

FREEDOM OF EXPRESSION



Freedom Of Commercial Expression

Andre M. Louw



Freedom Of Commercial Expression:

Freedom of Artistic Expression Paul Kearns, 2014-07-18 This book presents a unique and comprehensive examination of the human and moral rights of artists In what is arguably the first exhaustive book length account of artists rights Paul Kearns explores the problems associated with censorship both from philosophical and legal perspectives and focuses on the various ways in which the morality of art is legally regulated in different jurisdictions In relation to human rights English French and American law the law of the European Convention on Human Rights European Union law and public international law are all closely scrutinised to discover the extent to which they offer protection for artistic freedom The author also examines domestic and international law in respect of artists moral rights the law of copyright and related laws In short the book provides an original and sometimes controversial analysis of persistent concerns regarding the legal regulation of the arts universally doctrinally and theoretically and seeks to offer an holistic treatment which will appeal to art lawyers artists and those interested in the future of the arts

Trademark Protection and Freedom of Expression Wolfgang Sakulin, 2011-01-01 Trademark law grants right holders an exclusive right to prevent third parties from using a sign This can readily be seen as the antithesis of freedom of expression which arguably includes a right of third parties to non exclusive use of a sign for a variety of purposes ranging from informing consumers to voicing criticism or to artistic expression Drawing on cultural theory and which has shown that society is involved in a constant struggle about shaping the meaning of signs including trademarks and this highly original and provocative book contends that trademark law fails to sufficiently differentiate between commercial purpose and the social political or cultural meanings carried by one and the same sign The author shows that the and functional approach and to justifying trademark rights taken in current jurisprudence and doctrine is deficient in that it does not take sufficient account of the fact that trademark rights can restrict the freedom of expression of third parties Specifically the exercise of rights granted under the European Trademark Regulation and the national trademark rights harmonized by the European Trademark Directive can cause a disproportionate impairment of the freedom of commercial and non commercial expression of third parties as protected by Article 10 of the European Convention on Human Rights ECHR The author and s in depth analysis explores such elements as the following o the economic and ethical rationales of trademark rights o whether trademark rights under European law can be justified by these rationales o how freedom of expression can serve as a limitation to trademark rights o what level of protection such freedom of expression grants to third parties o the role of trademarks of social cultural or political importance in public discourse o chilling effects on public discourse that can be caused by the exercise of trademark rights o the interpretation of provisions regulating the grant and revocation of trademark rights in light of freedom of expression and o the interpretation of the scope of protection and the limitations of trademark rights in light of freedom of expression In effect the analysis serves to expand the focus of legislators courts and trademark registering authorities from the interests of trademark right holders who seemingly are

granted ever more protection to the justified interests of third parties The critical analysis of existing trademark law leads the author to clearly identify the areas of trademark law in which the law needs to be reinterpreted and the areas in which legislative action should be taken with recommendations for a number of limitations that should aid legislators in drafting concrete amendments The new insights and imperatives provided by this book are sure to prove useful to both courts interpreting existing provisions of trademark laws and to legislators who are faced with the challenges of drafting new rules or revising existing laws

Industry As a Partner for Sustainable Development United Nations Environment Programme Staff, 2002-07-10 In February 2001 UNEP in partnership with a variety of industry associations and organizations launched a reporting initiative to gauge progress by the private sector towards sustainable development This effort contributes to the wider review of progress with the implementation of Agenda 21 under the framework of the World Summit on Sustainable Development These volumes present sectoral reports on the progress towards sustainable development

Federalism and the Charter Peter Russell, 1989-07-15 This extensive revision of the landmark Leading Constitutional Decisions brings together recent Charter cases with the classical cases on the Canadian Constitution An introductory essay traces the evolution and distinctive features of judicial review in Canada and includes references to the Constitution Act 1982 and the important changes resulting from it

The Life and Death of Freedom of Expression Richard Moon, 2024-07-05 In The Life and Death of Freedom of Expression Richard Moon argues that freedom of expression is valuable because human agency and identity emerge in discourse in the joint activity of creating meaning Moon recognizes that the social character of individual agency and identity is crucial to understanding not only the value of expression but also its potential for harm The book considers a range of issues including the regulation of advertising hate speech pornography blasphemy and public protest The book also considers the shift to social media as the principal platform for public engagement which has added to the ways in which speech can be harmful while undermining the effectiveness of traditional legal responses to harmful speech The Life and Death of Freedom of Expression makes the case that the principal threat to public discourse may no longer be censorship but it is rather the spread of disinformation which undermines public trust in traditional sources of information and makes engagement between different positions and groups increasingly difficult

