

Business law assignment



**ASSIGN
BUSTER**

On the other hand if the competition is not tastes for there to be the effect of restricting competition, there must be, or potential to have a negative effect on prices, innovation, output or quality of services or the variety. 8. When there is the superiority to set prices above the competitive level and to sell products of an second-rate value or decrease its rate of innovation, this is a trade in a dominant position. This trade is independent acquiring the strength to act on its own accord of its competitors, customers, suppliers and ultimately the final consumer.

Here are some case examples * The European Commission analyzes the roadman wholesale market in Malta addressing the issue whether two access providers are enough (Malcolm, Amelia Cable) 30 May 2011 * The French Minister of Economics clears a merger in the markets of specialized TV channels with behavioral remedies (France Tlvisions-TFH) 30 June 2008 * The Finnish Government launches a programmer to promote healthy competition 24 January 2013 Task 3 1 . Property created by musicians, authors, artists, and inventors are protected by the law of Intellectual property which is broken down to Copyright, Patents and trademark law.

As the work was artwork it is protected under the intellectual reporter law. Under the Copyright, Designs and Patent Act 1988 a design means the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colors, shape, texture. The collage is a result of lines, contours, colors, shapes and texture therefore it is a design. A patent under the Patents Act 1949, 1957, 1977 is An exclusive right conferred on one who invents or discovers some process, machine etc to

make use, sell, or assign it for a certain period of time which may be extended.

The collage could not be protected under this pub-area However under the Copyright, Designs and Patent Act 1988, a copyright consists of the author of certain types of material rights to control the use or commercial exploitation of the work that he or she has created. This includes rights to authorize or prohibit the copying, issuing of copies, renting or lending, performing, showing, playing, broadcasting or adaptation of the copyright material. The copyright law protects artistic work and this emphasizes that copyright is the sub area of law that the collage is protected under as a collage is a technique of composing a work of art. . The freelancing photographer can be sued for breach as commissioned work usually belongs to the author of the work unless there is an agreement. The historian would be referred to as the first owner of copyright' under the 1988 Copyright, Designs and Patents Act because he deliberately arranged or created this collage for his party. The freelancer could be sued for breach only if the owner brings proceedings in the courts against an infringement. The historian put together this collage for his party meaning it was his expression of thought therefore it was original.

See case In University of London Press v University Tutorial Press, where Peterson J stated that: The word original does not mean that the work must be the expression of original or inventive thought. Copyright Acts are not concerned with the originality of ideas, but with the expression of thought, and, in the case of ' literary required relates to the expression of thought. But the Act does not require that the expression be in an original or novel

form, but that the work must not be copied from another work – that it should originate from the author'. 8 Also see case Supreme

Court in *Groomer v MI Records (Ire) Ltd* where Barron J stated that originality does not require the work to be unique, merely that there should have been original thought. This emphasizes the owner of the work was the historian. With that being proven it is an offence to execute any of the following acts without seeking consent of the owner: * Copy the work. * Rent, lend or issue copies of the work to the public. * Perform, broadcast or show the work in public. * Adapt the work. * The author of a work, or a director of a film may also have certain moral rights: The right to be identified as the author.

Right to object to derogatory treatment. According to my research on the law there are two types of infringements which are primary and secondary.

Primary infringement would be the freelancer doing any of the restricted acts without obtaining the license of the historian the copyright owner. Secondary infringement would be the freelancer selling on the collage or distributing infringing copies and importing infringing copies into the ILK. The historian can sue for breach in this case under primary infringement as the freelancer did not obtain the license to take the pictures, copy the work which is a restricted act.

It would turn into a criminal offence once secondary infringement is involved or taken into action by the freelancer as copy infringement under Copyright, Designs and Patents Act 1988 states making copies for the purpose of selling or hiring them to others[is a criminal offence. There are others stated such as offering for sale or hire, publicly displaying or otherwise distributing

infringing copies in the course of a business[, distributing a large enough number of copies to have a noticeable effect on the business of the copyright owner inter alia. However it has not gone so far for that to be taken into consideration.

The damages awarded if the claim is won are the historian would have the freelance's copies seized under (s. 100) additionally there may be an injunction to further events. Conclusion In this assignment I advised but also to the opportunity to look into depth on the factors involving business law. Took time to highlight where there was a breach and the remedies that suited the damages in this case. I used other cases to back my argument and specific terms plus articles that were in relation. For example where any of the conditions in subsection (2) are met.