

Remix: aberration or evolution?

The legal status of remix is subject to the change of the technological landscape. Already known since the Convention of Berne, remix and its various modern types - such as sampling, mash-ups - have become a part of the aesthetic of our era. Furthermore, technological evolution has made remixing incredibly easy for everyone. So, since technology nowadays makes art, new questions may arise. Besides the classic issues concerning the remix itself, for instance, whether the sequel of a movie is considered to be a remix or a new different work, emphasis is drawn to the legal status of sampling. Whether does sampling infringe copyright, and if so, how? Should DJ Danger Mouse ask for permission in order to release his "Grey album"? Which is the legal status, on the one hand, of the artists of already existing works and, on the other hand, of those of new ones? Moreover, the remix and its different types may as well infringe the author's moral right and may also give birth to other new issues regarding authorship. This problematic leads us inevitably to the basic question of striking the balance between the freedom of expression and the copyright protection for remix. That balance has been regarded of such an importance, that a strong discussion has already been started over the launch of a new "transformative works" exception.

References

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