

Extraterritorial Application Approach and Applicable Law Approach to Copyright Law (Summary)

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There are two approaches in the case international dispute about Copyright Infringement. They are Extraterritorial Application Approach and Applicable Law Approach. In the case of Extraterritorial Application Approach the law of home country will be applied to the international dispute. In the case of Applicable Law Approach the law which is actually used is determined based on Private International Law.

In the courts of the United States Extraterritorial Application of Intellectual Property Law has actually been done. But, recently the Applicable Law Approach has also been used in the courts of the United States. In this paper, the relationship between Extraterritorial Application Approach and Applicable Law Approach will be examined focusing on Copyright Infringement.

In chapter 1, the Extraterritorial Application of Copyright Law in the United States will be analyzed considering the relevant theory and precedent. With respect to Extraterritorial Application of copyright, *Subafilms Ltd. v. MGM – Pathe Communications Co.* 24 F. 3d 1088 (1994). will be intensively examined. The present state of the theory will be studied analyzing *Curb v. MCA*, 898 F. Supp. 586 (M. D. Tenn. 1995). In the current situation the theory and court have different results.

In chapter 2, Applicable Law Approach to Copyright Infringement will be examined. Legislative proposal by Private International law with respect to Intellectual Property Right of American Law Institute will be analyzed. European Legislative proposal will be compared with that of American Legislative proposal. From this analysis, it is derived that same results can be obtained in some cases regardless of two approaches.

In chapter 3, precedent, theory and Legislative proposal will be examined considering Copyright Infringement in Japan. Discussing Supreme Court Decision with respect to patent infringement, the trend of decision concerning the copyright will be explored.

In chapter 4, the relationship between Extraterritorial Application Approach and Applicable Law Approach will be explored. In the last part of this paper, the way for solving Copyright Infringement the problem will be examined.