The Article 19 Freedom of Expression Handbook Sandra Coliver, Article 19 (Organization), 1993 7 3 Right of Reply

Dilemmas of Free Expression Emmett Macfarlane, 2021-11-01 Free expression is under threat Social media and fake news misinformation and disinformation have prompted governments to propose new forms of regulation that are deeply challenging to free expression Hate speech far right populism campus speech debates and censorship consistently make headlines in Canada and abroad Dilemmas of Free Expression offers forward looking appraisals of ways to confront challenging moral issues policy problems and controversies that pay heed to the fundamental right to free expression The essays in this volume offer timely analyses of the law policy and philosophical challenges and social repercussions to our

understanding of expressive freedom in relation to government obligations and public discourse Free expression and its limits are multifaceted deeply complex inherently values based and central to the ability of a society to function Dilemmas of Free Expression addresses the challenges of limiting free expression across a host of issues through an analyses by leading and emerging voices in a number of disciplines including political science law philosophy and Indigenous studies *The Charter of Rights and Freedoms* Ian Greene, 2014-11-18 Canada's Charter of Rights and Freedoms has transformed Canadian life since it was adopted as part of the Canadian constitution in 1982 The Charter requires judges to make decisions on a wide range of issues that affect all Canadians In doing so the courts play a major role in citizens lives Because of the Charter The law against prostitution was struck down The Harper governments treatment of child soldier Omar Khadr was found to violate his rights Vancouver's Insite safe injection site was kept open overriding a federal government decision requiring it to shut down Ian Greene is a political scientist and his focus in this book is to highlight the many significant ways the Charter shapes Canadian life After providing background on the creation and implementation of the Charter he describes its impact on a wide range of issues aboriginal affairs voting rights freedom of religion the right to strike and language rights among others Greene describes key decisions in these areas and comments on the often conflicting views of the judges deciding them Even though the Charter is a legal document debated by lawyers and decided by judges Greene approaches his subject with an eye on the political impact the Charter has on governments and ordinary citizens Public discussion of the Charter is often framed around the question of who should make these important decisions elected politicians or unelected judges This book provides a clear understanding of how the Charter works and how ordinary citizens have succeeded or failed to win change from the courts It offers information that people on every side of public discussion can use regarding the role of the Charter in Canadian life *From Single Market to Economic Union* Niamh Nic Shuibhne, Laurence W. Gormley, 2012-06-14 The path from single market to economic union is a continuing and controversial story raising questions about the present and future regulation structures and purpose of economic union within the broader objectives of the EU legal and political order This collection focuses on the evolution and regulation of the EU as an economic union in tribute to the scholarship of the late Professor John A Usher The process of treaty reform within the EU has now reached fruition and attention is being re focused on substantive aspects of EU law and policy The essays in the collection consider the EU internal market in its broadest sense the fundamental free movement provisions remain at the core but the concept of the transnational market must also accommodate competing interests to which the EU is committed but the implications of which can nonetheless distort and thus need to be carefully balanced within the basic free trade framework for example intellectual property rights and the protection of innovation and also the implementation of social policy objectives The collection also situates the market in its broader politico economic context The global economic climate remains precarious and questions about optimal financial and fiscal regulation and monetary stability remain critically significant especially in a transnational context given

the degree of inter dependency generated by the EU integration project The essays in the collection offer in depth reflections on different parts of this evolving transnational economic union linked together as a whole by cross cutting thematic concerns about competence and regulation and about where and how the economic law of the EU fits within the broader integration narrative Together these different elements of the proposed collection demonstrate the different facets of EU economic law and its regulation and this approach in turn reflects the extraordinary breadth of John Usher s remarkable contribution to scholarship

