

CONTENTS

PREFACE	v
ABBREVIATIONS	vii
<i>Chapter One - INTRODUCTORY REMARKS</i>	1
Copyright	1
Rationale of copyright	4
Copyright law in Sri Lanka	5
Elements of copyright	9
Elements of related rights	11
International dimension	12
Sources of the Sri Lanka Law	24
Scope of application	25
Retrospective effect	27
<i>Chapter Two - PROTECTED WORKS</i>	28
Relevant norms	29
Originality	29
Expression of idea	37
Mode or form of expression	38
Content, quality and purpose	38
Formalities	39
Fixation	39
Publication	40
Assessment of the whole work	41
Listed works	41
Derivative works	51
Works not protected	53

<i>Chapter Three - PROTECTED RIGHTS</i>	54
Economic rights	54
Moral rights	69
Duration of Copyright	70
Ownership of copyright	72
Presumption of authorship	74
Assignments, transfers and licences	74
Restriction of rights	76
Fair use	76
<i>Chapter Four - RELATED RIGHTS</i>	91
Rights of performers	91
Rights of producers of sound recordings	94
Right to equitable remuneration	96
Rights of broadcasting organizations	97
Limitation of related rights	98
<i>Chapter Five - EXPRESSIONS OF FOLKLORE</i>	99
Expressions of folklore	99
Need of Protection	100
Protection under the existing Intellectual Property Regime ...	100
Preservation and Conservation	106
Collection and Documentation	106
UNESCO/WIPO Model Provisions	107
Protection under the Act	108
<i>Chapter Six - ENFORCEMENT OF RIGHTS - I</i>	
INFRINGEMENT	112
Infringement of copyright	112
Statutory definition	113
Liability	113
Some important principles	113
Exceptions	127
Limitation of time	129
Infringement of related rights	129
Measures, remedies and sanctions against abuse in respect of technical means	132

Chapter Seven - ENFORCEMENT OF RIGHTS - II	
CIVIL LITIGATION	
Statutory provisions	135
Infringement	136
Scope of infringement	136
Infringement is a continuing act	136
Some important areas	137
Anton pillar order	147
Chapter Eight - ENFORCEMENT OF RIGHTS - III	
CRIMINAL SANCTIONS	
Offences	150
Jurisdiction	153
Infringement is a continuing act	153
Two ways	153
Complainant	154
Accused	154
Provisions relating to evidence and procedure	154
Miscellaneous matters	156
Search, seizure and disposal of counterfeit goods	157
Territorial limits	159
Immunity of officials	159
Chaper Nine - ENFORCEMENT OF RIGHTS - IV	
CUSTOMS CONTROL	
Prohibition	160
Disposal of goods	161
Special provisions relating to suspension of goods	162
Release of the goods and Section 170(4) of the Intellectual Property Act	163
Special powers of the court	164
Exception to importation	164
Regulations	164

<i>Chapter Ten - DISPUTE RESOLUTION</i>	165
Recognition	165
Competent authority	166
Subject matter	166
Applicant	166
Application	166
Processing	167
Hearing and decision	167
Relief	168
Binding effect	168
Proceedings before the Director General	168
Appeals	169
Costs	173
Certificate of the Director General to be evidence	173
Certified copies to be evidence	173
<i>Chapter Eleven - COLLECTIVE MANAGEMENT OF RIGHTS</i>	174
Individual management	174
Collective management	174
Collective control of the owners	179
Distribution of fees	180
Control by the Director General	180
Proceedings before the Director General	181
Costs	184
Certificate of the Director General to be evidence	184
Certified copies to be evidence	184

<i>Chapter Twelve - UNFAIR COMPETITION AND PROTECTED RIGHTS</i>	185
An overview	186
Statutory scope	188
General principle.....	188
Specified acts	192
Enforcement	196
Limited in time	197
 LIST OF CASES	 198
INDEX	207