencies 1.141
 and bundling 1.153
 discriminative treatment 1.163
 dominant position abuse 1.162–3
 'essential facilities' doctrine 1.150, 1.151
 future rights and achievements obligations
 1.160
 grant-back clauses 1.62, 1.154, 1.159
 injunctive relief 1.162

- intellectual property rights 1.55–63, 1.142–4, 1.149, 1.151, 1.153
- refusal to license 1.151, 1.163
- relevant market definition 1.149
- resale price maintenance 1.158
- restrictive clauses 1.154, 1.161
- royalties for licensed IP rights, unfairly high 1.162
- safe harbour rule 1.161
- software and related licenses 1.146
- tying prohibition 1.152–3
- China, contracts 1.64–139
 - adaptation of existing work 1.94, 1.137
 - confidential information protection 1.111–12
 - contractual claims 1.104–12
 - essential clauses, application of law in absence of 1.113–16
 - good faith principle 1.107, 1.112
 - joint publishing contracts 1.135
 - liability exemption and liquidated damages 1.108–10
 - license fee, lack of clear stipulation on 1.113–14
 - liquidated damages, damage compensation levels 1.109–10
 - newspaper publication 1.58, 1.131, 1.136
 - non-performance, faulty performance and debtor's delay 1.104–6
 - performance contracts 1.24, 1.138
 - publishing contracts 1.133–5
 - statutory grounds for termination of contract 1.115–16
 - translation contracts 1.94, 1.137
- China, contracts, licensing 1.03–4, 1.07, 1.16–30, 1.88–103
 - arbitration clause, need for 1.98
 - breach of contract 1.96, 1.105, 1.107, 1.125
 - contract invalidity and harm done to social and public interests 1.99
 - enforcement of 1.122–30
 - exclusivity 1.33–4, 1.40, 1.90–91
 - license markings and indication of author 1.103
 - obligation to use licensed copyright 1.100
 - presumption of exclusion of exploitation 1.91
 - publication of foreign books and AV products related to foreign books 1.93
 - restrictions 1.99–103
 - right to sue 1.123–7
 - royalty and remuneration 1.95–6
 - third party infringement actions, prevention of 1.97
- China, contracts, licensing, legal nature of 1.31–49
 - breach of obligation of use of licensed object and damage compensation 1.42–3
 - categorisation of royalty-free license contracts 1.38
 - change of ownership, and transfer/assignment of rights 1.46–9
 - IP rights, purchase of 1.49
 - market access restrictions 1.60–62
 - partial contract fulfilment 1.43
 - third parties, assignment of rights and/or obligations 1.44–5
 - unauthorised sub-licensing 1.41
 - use right granted to another party, legal terminology for 1.34
 - use of the work of someone else, contract conclusion 1.35
 - validity of previously granted license 1.39–40
- China, market access and foreign right owners 1.50–63
 - cooperation projects and joint ventures 1.53, 1.54, 1.58, 1.59, 1.60
 - editing of content as part of cooperation agreement 1.60
 - impact of prohibited or restricted market access on license agreements 1.60–62
- Internet Publication Service Permit 1.53, 1.56
- investment barriers 1.52–7
- online distribution activities 1.59
- publication contracts 1.58–9
- state interference effects 1.62
- variable interest entities (VIE) 1.63
- work-arounds and legal risks 1.63

- Christou, R 6.42, 6.43
Chung Nian, L 6.01–143
cinematographic works *see* film and
 cinematographic works
civil rights protection, Russia 5.112–14
'click wrap' licences
 India 3.20
 Singapore 6.42
 US 8.45
co-authorship and collective work,
 distinction between, Mexico 4.64
 see also authorship determination
collecting agencies
 European Union 2.179, 2.182
 Russia 5.151–5, 5.200–214
 South Africa 7.84–90, 7.106
collective licensing
 European Union *see* European Union,
 collective licensing
 India 3.10, 3.157–62
 Russia 5.198–214
 Singapore *see* Singapore, collective
 licensing
 US 8.74–5
 see also licensing contracts
collective management negotiations,
 European Union 2.14, 2.25
collective works
 European Union 2.54
 US 8.04
 see also ownership determination
commissioning works, South Africa 7.18
competition law
 European Union *see* European Union,
 competition law
 India *see* India, competition law
 Mexico 4.88–93
 Russia *see* Russia, individual licensing, and
 competition law
 Singapore *see* Singapore, competition law
 South Africa *see* South Africa,
 competition law
 US *see* US, antitrust law
competition restraints by licence agreements
 see European Union, individual
 licensing, competition restraints by
 licence agreements
 compilation works, China 1.67
 compulsory licensing
 China 1.120
 European Union 2.184, 2.186
 India 3.14, 3.58–9
 Russia 5.115
 US 8.30
computer programs
 China 1.18, 1.85
 European Union 2.46, 2.53, 2.60, 2.64,
 2.66
 India 3.52
 Russia 5.14
 see also databases; online access; software
 licences
confidentiality
 China 1.111–12
 India 3.15–16
 Russia 5.16, 5.41–50
 see also trade secret protection
conflict of law principles, China 1.08–15,
 1.65
consent, use of IP objects without author's
 consent, Russia 5.82–9
contracts
 China *see* China, contracts
 European Union *see* European Union,
 contract
 Mexico *see* Mexico, contracts
 Russia *see* Russia, contracts
 Singapore *see* Singapore, contracts
 South Africa *see* South Africa, contracts
 US *see under* US, licensing
contradictory behaviour prohibition,
 European Union 2.187
cooperation projects *see* joint ventures
copying of works
 plagiarism, Russia 5.36, 5.194
 Singapore 6.22, 6.126
 see also reproductions; substitutability
counterfeit objects, Russia 5.191, 5.194
country of origin principle 2.14, 2.109
cover versions, India 3.60, 3.148
criminal offences
 India 3.138, 3.155
 Singapore 6.122
cultural goods, China 1.01, 1.05–6

