**Name of the lecturer: Anett Pogácsás**

**Name of the course: JDDO328XA0 Formality and its Effect in Copyright Law**

**The aim of the program:**

It was a long journey until copyright law could provide for a real protection for authors by way of certain guarantee provisions. One of the most important provisions from this aspect is Article 5 (2) of the Berne Convention, which implies the prohibition on formalities. According to this rule on the prohibition of formalities, the enjoyment and the exercise of copyrights shall not be subject to any formality, the creation of an artwork is the only fact which generates copyrights. The strict rule on the written form of copyright contracts is a similarly important principle. In the last decade, however, we have to face certain disadvantages of these provisions, especially during the accelerated flow of the cultural and creative “products”. The aim of this course is to review these challenges by way of examining their national, European and international background and analyse the issues emerging in practice.

**Reading:**

Tattay Levente – Pogácsás Anett – Ujhelyi Dávid: Szellemi alkotások joga. Budapest, Pázmány Press, 2020. (jelenleg elektronikusan elérhető a Neptun MeetStreet-en keresztül)

Stef von Gompel: Formalities in Copyright Law. Amsterdam, Wolters Kluwer, 2011.

Pogácsás Anett: Garancia vagy akadály? A szerzői jogról való lemondás tilalmának helye egy rugalmas szerzői jogi rendszerben. Infokommunikáció és Jog, 2017/1. (<https://infojog.hu/wp-content/uploads/pdf/201768_38_45_PogacsasAnett.pdf>)

Legeza Dénes (szerk.): Szerzői jog mindenkinek. Budapest, SZTNH, 2017. (<https://www.sztnh.gov.hu/sites/default/files/szerzoi_jog_mindenkinek_web_fin.pdf>)

Jane C.Ginsburg: Berne-Forbidden Formalities and Mass Digitization. Boston University Law Review, Vol. 96, 2016, Columbia Public Law Research Paper No. 14-510. ([https://ssrn.com/abstract=2772176](https://ssrn.com/abstract%3D2772176))

Rebecca Giblin: A Future of International Copyright? Berne and the Front Door Out. In: Graeme Austin – Andrew Christie – Andrew Kenyon – Megan Richardson (eds): Across Intellectual Property: Essays in Honour of Sam Ricketson. Cambridge University Press, 2020. ([https://ssrn.com/abstract=3351460](https://ssrn.com/abstract%3D3351460))