PLEASE NOTE THE FOLLOWING

- This paper consists of a question and answer booklet with 9 pages, including the cover page. Make sure that your question and answer booklet have all the correct pages.
- 2. White your full name on your question and answer booklet.
- 3. Answer ALL the questions in the question and answer booklet.
- Show ALL workings to earn part-marks. Some space has been provided for calculations – use this space.
- 5. You may use a dark penol or blue black ink to answer the questions.
- Non-programmable calculators may be used.
- Where applicable, show ALL calculations to the NEAREST RAND.
- Write neatly and legibly.
- Use the time guideline stipulated for each question as a guide when answering each question and try NOT to deviate from it.

QUESTION 1 SHORT QUESTIONS

(4 MARKS, 5 MINUTES)

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Memorandum For Ems Quetion Paper 2014 Final Examination November

Lasantha Ariyarathna

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Streaming and Copyright Law Lasantha Ariyarathna, 2022-09-05 This book examines the challenges posed to Australian copyright law by streaming from the end user perspective It compares the Australian position with the European Union and United States to draw lessons from them regarding how they have dealt with streaming and copyright By critically examining the technological functionality of streaming and the failure of copyright enforcement against the masses it argues for strengthening end user rights The rising popularity of streaming has resulted in a revolutionary change to how digital content such as sound recordings cinematographic films and radio and television broadcasts is used on the internet Superseding the conventional method of downloading using streaming to access digital content has challenged copyright law because it is not clear whether end user acts of streaming constitute copyright infringement These prevailing grey areas between copyright and streaming often make end users feel doubtful about accessing digital content through streaming It is uncertain whether exercising the right of reproduction is appropriately suited for streaming given the ambiguities of embodiment and scope of substantial part Conversely the fair dealing defence in Australia cannot be used aptly to defend end users acts of streaming digital content because end users who use streaming to access digital content can rarely rely on the defence of fair dealing for the purposes of criticism or review news reporting parody or satire or research or study When considering a temporary copy exception end users are at risk of being held liable for infringement when using streaming to access a website that contains infringing digital content even if they lack any knowledge about the content s infringing nature Moreover the grey areas in circumventing geo blocking have made end users hesitant to access websites through streaming because it is not clear whether technological protection measures apply to geo blocking End users have a severe lack of knowledge about whether they can use circumvention methods such as virtual private networks to access streaming websites without being held liable for copyright infringement Despite the intricacies between copyright and access to digital content the recently implemented website blocking laws have emboldened copyright owners while suppressing end users access to digital content This is because the principles of proportionality and public interest have been given less attention when determining website blocking injunctions

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