- databases 5.75
 European Union 2.37–8, 2.54, 2.66, 2.87
 Russia 5.14, 5.37–50
see also computer programs; online access;
 software licences
- De Miguel Asensio, P 2.104
- De Werra, J 2.43, 2.115
- Derclaye, E 2.47, 2.75
- derivative works, US 8.26
- digital rights
 European Union 2.16, 2.23, 2.30, 2.39
 US 8.21, 8.35, 8.94–5
- dispute resolution
 European Union 2.112–15
 India 3.177–86
 Russia *see* Russia, legal choices and
 dispute resolution
 Singapore 6.128–35
 South Africa 7.110–14
 US *see* US, licensing, termination,
 remedies, and dispute resolution
- dominant position abuse
 China 1.162–3
 European Union *see* European Union,
 competition law, dominant position
 abuse
 India *see* India, competition law,
 dominance position abuse
 Russia 5.155
 Singapore 6.73, 6.103–15
 South Africa 7.56, 7.80–83, 7.90
 US 8.101, 8.102
see also monopolies
- dual systems, US 8.43, 8.82–5
- duration, renewal, termination and
 insolvency laws
 European Union 2.24, 2.32, 2.36
 India 3.146–9
 Russia 5.156–67
 Singapore 6.116
 US 8.11, 8.19
see also termination of contract
- Dusollier, S. 2.43
- efficiency gains
 European Union 2.170
 India 3.86, 3.116
- electronic communications and transactions
 India 3.03, 3.17–20, 3.86, 3.116
 Russia 5.17, 5.19, 5.58–61
 Singapore 6.12, 6.13–14, 6.44
 South Africa 7.10–15, 7.112
 US 8.36
- employment *see* works by employees
- essential facilities doctrine
 China 1.150, 1.151
 European Union 2.184–5
 South Africa 7.35, 7.36, 7.82–3
- ethical issues *see* moral rights
- European Union 2.01–191
 alternative dispute resolution (ADR)
 2.112–15
 arbitration clauses 2.115
 block exemption regulations 2.07, 2.120,
 2.129–30, 2.132–6, 2.141, 2.143–4,
 2.149–50, 2.154–7, 2.159, 2.167
 cable retransmission 2.98–9, 2.113
 collective management negotiations 2.14,
 2.25
 ‘copyright acquis’ 2.09–13
 country of origin rule 2.109
 cross-border satellite transmissions and
 country of origin principle 2.14
 harmonization in copyright field 2.08–15
 hire doctrine 2.110
 India, competition law comparison
 3.84–7, 3.91–2, 3.96, 3.103–4, 3.106,
 3.111–14, 3.132
 international conventions on copyright
 and related rights 2.12
 law, choice of applicable 2.102–10
 merger control 2.07, 2.122, 2.163
 orphan work status 2.14
 shared legislative competence and
 principle of subsidiarity 2.04, 2.06
 voluntary licensing 2.70, 2.113
see also individual countries
- European Union, collective licensing
 2.96–100
 extended collective licensing schemes
 (ECL) 2.100
 individual licensing, effects on 2.99–100
 multi-territorial licensing of online rights
 in musical works 2.97

- term extension for phonograms and cable retransmission 2.98–9
- European Union, competition law 2.120–91
- compulsory licensing 2.184, 2.186
- copyright and related rights 2.125–8, 2.149–52, 2.154–5, 2.157–61, 2.167, 2.170, 2.178
- exclusive licences 2.127
- fair balance between use of intellectual property rights and competition law 2.124
- injunctive relief 2.173, 2.190
- licensing contracts, legal evaluation 2.128–31
- monopolies 2.151, 2.178–9, 2.188
- moral rights and national copyright law 2.126
- royalties 2.159, 2.190
- European Union, competition law, dominant position abuse 2.131, 2.174–91
- art works and substitutability 2.177
- collecting societies 2.179, 2.182
- collective dominance of a number of rightholders 2.179
- contradictory behaviour prohibition 2.187
- damages claims 2.191
- dominance abuse prohibition, mobile phone sector patents 3.129
- essential facilities doctrine 2.184–5
- exclusionary abuse 2.183–8
- exploitative abuse 2.181–2
- intellectual property rights protection 2.84–6, 2.176–7, 2.190
- market dominance 2.175–9
- pharmaceutical products and brick infrastructure 2.178, 2.186
- sanctions and right to a licence 2.189–91
- software 2.178
- standardization agreements 2.190
- TV programme information 2.178, 2.185
- European Union, contracts 2.16–48
- author's rights protection 2.19
- cable retransmissions 2.25
- collective management negotiations 2.25
- computer programs and back-up copies 2.46
- digital rights 2.16, 2.23, 2.30, 2.39
- education, libraries and archives 2.47, 2.68, 2.70
- exceptions and contract, interrelation between 2.45–8
- good faith principle 2.25–6, 2.190
- legal provisions in national law of member states 2.17–19
- on-demand services, interactive 2.43, 2.48
- online service, cross-border 'portability' 2.39
- private copying 2.42
- technology and contract interrelation 2.39–44
- termination procedures, national laws 2.35–6
- territorial limits 2.24
- European Union, contracts, licensing contract 2.27–38
- breach of a licensing agreement as infringement 2.108
- broadcasting and communication to the public 2.28
- collective bargaining agreement and remuneration 2.31
- data protection 2.37–8
- distribution, rental and lending rights 2.28, 2.30, 2.55, 2.60, 2.61, 2.71, 2.135
- insolvency and termination procedures 2.36
- non-delivery of work and termination procedures 2.36
- performers and producers 2.28, 2.30–31, 2.34
- personality-type right 2.35
- remuneration 2.30–31
- reproduction and communication to the public 2.28
- termination procedures 2.33–6
- European Union, individual licensing 2.72–95, 2.132–73
- audio-visual industry 2.94
- bundling theory 2.165
- databases and exhaustion principle 2.87
- efficiency gains 2.170
- exclusive licences 2.78, 2.81

- exemption of licensing agreements which restrict competition 2.167–72
 exhaustion of distribution right 2.84–7
 future works and national copyright law restrictions 2.88
 infringements and remedies 2.81
 licence and assignment distinction 2.74–6
 moral rights 2.89–95
 national copyright law restrictions 2.88
 non-exclusive licences 2.27, 2.69, 2.79, 2.82, 2.138
 personality rights 2.92
 production or distribution of goods improvement 2.134, 2.169, 2.171
 restrictions 2.83–8
 right to use 2.74
 sanctions 2.173
 self-assessment principle 2.168, 3.96
 software licences and exhaustion principle 2.85–6
 transfer of licences 2.80
 unknown forms of exploitation and national copyright law restrictions 2.88
 unpublished works and posthumous publication 2.95
 European Union, individual licensing, competition restraints by licence agreements 2.137–66
 books and secondary rights for dramatization and film adaptation 2.151
 cinema films block booking 2.151
 exclusive licence agreements 2.138–54, 2.163
 exclusive territorial limitations in licensing agreements 2.140–46
 exhaustion principle 2.157
 fiction books and obligation not to publish other novels with other publishers 2.150
 film, public presentation and exclusivity of right 2.148, 2.150
 foreign decoding devices, restriction on import, sale and use 2.144
 information exchange in licensing agreements 2.161
 internet broadcasts and downloads 2.145
 joint marketing and joint purchasing (sports rights) 2.164
 market monopolization 2.151
 material limitations in licensing agreements 2.147–53, 2.148
 national copyright laws and possibility of granting rights of exploitation 2.149
 non-exclusive licences 2.27, 2.69, 2.79, 2.82, 2.138
 price agreements in licensing agreements 2.158–60
 proportionality of licences between two companies 2.143
 quantitative restrictions in licensing agreements 2.154
 reproduction and distribution rights 2.143–4
 sale of undertakings and licensing 2.162–3
 sub-licensing and transfer prohibitions 2.152
 technical protection measures, mandatory use 2.153
 territorial delineation issues 2.142, 2.145
 theatrical film licensing contracts and price fixing 2.159
 third party contracts in licensing agreements, binding conditions for 2.155–7
 European Union, ownership determination 2.49–71
 authorship determination 2.51–8, 2.61
 authorship and ownership, distinction between 2.50
 cinematographic and audio-visual works and co-authors 2.55, 2.60–61, 2.66
 collective works 2.54
 computer programs 2.53, 2.60, 2.64, 2.66
 databases 2.54, 2.66
 non-discrimination principle 2.67
 orphan works 2.68–70
 ‘out-of-commerce’ works 2.70
 ownership determination, and private copying 2.61–2
 presumptions of transfer for the rental right 2.60, 2.61

