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## Brigitte Lindner - Associate

Year of Call: 2021

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## Practice Overview

Brigitte Lindner has worked in copyright for over 30 years. She specialises in international, European and comparative copyright and related rights law and assists legal professionals around the world, including in-house lawyers, in copyright matters with a foreign element. Brigitte provides guidance on copyright policy, contracts and litigation strategies in cross-border situations, prepares legal opinions on specific copyright and related rights aspects and compiles larger studies and reports based on a comparative law approach. Her advisory work extends to aspects of human rights and private international law as they relate to copyright. Brigitte also accepts appointments as arbitrator and expert in international copyright disputes.

Dual qualified in England & Wales and in Germany, Brigitte has extensive practical experience in both civil and common law traditions which she gathered in private practice in France, Germany and the UK as well as in her former role as Legal Adviser to the International Federation of the Phonographic Industry in London. She is conversant with the law-making process at both international and EU levels and experienced in legislative drafting. Her working languages are English, French and German.

A passionate advocate of education and learning, Brigitte also provides tailor-made training and capacity-building in the field of copyright and related rights and has contributed to technical assistance projects organized by various bodies, including the UN and the EU. She has been a course tutor on the Postgraduate Diploma Course/Masters in UK, EU and US Copyright Law at King's College London since 2004 and is the author of various contributions to legal treatises and commentaries on copyright as well as joint editor of 'Copyright in the Information Society: A Guide to National Implementation of the European Directive'.

Brigitte also provides international pro bono assistance to governments and IP offices in Africa and Latin America, primarily through ADALPI, a Geneva-based association which she co-founded with like-minded professionals in 2010.

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## Areas of Expertise

### Intellectual Property

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### Human Rights

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### Private International Law

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## Publications

### Books/Book Chapters

*Lindner, B./Shapiro, T. (Eds), Copyright in the Information Society: A Guide to National Implementation of the European Directive (Edward Elgar, 2<sup>nd</sup> edition, 2019)*

*Lindner, B., 'European Union, Part A. Copyright and Contract Law Issues', in Lavizzari, C.S. and Viljoen, R. (Eds), Cross-Border Copyright Licensing, Law and Practice (Edward Elgar, 2018), 51, 55-95*

*Lindner, B., 'Viel Lärm um nichts? Urheberrechtliche Gedanken zur "Doktor Faustus"-Kontroverse' in von Olenhusen,*

A.G./Gergen, T. (Eds), *Kreativität und Charakter, Recht, Geschichte und Kultur in schöpferischen Prozessen*, Festschrift für Martin Vogel zum siebzigsten Geburtstag, (Verlag Dr. Kovač, 2017), pp. 129-147

*Lindner, B.*, 'The role of collective administration in new business models in the audiovisual sector' published in von Lewinski, S. (Ed.), *Remuneration for the use of works, Exclusivity vs. other approaches* (De Gruyter, 2017), 419-424

*Lindner, B./Shapiro, T. (Eds)*, *Copyright in the Information Society: A Guide to National Implementation of the European Directive* (Edward Elgar, 2011)

*Gaubiac, Y./Lindner, B./Adams, J.*, 'Duration of copyright', in Derclaye, E. (Ed), *Research Handbook on the Future of EU Copyright* (Edward Elgar, 2009) 148, 159-174

*Lindner, B.*, 'Alternative dispute resolution - a remedy for soothing tensions between technological measures and exceptions', in Torremans, P. (Ed), *Copyright Law, A Handbook of Contemporary Research* (Edward Elgar, 2007) 426-448

## Articles

*Breaking down national silos: Farewell to Geo-blocking in Europe?*, *Intellectual Property Magazine* 2015 (June), 19-20

*More football in pubs - European Union - Court of Justice (Grand Chamber) Football Association Premier League Ltd and Others v QC Leisure and Others (C-403/08) and Karen Murphy v Media Protection Services Ltd (C-429/08)*, [2013] Q.M.J.I.P. Vol. 3 No. 1, 43-53 (co-authored with Ted Shapiro)

*European Copyright Law, A Commentary, Edited by Michel M. Walter and Silke von Lewinski, Book Review*, [2011] I.P.Q. 108-110

*Copyright Demolished? The Implementation of the WIPO Treaties in Switzerland*, *European Intellectual Property Review* [2008] E.I.P.R. 328-331

*Demolishing Copyright: The Implementation of the WIPO Treaties in Switzerland*, *European Intellectual Property Review* [2005] E.I.P.R. 481-488

*Cross-border Copyright Protection before the Berne Convention: A brief account of Music Publishing Practices in the Early 19th Century*, published in *Autoriu Teises I Literaturos, Mokslo Ir Meno Kurinius*, Vilnius 2004, 17- 26

*Revival of Rights v. Protection of Acquired Rights - The Interpretation of Article 10(3) of the Duration Directive by the European Court of Justice in the Butterfly Case*, *European Intellectual Property Review* [2000] E.I.P.R. 133- 136.

*Switzerland: The Cradle of International Exhaustion?*, *European Intellectual Property Review* [1999] E.I.P.R. 373- 377.

*News on the Internet: Legal Implications of Union Syndicale des Journalistes Français, CFDT v. Sté Plurimédia*, *European Intellectual Property Review* [1998] E.I.P.R. 410-413

## Online publications

*Advocate General's opinion – private copying in the cloud – Case analysis for Lexis®PSL re Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte Gesellschaft mbH v Strato AG*, Case C-433/10, ECLI:EU:C:2021:763 (23 September 2021), published in Lexis®PSL on 4 October 2021, accessible [here](#).

*YouTube devant la Cour de justice européenne (Affaires C-264/19 – Constantin Film Verleih et C-682/18 – Frank*

*Peterson*), Case analysis published on 18 February 2021 on La Grande Bibliothèque de Droit, Barreau de Paris, available [here](#).

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## **Education & Qualifications**

Studies in Law, University of Würzburg, 1979-1984

Studies in Musicology, University of Heidelberg, 1985-1988

First State Examination in Law, 1985 (Würzburg)

Second State Examination in Law, 1988 (Stuttgart)

Admission to the German Bar as “Rechtsanwältin”, Frankfurt/Main, 1988, (Non-practising (Inhouse Lawyer) 1992-1999)

Readmission, Berlin, 2000: Member of Berlin Bar Association (Rechtsanwaltskammer Berlin)

Registration as “Registered European Lawyer”, Bar Council of England and Wales and Member of Lincoln’s Inn, 2004

Certificate in International Human Rights Law and Practice, London School of Economics and Political Science, 2013

Call to the Bar of England and Wales as a transferring Registered European Lawyer, 2021

## **Memberships**

British Literary and Artistic Copyright Association (BLACA), London – Vice-Chair

Association Internationale pour le Développement de la Propriété Intellectuelle (ADALPI), Geneva - Chair

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