

# Copyright law and the access to education and knowledge in the digital age

Citation for published version (APA):

Usadel, P. M. (2016). *Copyright law and the access to education and knowledge in the digital age: matching limitations and exceptions in Portugal, Brazil and Mozambique*. [Doctoral Thesis, Maastricht University]. Maastricht University. <https://doi.org/10.26481/dis.20161220pu>

## Document status and date:

Published: 01/01/2016

## DOI:

[10.26481/dis.20161220pu](https://doi.org/10.26481/dis.20161220pu)

## Document Version:

Publisher's PDF, also known as Version of record

## Please check the document version of this publication:

- A submitted manuscript is the version of the article upon submission and before peer-review. There can be important differences between the submitted version and the official published version of record. People interested in the research are advised to contact the author for the final version of the publication, or visit the DOI to the publisher's website.
- The final author version and the galley proof are versions of the publication after peer review.
- The final published version features the final layout of the paper including the volume, issue and page numbers.

[Link to publication](#)

## General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal.

If the publication is distributed under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license above, please follow below link for the End User Agreement:

[www.umlib.nl/taverne-license](http://www.umlib.nl/taverne-license)

## Take down policy

If you believe that this document breaches copyright please contact us at:

[repository@maastrichtuniversity.nl](mailto:repository@maastrichtuniversity.nl)

providing details and we will investigate your claim.

Propositions to the Dissertation  
**Copyright Law and the Access to Education and Knowledge in the Digital Age  
Matching Limitations and Exceptions in Portugal, Brazil and Mozambique**

*Philipp Maximilian Usadel*

1. Reforming international, European and national copyright legislation, in particular limitations and exceptions, is necessary in order to adequately promote access to education and knowledge in the digital age.
2. Given the rapid developments of digital technology, limitations and exceptions to copyright in the field of access to education and knowledge should be both flexible in order to adapt to new circumstances, and provide legal certainty for stakeholders at the same time.
3. In order to restore the balance of interests in copyright, and to promote access to education and knowledge adequately, it is necessary to take into account not only the protection of authors and right holders, but also the interests of users of protected works and of providers of education and knowledge, such as libraries, archives and similar institutions. Generally, fundamental human rights as well as public interest considerations should be reflected to a greater extent in copyright legislation and be explicitly included in copyright codifications on all levels.
4. Balanced copyright legislation could promote access to education and knowledge in developing as well as in least developed countries like Brazil and Mozambique. Limitations and exceptions that are favourable to educational establishments and providers of knowledge could be helpful means in the fight against illiteracy and poverty, and thereby enhance social and economic development.
5. The retention of personal communication data conflicts with the fundamental rights of privacy and informational self-determination. Not only individuals, but also and especially professionals depending on confidentiality, like physicians, lawyers or journalists must fear the infringement of their rights. National legislation introducing data retention without reason should thus be prevented.
6. In order to fight hate crimes on social media platforms more effectively service providers should be held legally responsible to a larger extent.
7. Considering the significance of the Internet in people's lives and for the realisation of fundamental rights like freedom of expression and information, as well as the protection of personal data and the principle of net neutrality, a comprehensive and legally binding Internet Bill of Rights both at the European, and international level should be established. As regards national laws, Brazil (Marco Civil da Internet) and Italy (Dichiarazione dei Diritti in Internet) have shown the way.
8. The findings of this study may serve as guidelines for educational establishments and providers of knowledge. They may also be used as a basis for further legislation in the field of copyright limitations and exceptions in favour of access to education and knowledge.
9. Água mole em pedra dura tanto bate até que fura.