- transitional provisions on copyright and allocation of rights 2.71
- works by employees 2.64–6
- exclusive licence agreements
 - China 1.25, 1.33–4, 1.40, 1.90–91
 - European Union 2.78, 2.81, 2.127, 2.138–54, 2.163
 - India 3.11
 - Mexico 4.15
 - Russia 5.25–35, 5.69–72
 - Singapore 6.07–9, 6.10, 6.46, 6.48, 6.51
 - South Africa 7.08
 - US 8.52–4
- exemption of licensing agreements which restrict competition, European Union 2.167–72
- exhaustion principle, European Union 2.84–7, 2.157
- exploitative abuse
 - China 1.22
 - European Union 2.181–2
 - India 3.120
- fair dealing
 - India 3.40, 3.52
 - Singapore 6.25–6
 - US 8.50
- fair use imitation as equitable doctrine, US 8.31–2
- Fawcett, J 2.104, 2.107, 2.108
- Ficsor, M 2.99
- film and cinematographic works
 - China 1.20, 1.68, 1.102
 - European Union 2.55, 2.60–61, 2.66, 2.148, 2.150, 2.151, 2.159
 - India 3.12, 3.35, 3.37, 3.38, 3.55, 3.66, 3.101, 3.149
 - Singapore 6.19
 - US 8.103–6
- Finland 2.26
- foreign books publication, China 1.82, 1.93
- foreign decoding devices, restriction on import, sale and use, European Union 2.144
- foreign law choice
 - India 3.184
 - Russia 5.241
- foreign right owners and market access *see* China, market access and foreign right owners
- foreign works and ownership
 - India 3.170
 - Russia 5.72
- France
 - alternative dispute resolution (ADR) 2.114
 - audio-visual industry 2.94
 - contract specification requirements 2.21, 2.23
 - country of origin rule 2.109
 - droit de destination* 2.29
 - hire doctrine 2.110
 - licence and assignment distinction 2.74
 - licensing contract and remuneration 2.31
 - moral rights 2.93, 2.94, 4.69
 - unpublished works and posthumous publication 2.95
 - works by employees 2.65
- franchising, US 8.47
- free use rights, Russia 5.86–9, 5.116–23
- freedom of contract, US 8.47
- future works rights
 - European Union 2.88
 - India 3, 32, 3.62, 3.162
 - Mexico 4.14, 4.43
 - South Africa 7.48
- Gera, M 2.100
- Germany
 - block booking of cinema films 2.151
 - contract specification requirements 2.21, 2.23
 - dominant position abuse 2.188
 - hire doctrine 2.110
 - lex loci protectionis* rule 2.109
 - licence and assignment distinction 2.75
 - licensing contract and remuneration 2.31
 - moral rights, audio-visual industry 2.94
 - product market for lending of films to non-arthouse cinemas 2.177
 - remuneration rights and overriding mandatory provisions 2.107
 - rights of exploitation and specific subject matter 2.149

- works by employees 2.65
- Ginsburg, J 2.91, 2.92, 2.103, 2.107, 2.109
- Golish, K 8.01–114
- good faith principle
- China 1.107, 1.112
 - European Union 2.25–6, 2.190
 - Russia 5.15, 5.26, 5.47
 - US 8.50
- government involvement
- China 1.62
 - Russia 5.135–43, 5.147
 - South Africa 7.18
 - US 8.84
- government works
- India 3.168
 - Russia 5.80–81
 - US 8.03
- Granados, P 4.01–93
- grant-back clauses, China 1.62, 1.154, 1.159
- Greece 2.22, 2.31
- Griffiths, J 2.11
- Grosheide, W 2.89
- Guibault, L 2.26, 2.47
- Guo, S 1.21
- habitual residence laws, China 1.13–14
- Hewitt, I 6.40
- Hilty, R 2.178
- hire doctrine
- European Union 2.110
 - Mexico 4.57–61
 - US 2.110, 8.04–7, 8.10, 8.11
- Hochstadt, E 8.01–114
- Hugenholtz, P. 2.26
- Hungary 2.35, 2.95
- implied contracts
- South Africa 7.03, 7.07
 - US 8.45
- India 3.01–192
- adaptation rights 3.12, 3.52
 - anonymous and pseudonymous works 3.149
 - arbitration clause 3.141, 3.180, 3.185
 - authorship, false attribution 3.56
 - authorship in underlying works in a sound recording exception 3.38
 - ‘boilerplate clauses’ 3.177
 - broadcasting of literary and musical works and sound recordings 3.46
 - cinematograph films 3.149
 - collective licensing 3.157–62
 - computer program adaptation for fair dealing purposes 3.52
 - copyright societies 3.35, 3.158–62
 - cover versions licence 3.60, 3.148
 - duration, renewal, termination and insolvency laws 3.146–9
 - exceptions 3.30–40
 - fair dealing 3.40, 3.52
 - foreign law choice and application 3.184
 - future works rights 3.32, 3.62, 3.162
 - international conventions 3.48–9, 3.50–51
 - legal, jurisdiction and dispute resolution choices 3.177–86
 - literary works and film rights 3.55
 - moral rights 3.33, 3.52–6, 3.175
 - multiple court jurisdiction over future dispute 3.181
 - one-year reversion exception 3.39
 - paternity right and right of integrity 3.52, 3.54, 3.55
 - performers rights 3.53
 - reproductions 3.61, 3.148
 - royalties 3.29, 3.31
 - sound recordings 3.149
 - taxation 3.187–92
 - transitional (temporal) provisions 3.43–7
 - translation of a literary and dramatic work 3.148
 - works by employees 3.41–2
 - works created for government or public undertakings 3.149
- India, bespoke licences 3.163–76
- address or speech delivery 3.167
 - author/creator of works 3.164–5
 - cinematographic work 3.166
 - foreign works 3.170
 - government works 3.168
 - licence agreements 3.171
 - ownership determination 3.164–70
 - public undertaking, work published under 3.169
 - remuneration, dual 3.173
 - right to sue 3.176

