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

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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.