Brandishing the First Amendment Tamara Piety,2012-02-08 Over the past two decades corporations and other commercial entities have used strategic litigation to win more expansive First Amendment protections for commercial speech from the regulation of advertising to the role corporate interests play in the political process most recently debated in the Supreme Court case of Citizens United v Federal Election Commission Tamara R Piety a nationally known critic of commercial and corporate speech argues that such an expansion of First Amendment speech rights imperils public health safety and welfare the reliability of commercial and consumer information the stability of financial markets and the global environment Beginning with an evaluation of commonly evoked philosophical justifications for freedom of expression Piety determines that while these are appropriate for the protection of an individual s rights they should not be applied too literally to commercial expression because the corporate person is not the moral equivalent of the human person She then gathers evidence from public relations and marketing behavioral economics psychology and cognitive studies to show how overly permissive extensions of First Amendment protections to commercial expression limit governmental power to address some of the major social economic and environmental challenges of our time The timeliness of the topic and the provision of original positions are sure to make the book a valuable contribution that should draw much attention Kevin W Saunders Michigan State University

Canada's Surprising Constitution Howard Kislowicz,Richard J. Moon,Kerri Anne Froc,2024-05-01 Constitutions are meant to endure providing both stability and adaptability Their public legitimacy depends on the ability of the courts and other interpreters to get this balance right Why then has Canada s constitution only four decades old produced so many surprises Canada s Surprising Constitution investigates unexpected interpretations of the Constitution Act 1982 by the courts In this illuminating collection of essays leading scholars reflect on these surprising interpretations focusing on fundamental freedoms equality Aboriginal and language rights structural features of the Charter as well as the courts approach to the interpretation of the Constitution The public legitimacy of the Constitution requires that it be seen as both relevant as circumstances change but also true to the values it embodies The responsibility for getting this balance right lies not only with judges but also with legislatures executives scholars advocates and public interest organizations The thoughtful work of this volume is crucial in identifying accounting for and looking ahead anticipating potential surprises Its thorough analysis also offers a view of the Constitution in action

Ambush Marketing & the Mega-Event Monopoly Andre M. Louw,2012-06-06 This book undertakes a critical examination of commercial rights to

sports mega events focusing on sponsorship the exclusivity of such rights and the legal implications of the modern mega event sponsorship model It examines ambush marketing of events and the law's treatment of ambushing specifically in the form of sui generis event legislation in a review of 10 major jurisdictions selected on the basis of the importance of the events they are to host in the near future or have hosted recently and the relevant domestic legislation It critically examines the legitimacy of such commercial rights protection by means of the use of laws in the context of accepted principles of intellectual property law competition law and human rights law Specifically it questions the legitimacy of the creation of statutory association rights to mega events and considers potential future developments in respect of the law's treatment of mega event commercialisation Valuable for practitioners and academics in the fields of sportslaw sponsorship marketing intellectual property law sports administrators sports governing bodies corporate sponsors of sports and other events potential mega event host governments and law makers civil rights organisations

Trademark Dilution and Free Riding Daniel R. Bereskin, 2023-12-11 Written by a team of international experts marshalled by one of the world's foremost trademark lawyers Trademark Dilution and Free Riding is the leading comparative work on trademark dilution This book is a must have resource for trademark professionals worldwide and will also stand as a valuable reference point for intellectual property scholars

The Supreme Court and the Philosopher Eric T. Kasper, Troy A. Kozma, 2024-04-15 The Supreme Court and the Philosopher illustrates how the modern US Supreme Court has increasingly adopted a view of the constitutional right to the freedom of expression that is classically liberal in nature reflecting John Stuart Mill's reasoning in On Liberty A landmark treatise outlining the merits of limiting governmental and social power over the individual On Liberty advocates for a maximum protection of human freedom Proceeding case by case and covering a wide array of issues such as campaign finance offensive speech symbolic speech commercial speech online expression and false statements Eric T Kasper and Troy A Kozma show how the Supreme Court justices have struck down numerous laws for infringing on the freedom of expression Kasper and Kozma demonstrate how the adoption of Mill's version of free speech began with Justice Oliver Wendell Holmes Jr more than a century ago and expanded over time to become the prevailing position of the Court today The authors argue that this embrace of Mill's rationale has led to an unmistakable reorientation in the Court's understanding of free expression jurisprudence The Supreme Court and the Philosopher is the first book to comprehensively explore how the political philosophy of Mill has influenced the highest court in the land In targeting the underlying philosophical reasons that explain why the modern Supreme Court renders its First Amendment decisions this book is particularly timely as the issues of censorship and freedom of expression are debated in the public square today