- royalties 3.172, 3.174
- works made in course of author's
 - employment under contract of service or apprenticeship 3.166
- India, competition law 3.67–145
 - administrative sanctions 3.134–8
 - appreciable adverse effect (AAE) 3.77–8, 3.81, 3.85–8, 3.100–101, 3.108–9, 3.122, 3.131
 - cease and desist orders 3.135
 - criminal sanctions 3.138
 - economics-based approach 3.76–80
 - institutional framework 3.71–5
 - merger control 3.94–5, 3.131–3
 - relevant market determination 3.78–80
 - sanctions 3.134–42
- India, competition law, anti-competitive
 - agreements 3.81–102
 - block exemptions 3.96
 - Competition Act and EU law comparison 3.84–7, 3.91–2, 3.96, 3.103–4, 3.106, 3.111–14, 3.132
 - efficiency gains 3.86
 - export sales 3.98
 - film producer associations and distribution of films 3.101
 - intellectual property 3.97
 - international dimension and comparisons 3.84–98
 - joint ventures 3.93–5
 - territorial restrictions 3.89–92
- India, competition law, dominant position
 - abuse 3.78, 3.99, 3.103–30
 - broadcasting of TV channels 3.126
 - efficiency defence 3.116
 - exclusive dealing, non-competes and single branding 3.121–2
 - intellectual property abuses 3.115
 - international dimension and comparisons 3.107–16
 - mobile phone sector patents 3.128
 - online search markets 3.127
 - price and non-price discrimination 3.118–19, 3.120
 - refusal to licence 3.125–6
 - royalties and excessive pricing 3.111–12, 3.114
 - structural separation order 3.137
 - tying provisions 3.123–4
- India, contracts 3.01–21
 - assignment agreements 3.03–4, 3.06–7
 - 'click wrap' contracts 3.20
 - e-contracts 3.17–20
 - email, contracts accepted by 3.03
 - oral contracts 3.02
 - remuneration, dual mode 3.04
 - royalty specification 3.04
 - stamp duty 3.05
 - technology and contract inter-relation 3.17–21
 - written contract 3.03
- India, contracts, licensing as contract 3.08–16
 - broadcast reproduction rights 3.13
 - cinematograph films 3.12, 3.35, 3.37, 3.38, 3.55
 - collective licensing 3.10
 - compulsory licence 3.14
 - exclusive license 3.11
 - literary, dramatic, musical and artistic works 3.12, 3.35, 3.37, 3.40, 3.42, 3.46, 3.55
 - performers' rights 3.13
 - sound recordings 3.12, 3.35, 3.37, 3.38, 3.46
 - trade secret protection and confidentiality 3.15–16
 - translation and adaptation rights 3.12
 - voluntary licensing 3.14, 3.157–62
- India, individual licensing 3.57–66
 - assignment/licence distinction 3.63–6
 - broadcast of literary, musical works and sound recording 3.60
 - compulsory license application 3.58–9
 - entitlement, validity and legal nature of 3.57–62
 - film and non-film music royalties 3.66
 - non-exclusive licence application 3.61, 3.192
 - reproductions 3.61
 - statutory license application 3.60
 - transfer of future works, equitable licensing of rights 3.62

- translation of literary or dramatic works
3.61
- India, ownership determination 3.22–9
author resident of foreign country,
bilateral agreement considerations
3.23
author/first owner distinction 3.26
bespoke licences 3.164–70
bundle of rights 3.24
creation rule 3.24, 3.26
failure to register a work and lack of legal
consequences 3.23
joint authorship 3.27–8
- India, remedies 3.150–56
administrative 3.156
'Anton Piller' orders 3.152
architectural works 3.154
civil 3.151–4
criminal 3.155
groundless threats 3.154
interim injunctions 3.152
Mareva injunctions 3.152
monetary 3.153
Norwich Pharmacal orders 3.152
protection of separate rights 3.154
Quia timet actions 3.152
remedial rights against persons possessing
infringing copies 3.154
- individual licensing
European Union *see* European Union,
individual licensing
India *see* India, individual licensing
Russia *see* Russia, individual licensing
Singapore *see* Singapore, individual
licensing
South Africa *see* South Africa, individual
licensing
US *see* US, licensing, individual licences
see also licensing contracts
- inherited right, Russia 5.77, 5.232
- injunctive relief
China 1.162
European Union 2.173, 2.190
India 3.152
Russia 5.170
Singapore 6.119
US 8.69, 8.85
- international agreements, influence of
China 1.08–15
European Union 2.12
India 3.48–9, 3.50–51, 3.107–16
Mexico 4.47
Russia 5.71–2, 5.95–100, 5.241
Singapore 6.33–6
South Africa 7.28–9
- internet *see* online access
- investment barriers, China 1.52–7
- Ireland 2.55–6, 2.65, 2.66
- Janssens, M-C 2.47
- joint ownership
China 1.70–72, 1.123, 1.135
India 3.27–8
Mexico 4.63–4, 4.68
Russia 5.35
Singapore 6.20, 6.101–2
US 8.08–9
- joint ventures
China 1.53, 1.54, 1.58, 1.59, 1.60
European Union 2.163
India 3.93–5
- Kabel, J 2.90
- Kalra, B 3.01–192
- Katzenberger, P 2.78, 2.110
- Lall, A 6.35
- legal entities, ownership determination,
China 1.66
- Leong, S 6.07, 6.37
- Li, M 1.74, 1.77
- Li, T 1.141, 1.162
- Li, X 1.126
- liability exemption and liquidated damages,
China 1.108–10
- libraries and archives
European Union 2.47, 2.68, 2.70
US 8.29
- licensing contracts
China *see* China, contracts, licensing
European Union *see* European Union,
contracts, licensing contract
India *see* India, contracts, licensing as
contract

- licence and assignment distinction 2.74–6,
 3.63–6
 Mexico 4.78–80
 Russia *see* Russia, licensing as contract
 Singapore 6.07–11
 South Africa 7.06–8, 7.66–72
 US *see* US, licensing
see also collective licensing; individual
 licensing; non-exclusive licence,
 sub-licensing; voluntary licensing
- Lindner, B 2.01–119
- literary works
 China 1.82, 1.93, 1.119
 European Union 2.23, 2.150, 2.151
 India 3.12, 3.35, 3.37, 3.40, 3.42, 3.46,
 3.55, 3.60
 Mexico 4.17, 4.53, 4.54, 4.56
 South Africa 7.17, 7.18, 7.30, 7.33
 see also publication rights
- Lucas, A 2.29, 2.73, 2.93, 2.103, 2.109
- Lukyanov, R 5.01–255
- Luxembourg 2.22, 2.114
- McEwin, R 6.35
- Mareva' injunctions, India 3.152
- market access and foreign right owners *see*
 China, market access and foreign right
 owners
- market dominance *see* dominant position
 abuse
- merger control
 European Union 2.07, 2.122, 2.163
 India 3.94–5, 3.131–3
- Mexico 4.01–93
 anonymous works 4.69, 4.70
 assignment 4.81
 audio-visual works 4.62
 and author's nationality 4.51–2
 bundling of rights 4.53, 4.67
 co-authorship and collective work,
 distinction between 4.64
 competition 4.88–93
 international treaties 4.47
 joint ownership 4.63–4, 4.68
 legal choices 4.82–3
 licence agreement 4.78–80
 literary works 4.17, 4.53, 4.54, 4.56
 monopolistic practice 4.89–91
 moral rights 4.53, 4.65, 4.69–70
 non-exclusive licence 4.15, 4.74, 4.76
 ownership 4.56–70
 royalties 4.84
 taxation 4.84–7
 transfer 4.71–81
 work for hire rules 4.57–61
 works not subject of copyright protection
 4.55
- Mexico, contracts 4.01–33
 artistic and literary works 4.17
 exclusive licenses 4.15
 formation 4.03–7, 4.36–41
 future works 4.14, 4.43
 'human rights amendment' 4.22–4
 and international treaties 4.20
 interpretation 4.27–30
 law and forum selection 4.31–3
 'no formality principle' 4.24
 patrimonial rights 4.16, 4.39, 4.53,
 4.65–8, 4.71, 4.73–81
 Public Registry Institution record 4.10,
 4.12, 4.18, 4.42
 special requirements 4.34–43
 third parties, full effects against 4.18–19
 transmission term 4.13
 void and voidable contracts (contract
 nullity theory) 4.25
 written 4.37
- Michaux, B 2.48
- Misra, T 3.01–192
- mixed contracts
 Russia 5.108–14
 Singapore 6.38–45
 South Africa 7.34–9
- mobile phones
 dominance abuse prohibition, European
 Union 3.129
 sector patents, India 3.128
- monopolies
 China *see* China, anti-monopoly law and
 licensing
 European Union 2.151, 2.178–9, 2.188
 Mexico 4.89–91
 Russia 5.151–5
 Singapore 6.83, 6.125

- US 3.112, 8.84
see also dominant position abuse
- moral rights
 China 1.16, 1.21, 1.48, 1.84, 1.101, 1.126
 European Union 2.89–95, 2.126
 India 3.33, 3.52–6, 3.175
 Mexico 4.53, 4.65, 4.69–70
 Russia 5.51–5, 5.101–7, 5.176–9
 Singapore 6.37
 South Africa 7.30–33
 US 8.25, 8.33–5
- music industry
 China 1.117–18
 European Union 2.14, 2.97
 India 3.12, 3.35, 3.37, 3.40, 3.42, 3.46,
 3.55, 3.60, 3.66
 Russia 5.09, 5.83, 5.125–6
 US 8.29, 8.74, 8.96–114, 8.99–101
see also performance rights; publication
 rights; sound recordings
- Netherlands 2.26, 2.29, 2.31, 2.65, 2.107
- newspaper publication
 China 1.58, 1.131, 1.136
 Singapore 6.70–71
 South Africa 7.73–9
- Ng, E 6.35, 6.36
- non-delivery of work and termination
 procedures, European Union 2.36
- non-exclusive licence
 European Union 2.27, 2.69, 2.79, 2.82,
 2.138
 India 3.61, 3.192
 Mexico 4.15, 4.74, 4.76
 Russia 5.14, 5.25, 5.92, 5.121, 5.124,
 5.210, 5.220, 5.221, 5.223
 Singapore 6.08, 6.10, 6.47
 South Africa 7.07
 US 8.51, 8.65, 8.102
see also licensing contracts
- Nordemann, J 2.120–91
- Norwich Pharmacal orders, India 3.152
- nullity theory, void and voidable contracts,
 Mexico 4.25
- official documents *see* government works
- on-demand services, European Union 2.43,
 2.48
- online access
 China 1.53, 1.56, 1.59
 European Union 2.39, 2.97, 2.145
 India 3.127
 Russia 5.56–7, 5.83, 5.155
 Singapore 6.121
 US 8.84
see also computer programs; databases;
 software licences; technology
- open licences
 Russia 5.124–30
 US 8.45
- oral agreements
 India 3.02
 US 8.41–2
see also written agreements
- orphan works, European Union 2.14,
 2.68–70
- ownership determination
 China 1.65–9
 European Union *see* European Union,
 ownership determination
 India *see* India, ownership determination
 Mexico 4.56–70
 Russia *see* Russia, ownership
 determination
 Singapore 6.17–21
 South Africa *see* South Africa, ownership
 determination
 US, licensing 8.02–14
see also authorship determination and
 rights; collective works; paternity
 rights; transfer of ownership
- parody and caricature, Russia 5.86
- paternity rights
 India 3.52, 3.54, 3.55
 Mexico 4.16, 4.39, 4.53, 4.65–8, 4.71,
 4.73–81
 South Africa 7.31
see also ownership determination
- Patry, W 8.31
- Pattloch, T 1.01–164
- Peeler, C 4.69

- performance rights
 China 1.26, 1.138
 European Union 2.28, 2.30–31, 2.34, 2.35, 2.92
 India 3.13, 3.53
 Russia 5.73, 5.76
 Singapore 6.101–2
 US 8.24, 8.28, 8.29, 8.97–101
see also music industry
- personality rights, European Union 2.35, 2.92
- Peyton, D 4.01
- pharmaceutical products, European Union 2.178, 2.186
- photographs, Russia 5.09, 5.51–2
- plagiarism, Russia 5.36, 5.194
see also copying
- Portugal 2.48, 2.95
- posthumous publication, European Union 2.95
- pricing agreements
 European Union 2.158–60
 India 3.111–12, 3.114, 3.118–19, 3.120
 Singapore 6.89
 South Africa 7.117–18
see also resale of work
- private life protection, Russia 5.54–5
- production or distribution of goods
 improvement, European Union 2.169, 2.171
- proportionality of licences between two companies, European Union 2.143
- pseudonym works *see* anonymous and pseudonymous works
- public domain, Russia 5.30, 5.77–8, 5.108
- public undertakings, India 3.149, 3.169
- publication rights
 China 1.18, 1.24, 1.25, 1.58–9, 1.82, 1.93, 1.133–5
 Russia 5.28, 5.224
 Singapore 6.19
see also literary works; music industry
- Qu, L. 1.82
- Quaedvlieg, A 2.29, 2.90
- quantitative restrictions in licensing agreements, European Union 2.154
- Quia timet actions, India 3.152
- ‘quick peek’ approach, South Africa 7.58, 7.86, 7.88, 7.89
- Rab, S 3.01–192
- radio broadcasts
 China 1.29, 1.30
 South Africa 7.62–5
 US 8.113
see also broadcasting rights
- Rahmatian, A 2.75
- refusal to license
 China 1.151, 1.163
 India 3.125–6
 Singapore 6.114
 South Africa 7.82–3
- Reinbothe, J 2.43
- remedies
 European Union 2.81
 India *see* India, remedies
 Russia *see* Russia, individual licensing, remedies
 Singapore *see* Singapore, remedies
 South Africa 7.102–4
 US *see* US, licensing, termination, remedies, and dispute resolution
- rental and lending rights, European Union 2.28, 2.30, 2.55, 2.60, 2.61, 2.71, 2.135
- reproductions
 European Union 2.28, 2.143–4
 India 3.61, 3.148
 Russia 5.88
see also copying of works
- reputation, business reputation, Russia 5.53
- resale of work
 China 1.158
 India 3.174
 Russia 5.232–3
see also pricing agreements
- ‘restored’ works, US 8.13–14
- Ricketson, S 2.91, 2.92
- right to sue
 China 1.123–7
 India 3.176
- Risely, A 6.01–143
- royalties
 China 1.38, 1.95–6, 1.162