Democracy with Justice/La juste démocratie Alain-G. Gagnon, Brian Tanguay, 1992-05-15 The essays in this volume 22 in English 5 in French examine themes important to the late Professor Paltiel including individual vs collective rights constitutional change lobbying and modern Quebec politics

Contested Words Ian Cram, 2006-01-01 In modern liberal democracies rights based judicial intervention

in the policy choices of elected bodies has always been controversial For some judicial intervention has tended to trivialize and impoverish democratic politics For others judges are better understood as contributing to a healthy dialogue between the different spheres of the constitution This book offers a contribution to on going debates surrounding the judicial role in protecting human rights in western society [Language, Minorities and Human Rights](#) Fernand de Varennes, 2021-09-27 One of the most vexing issues in many of the world s so called ethnic or minority conflicts is the question of language use by the State and its citizens While international and national law has traditionally viewed language preference to be within a State s prerogative at least when involving governmental activities and machinery this position has proved to be a continuous source of acrimony and conflict and wrong in some respects [Language Minorities and Human Rights](#) is the most complete book ever written on the topic providing for the first time an analysis of every aspect of language and the law In addition to presenting a theoretical model for language s particular position and relevance in human rights it constitutes an invaluable reference document by including the provisions of close to 100 international multilateral and bilateral instruments involving language rights as well as the constitutional provisions of 140 countries dealing with language By addressing little explored areas such as the language rights of indigenous peoples non citizens and even the use of script in addition to more traditional topics such as nationalism and language freedom of expression and non discrimination [Language Minorities and Human Rights](#) proposes a complete descriptive picture of language and human rights as well as proposing a number of suggestions on how to address and balance the many problems currently caused by the linguistic demands of various individuals and the interests of states in nation building **Cambridge Yearbook of European Legal Studies, Vol 12, 2009-2010** Catherine Barnard, Okeoghene Odudu, 2010-12-18 The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in EU Law the law of the European Convention on Human Rights and Comparative Law with a European dimension and particularly those issues which have come to the fore during the year preceding publication The contributions appearing in the collection are commissioned by the Centre for European Legal Studies CELS Cambridge a research centre in the Law Faculty of the University of Cambridge specialising in European legal issues The papers presented are at the cutting edge of the fields which they address and reflect the views of recognised experts drawn from the University world legal practice and the institutions of both the EU and its Member States Inclusion of the comparative dimension brings a fresh perspective to the study of European law and highlights the effects of globalisation of the law more generally and the resulting cross fertilisation of norms and ideas that has occurred among previously sovereign and separate legal orders The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration INDIVIDUAL CHAPTERS Please click on the link below to purchase individual chapters from Volume 12 through Ingenta Connect www.ingentaconnect.com SUBSCRIPTION TO SERIES To place an annual online subscription or a print standing order through Hart Publishing please click on the link

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Artificial Intelligence and Human Rights, 2023-08-18 The scope of Artificial Intelligence's AI hold on modern life is only just beginning to be fully understood Academics professionals policymakers and legislators are analysing the effects of AI in the legal realm notably in human rights work Artificial Intelligence technologies and modern human rights have lived parallel lives for the last sixty years and they continue to evolve with one another as both fields take shape Human Rights and Artificial Intelligence explores the effects of AI on both the concept of human rights and on specific topics including civil and political rights privacy non discrimination fair procedure and asylum Second and third generation human rights are also addressed By mapping this relationship the book clarifies the benefits and risks for human rights as new AI applications are designed and deployed Its granular perspective makes Human Rights and Artificial Intelligence a seminal text on the legal ramifications of machine learning This expansive volume will be useful to academics and professionals navigating the complex relationship between AI and human rights

The European Union and Human Rights Nanette A. Neuwahl, Allan Rosas, 2021-09-27

The Enigmatic Realm of **Freedom Of Commercial Expression**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing in short supply of extraordinary. Within the captivating pages of **Freedom Of Commercial Expression** a literary masterpiece penned by a renowned author, readers embark on a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting affect the hearts and minds of those that partake in its reading experience.

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