- European Union 2.159, 2.190
 India 3.04, 3.29, 3.31, 3.66, 3.111–12,
 3.114, 3.172, 3.174
 Mexico 4.84
 Russia 5.67, 5.250
 Singapore 6.117–18
 South Africa 7.44, 7.69, 7.85, 7.87, 7.90,
 7.101, 7.106–7
 US 8.47, 8.53–4, 8.62, 8.68, 8.74, 8.76
- Russia 5.01–255
 anonymous works 5.102, 5.106
 collecting agencies 5.151–5, 5.200–214
 collective licensing 5.198–214
 compensatory remunerations to foreign
 rightholders 5.214
 good faith principle 5.15, 5.26, 5.47
 moral rights 5.51–5, 5.101–7, 5.176–9
 non-exclusive licence 5.14, 5.25, 5.92,
 5.121, 5.124, 5.210, 5.220, 5.221,
 5.223
 royalties 5.67, 5.250
 taxation 5.248–55
 voluntary licensing 5.198–214
- Russia, bespoke licences 5.215–37
 alienation of original copy or original
 work 5.225–8
 architectural works 5.231, 5.234
 author's right to access 5.230–31
 person depicted in work of visual art or
 photograph 5.229
 publisher's licence agreement 5.224
 resale of work and *droit de suite* 5.232–3
 works by employees 5.216–23
 works included in complex objects
 5.235–7
- Russia, contracts 5.01–22
 assignment agreement requirements
 5.10–14
 audio-visual work 5.08, 5.12–13
 computer programs or databases,
 non-exclusive licence agreements
 5.14
 confidential information received by
 parties during negotiations 5.16
 electronic correspondence 5.17, 5.19
 intellectual property contracts 5.01–5
 licence agreement requirements 5.06–9
 music catalogues 5.09
 photographs or cartoon characters 5.09
 sound recording 5.07
- Russia, individual licensing 5.108–97
 assignment as alternative to licensing
 5.131
 assignment of exclusive right to third
 party 5.160
 business customs regulation 5.111
 civil rights protection 5.112–14
 compulsory licensing 5.115
 duration, renewal, termination and
 insolvency laws 5.156–67
 free use, rightholder's statement on
 permission to use IP objects
 5.116–23
 freedom of agreement 5.108, 5.112
 mixed contracts 5.108–14
 open license for works of
 science/literature/art 5.124–30
 open license for works of
 science/literature/art, music remixes
 5.125–6
 transfer of rights 5.159, 5.159–60
 validity and legal nature of entitlement
 5.115–30
- Russia, individual licensing, and competition
 law 5.132–55
 advertising and trademarks 5.155, 5.186–8
 antimonopoly legislation 5.151–5
 applicable law 5.148–50
 dominant position abuse 5.155
 internet browsers 5.155
 legislation regulating 5.144–7
 State body controlling 5.135–43, 5.147
- Russia, individual licensing, remedies
 5.168–97
 administrative 5.192–3
 civil 5.168–91
 counterfeit objects 5.191, 5.194
 information–telecommunication networks
 5.190
 injunctive measures 5.170
 Intellectual Property Court 5.195–7
 liability of informational intermediaries
 5.174
 liquidation after repeated violations 5.173

- moral rights protection 5.176–9
- protection of copyrights and related (master/neighbouring) rights 5.180–88
- security for a claim 5.189–97
- technical 5.180–84
- unfair competition act 5.172
- Russia, legal choices and dispute resolution 5.238–47
 - applicable law 5.241
 - arbitration clause 5.244–7
 - assignment (alienation) agreements 5.241
 - foreign country law 5.241
 - licence agreements 5.241
 - services agreements and contractor's agreements 5.241
 - trade definitions/terms accepted in international transactions 5.241
- Russia, licensing as contract 5.23–62
 - agency agreement 5.24
 - and business reputation 5.53
 - confidentiality and trade secrets 5.41–50
 - copyright protection cover 5.31–3
 - electronic signatures 5.58–61
 - ethical issues 5.51–5
 - exclusive rights 5.25–35
 - information and data protection 5.37–50
 - intellectual rights to IP objects 5.30, 5.34–5, 5.39
 - joint agreements 5.35
 - photographs and audio-visual works, ethical issues 5.51–2
 - plagiarism 5.36, 5.194
 - private life protection 5.54–5
 - publishing licence agreement 5.28
 - sub-licence agreements 5.29
 - technology and contract inter-relation 5.56–62
 - termination of the agreement and failure to pay remuneration 5.27–8
 - unpublished works 5.40
 - websites/apps and user agreements 5.56–7
- Russia, ownership determination 5.63–107
 - age of rightholders 5.67
 - audio-visual works 5.73, 5.89
 - broadcasting and cable transmissions 5.75
 - citizenship of rightholders 5.68
 - customary practices 5.99–100
 - databases 5.75
 - distribution of a master or copies of a legally published work 5.82–5
 - drafts of official documents/symbols/signs, special copyright regime 5.80–81
 - exceptions and contract, interrelation between 5.80–89
 - exclusive right to works 5.69–72
 - foreign work 5.72
 - free use of a work for informational, scientific, educational or cultural purposes without payment of remuneration 5.86–9
 - inherited right 5.77, 5.232
 - international agreements 5.71–2, 5.95–7
 - international customs and 'narrative soft laws' applicable to licensing contracts 5.98–100
 - moral rights 5.101–7
 - online music sales and digital copies 5.83
 - parody and caricature based on original work 5.86
 - performers 5.73, 5.76
 - phonograms 5.74, 5.76
 - public domain 5.30, 5.77–8, 5.108
 - reproductions 5.88
 - transfers 5.79
 - unpublished works 5.75
 - use of IP objects without author's consent and/or payment of remuneration 5.82–9
 - works by employees 5.90–94
- safe harbour rule
 - China 1.161
 - Singapore 6.27
- sanctions
 - European Union 2.189–91
 - India 3.134–42
- Scandinavia 2.93
- security interests, US 8.49, 8.56–8
- Seignette, J 2.66
- self-assessment principle, European Union 2.168, 3.96
- Shapiro, T 2.44, 2.99
- Singapore 6.01–143

- adaptation rights 6.09, 6.37
 arbitration 6.134
 assignment of future copyright 6.21
 authorship determination and rights 6.17,
 6.20–21, 6.26, 6.29, 6.37, 6.41
 cinematograph film and sound recording
 publication 6.19
 copying of published or unpublished
 works for archival purposes 6.22
 duration, renewal, termination and
 insolvency laws 6.116
 exceptions and contract inter-relation
 6.22–7
 fair dealing defence 6.25–6
 harmonization of IP laws 6.35–6
 international conventions/economic
 blocks/free trade agreements 6.33–6
 joint authorship 6.20
 legal and dispute resolution choices
 6.128–35
 monopolies 6.83, 6.125
 moral rights 6.37
 ownership requirements 6.17–21
 publication of works and editions of a
 work 6.19
 reproduction of artistic works for
 television and audio broadcast 6.23
 ‘safe harbour’ provisions and network
 service providers 6.27
 taxation 6.136–41
 temporary copies of work 6.22
 transitional (temporal) provisions 6.30–32
 works by employees 6.20, 6.28–9
 Singapore, collective licensing 6.123–7
 collective management organisations
 (CMOs) 6.124
 copying and communicating of works
 6.126
 ‘licence scheme’ 6.123
 mandatory licences 6.125
 statutory licences 6.126–7
 Singapore, competition law 6.56–115
 dominant position abuse 6.73, 6.103–15
 infringement of prohibitions 6.61–5
 IPR Guidelines 6.81–5, 6.104, 6.111–12,
 6.114
 legislative and administrative framework
 6.56–65
 market power determination 6.83
 media exclusions 6.69–71, 6.74–6,
 6.79–80, 6.89, 6.94, 6.97, 6.99,
 6.106–8, 6.110, 6.115
 newspaper publication 6.70–71
 sectoral exclusions 6.69–80
 technology transfer and innovation 6.81
 telecoms regulation and non-competitive
 exclusivity clause 6.77
 vertical agreements exclusion 6.66–8
 Singapore, competition law, restrictive
 agreements 6.86–102
 economic benefit assessment 6.96
 IPR Guidelines 6.90–97, 6.99
 performance rights under joint licences,
 pro-competitive effects 6.101–2
 ‘pooling’ of complementary IPRs, possible
 pro-competitive effects 6.100–102
 price fixing and bid rigging 6.89
 UK and EU comparison 6.88, 6.112
 Singapore, contracts 6.01–16
 assignment 6.08
 automated message systems 6.16
 e-commerce 6.12
 electronic records and communication
 6.13–14
 electronic signatures 6.15
 exclusive licence 6.07–9, 6.10, 6.46, 6.48,
 6.51
 licensing as contract 6.07–11
 non-exclusive licence 6.08, 6.10, 6.47
 original works 6.09
 rights protected in works under Copyright
 Act 6.10
 ‘subject-matter other than works’ 6.09,
 6.10
 technology and contract inter-relation
 6.12–16
 writing and signature requirements
 6.05–6, 6.46
 Singapore, individual licensing 6.38–55
 assignment as alternative to licensing
 6.49–55
 ‘click wrap’ sub-licence 6.42
 collaboration agreements 6.40–41

- electronic access agreements 6.44
- and mixed contract 6.38–45
- software distribution contracts and source codes 6.42–3
- technology changes, dealing with 6.45
- transfer of ownership 6.50
- validity and legal nature of entitlement 6.46–8
- Singapore, remedies 6.27, 6.48, 6.51, 6.117–22
 - administrative actions 6.120
 - Anton Piller Orders 6.119
 - breach of copyright licence 6.119
 - civil action of copyright infringement 6.119
 - criminal offences 6.122
 - interlocutory injunctions 6.119
 - non-payment of royalties 6.117–18
 - online infringements 6.121
- Sirinelli, P 2.103, 2.107
- software licences
 - China 1.146
 - European Union 2.85–6, 2.178
 - India 3.190
 - Singapore 6.42–3
 - US 8.62
 - see also* computer programs; databases; online access
- Solorio Nocetti, D 4.01–93
- Song, H 1.12, 1.16, 1.19, 1.69
- sound recordings
 - India 3.12, 3.35, 3.37, 3.38, 3.46, 3.60, 3.149
 - Russia 5.07
 - US 8.02, 8.29, 8.30, 8.94–5
 - see also* audio-visual works; broadcasting rights; music industry
- South Africa 7.01–118
 - arbitration 7.114
 - authorship determination and rights 7.16–21, 7.26, 7.31–3
 - bespoke licences 7.109
 - blanket license 7.107
 - breach of contract 7.104
 - duration, renewal, termination and insolvency laws 7.93–101
 - electronic transactions 7.112
 - freedom to contract 7.108
 - implied contracts 7.03, 7.07
 - legal and dispute resolution choices 7.110–14
 - remedies 7.102–4
 - royalties 7.44, 7.69, 7.85, 7.87, 7.90, 7.101, 7.106–7
 - taxation 7.115–18
 - voluntary licensing 7.105–6
- South Africa, competition law 7.50–92
 - appeal courts 7.55
 - collecting societies 7.84–90, 7.106
 - complaint submissions 7.53
 - contraventions of Competition Act 7.91–2
 - distribution 7.73–9
 - dominance abuse 7.56, 7.80–83, 7.90
 - intellectual property rights 7.52, 7.59
 - licensing 7.66–72
 - market definition 7.61–5
 - market power 7.81
 - newspaper printing and distribution 7.73–9
 - ‘quick peek’ approach 7.58, 7.86, 7.88, 7.89
 - radio stations and market definition 7.62–5
 - refusal to licence and essential facilities doctrine 7.82–3
 - tariff setting 7.29, 7.89, 7.106
 - tying and bundling 7.70–72
- South Africa, contracts 7.01–15
 - electronic communications and transactions 7.10–13
 - electronic signatures 7.14–15
 - exclusive licence 7.08
 - implied contract 7.03
 - licensing as contract 7.06–8
 - non-exclusive licence 7.07
 - technology and contract inter-relation 7.09–15
 - written agreements 7.03–4
- South Africa, individual licensing 7.34–49
 - assignment as alternative to licensing 7.44–9
 - essentials 7.35, 7.36
 - future works rights 7.48
 - implied terms 7.38

- and mixed contracts 7.34–9
sub-licensing arrangement 7.44
transfer of ownership 7.45–7
validity and legal nature of entitlement
7.40–43, 7.49
‘whole agreement’ clause 7.42
written validation 7.49
- South Africa, ownership determination
7.16–33
commissioning works 7.18
exceptions and contract inter-relations
7.18–20
international conventions/economic
blocks/free trade agreements 7.28–9
literary works 7.17, 7.18, 7.30, 7.33
modification of work 7.32
moral rights 7.30–33
paternity right 7.31
State directed work 7.18
subsistence of copyright 7.20
transfer of copyright 7.33
transitional (temporal) provisions 7.25–7
works by employees 7.18, 7.21–4
- Spain 2.31
‘spark of creativity’ threshold, US 8.02
- Spindler, G 2.42
- sports rights, European Union 2.164
- stamp duty, India 3.05
- standardization agreements, European Union
2.190
- state involvement *see* government
involvement
- Strong, W 8.01–114
- sub-licensing
China 1.41
European Union 2.152
Russia 5.29
Singapore 6.42
South Africa 7.44
US 8.55
see also licensing contracts
- subsidiarity principle, European Union 2.04,
2.06
- substitutability, art works, European Union
2.177
see also copying of works
- Suchy, D 1.80, 1.82, 1.83, 1.119, 1.126,
1.129
- Sysoeva, K 5.01–255
- tariffs
China 1.120
South Africa 7.29, 7.89, 7.106
- taxation
India 3.187–92
Mexico 4.84–7
Russia 5.248–55
Singapore 6.136–41
South Africa 7.115–18
US 8.76
- technology
European Union 2.153
Singapore 6.45
US 8.35
see also online access
- technology and contract inter-relation
European Union 2.39–44
India 3.17–21
Russia 5.56–62
Singapore 6.12–16
South Africa 7.09–15
- technology transfer
European Union 2.133–5, 2.141, 2.143,
2.150, 2.154–6, 2.159, 2.167
Mexico 4.84
Singapore 6.81
- telecoms regulation, Singapore 6.77
- television broadcasts
China 1.29, 1.30
European Union 2.178, 2.185
US 8.107–12
see also broadcasting rights
- temporary copies of work, Singapore 6.22
- termination of contract
China 1.115–16
European Union 2.33–6
Russia 5.27–8
US *see* US, licensing, termination,
remedies, and dispute resolution
see also duration, renewal, termination and
insolvency laws
- territorial restrictions
European Union 2.24, 2.142, 2.145

- India 3.89–92
- US 8.20–22
- third party involvement
 - China 1.44–5, 1.82, 1.97
 - European Union 2.155–7
 - Mexico 4.18–19
 - Russia 5.11, 5.160
- Tian, X 1.80, 1.83
- Torremans, P 2.104, 2.107, 2.108, 6.39
- trade secret protection
 - India 3.15–16
 - US 8.37–40
 - see also* confidentiality
- trademarks
 - Russia 5.155, 5.186–8
 - US 8.63
- Trampuž, M 2.85, 2.99
- transfer of future works *see* future works rights
- transfer of ownership
 - China 1.46–9, 1.84
 - European Union 2.60, 2.61, 2.80
 - India 3.162
 - Mexico 4.71–81
 - Russia 5.79, 5.159, 5.159–60
 - Singapore 6.50
 - South Africa 7.33, 7.45–7
 - US 8.04
 - see also* ownership determination
- transitional provisions
 - India 3.43–7
 - Singapore 6.30–32
 - South Africa 7.25–7
- translation rights
 - China 1.94, 1.137
 - India 3.12, 3.61, 3.148
- Tsuru, K 4.01–93
- tying provisions
 - China 1.152–3
 - India 3.123–4
 - Singapore 6.114
 - South Africa 7.70–72
 - see also* bundling of rights
- UK 2.01, 2.48, 2.55, 2.65, 2.66, 2.69, 2.81, 8.31
- unpublished works
 - European Union 2.95
 - Russia 5.40, 5.75
 - US 8.01–114
 - US, antitrust law 8.77–114
 - copyright law and antitrust law intersection 8.86–95
 - digital sound recording immunity 8.94–5
 - dual system of public and private enforcement 8.82–5
 - government guidance to courts in copyright cases 8.84
 - injunctive relief claim 8.85
 - limited shields from potential antitrust liability 8.88–95
 - market power abuse 8.101, 8.102
 - movie-theaters 8.103–6
 - music industry 8.96–114
 - music industry, performing rights organizations (PRO)-based licensing scheme 8.99–101
 - Noerr-Pennington immunity 8.89–93
 - non-exclusive licence grants 8.102
 - online monopolies 8.84
 - public performance rights 8.97–8, 8.100
 - radio 8.113
 - regulatory enforcement and judicial treatment of select licensing practices 8.102–13
 - rights holders and rights users 8.97–8
 - television 8.107–12
 - US, licensing 8.01–76
 - anonymous and pseudonymous works 8.11
 - authorship determination and rights 8.03–4, 8.08–11
 - bankruptcy considerations 8.59–66
 - breach of contract 8.64
 - bundle of rights and medium of exploitation 8.23–8
 - cable and satellite broadcasting 8.30
 - ‘click on’ licences 8.45
 - collective licensing 8.74–5
 - collective works 8.04
 - compulsory licensing 8.30
 - contract as a surrogate for copyright 8.36–40

- creative individual acting on behalf of
 hiring party 8.04–7, 8.10, 8.11
- derivative works 8.26
- digital licence and territorial scope 8.21
- distribution right 8.27–8
- dual system of federal and state law 8.43
- duration 8.11, 8.19
- e-commerce 8.36
- exclusions 8.03
- fair use imitation as equitable doctrine
 8.31–2
- federal copyright protection
 pre-1978 8.12–13
- franchising 8.47
- freedom of contract 8.47
- good faith and fair dealing expectation
 8.50
- government works 8.03
- implied contracts binding on licensees
 8.45
- international transactions 8.10
- joint authorship 8.08–9
- libraries and archives 8.29
- licence creation 8.41–50
- moral rights 8.25, 8.33–5
- music, non-dramatic musical works 8.29
- national security and technology export
 prohibition 8.49
- non-disclosure agreement (NDA) and
 trade secrets 8.40
- non-exclusive licence 8.65
- non-US work published abroad
 pre-1978 8.13
- open access licences 8.45
- oral agreements 8.41–2
- ownership determination 8.02–14
- performance or display 8.24, 8.28, 8.29
- recordation and security interests 8.56–8
- registration and notice 8.15–18, 8.38
- remedies 8.38
- ‘restored’ works 8.13–14
- royalties 8.47, 8.53–4, 8.62, 8.68, 8.74,
 8.76
- software and source code escrow
 agreement 8.62
- sound recordings 8.02, 8.29, 8.30
- ‘spark of creativity’ threshold 8.02
- ‘statutory damages’, discretionary nature of
 8.15
- taxation 8.76
- technology trafficking prohibition and
 digital rights management (DRM)
 8.35
- territorial scope 8.20–22
- trade secret rights 8.37–40
 and trademarks 8.63
- transfers 8.04
- written agreements 8.05
- US, licensing, individual licensing 8.51–5
 exclusive licence 8.52–4
 non-exclusive licence 8.51
 sub-licensing 8.55
 validity duration 8.54
- US, licensing, termination, remedies, and
 dispute resolution 8.66–73
 arbitration 8.73
 breach of contract 8.67–9
 federal and state statutes and legal choices
 8.70–73
 forum choice 8.71–2
 injunctive relief 8.69
 payment of attorneys’ fees 8.69
 special or consequential damages 8.68
 ‘specific performance’ requirement 8.69
- validity of licence
 China 1.39–40
 Russia 5.115–30
 Singapore 6.46–8
 South Africa 7.40–43, 7.49
 US 8.54
- variable interest entities (VIE), China 1.63
- Veiksa, I 2.99
- Visser, D 2.29
- voluntary licensing
 European Union 2.70, 2.113
 India 3.14, 3.157–62
 Russia 5.198–214
 South Africa 7.105–6
see also licensing contracts
- Von Lewinski, S 2.04, 2.13, 2.47
- Walter, M 2.47
- Wei, G 6.08, 6.41, 6.43
- works by employees

- China 1.73–6, 1.77–8
- European Union 2.64–6
- India 3.41–2, 3.166
- Russia 5.90–94, 5.216–23
- Singapore 6.20, 6.28–9
- South Africa 7.18, 7.21–4
- works included in complex objects, Russia
 - 5.235–7
- written agreements
 - India 3.03
 - Mexico 4.37
 - Singapore 6.05–6, 6.46
 - South Africa 7.49
 - US, licensing 8.05
- see also* oral agreements
- Wu, H 1.37, 1.83, 1.84, 1.88, 1.89, 1.90, 1.95, 1.96, 1.101, 1.135, 1.137, 1.138
- Xu, C 1.117, 1.119
- Zhang, C 1.18, 1.19, 1.20
- Zhang, X 1.100
- Zhang, Y 1.33, 1.37, 1.43, 1.49, 1.95, 1.97, 1.106, 1.116
- Zhao, Q 1.82
- Zhou, C 1.14
- Zhou, P 1.16, 1.36, 1.46, 1.49, 1.55