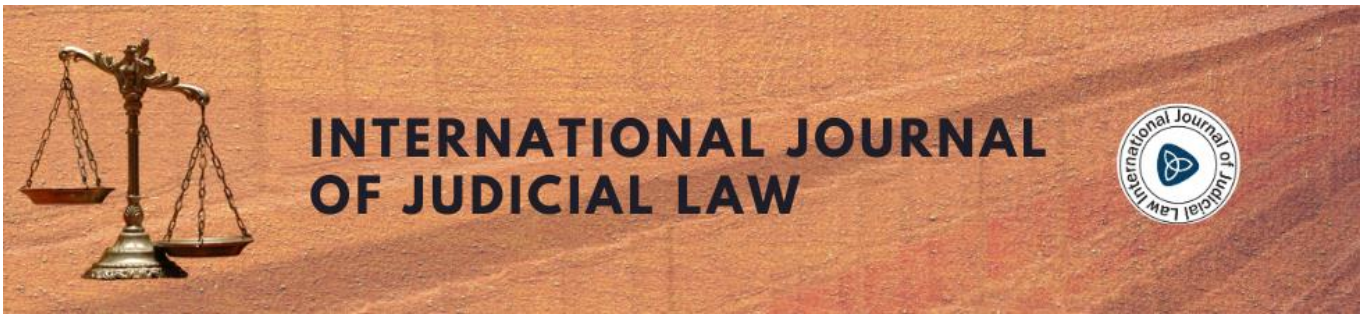




Copyright Protection for Hyperlinks under EU, US, Australian Law and Experiences for Vietnam

Vo Trung Hau ^{1*}, Pham Khac Phuong ², Vo Huy Cuong ³

¹⁻³ Faculty of Law, Cuu Long University, Vietnam

* Corresponding Author: Vo Trung Hau

Article Info

ISSN (online): 2583-6536

Volume: 03

Issue: 06

November-December 2024

Received: 20-10-2024

Accepted: 05-11-2024

Page No: 32-37

Abstract

In the era of technological development, more and more news aggregator websites contain links to major news sites. This activity is carried out based on a widespread technique on the Internet, which is Website linking. With its functions, Website linking raises many issues that need to be resolved regarding whether the act of creating Hyperlinks is an act of copyright infringement in the digital age. The article analyzes the legal provisions of the EU, the United States, and Australia related to the issue of copyright protection for Hyperlinks through the case law of these countries. In addition, the article analyzes Vietnam's legal provisions for copyright protection for Hyperlinks. Therefore, the article recommends improving Vietnamese law on copyright protection for Hyperlinks.

Keywords: Copyright, website link, electronic news page

1. Introduction

The Internet is a global, publicly accessible information system with interconnected computer networks. This system transmits information packet-switched based on a standardized internet protocol, the IP protocol, between thousands of smaller computer networks of businesses, research institutes, universities, and individual users worldwide. The vast source of information and corresponding services is the system of interconnected Web pages and other documents on WWW - the abbreviation for World Wide Web, also known as Web, Web page, or Website.

As a global information system, the Internet is present in most economic, political, cultural, and social fields and has many utilities. The Internet transmits information by data packet transfer, which can help transmit information easily and quickly anytime, anywhere. With just an intelligent electronic device (computer, phone, tablet) with an Internet connection, using online connection tools (Gmail, Facebook, and Instagram...) and online search engines (google...), users can search, and access works easily and quickly. The Internet is an extensive computer network, allowing users to access various content (text, Graphics, audio, video...) stored in files of remote computers via the World Wide Web. In essence, the World Wide Web is a vast system of documents presented in the form of hypertext that are separate and independent. These documents must be connected through hyperlinks ^[1].

With its functions, Website linking raises many issues that need to be resolved regarding whether creating Hyperlinks is an act of copyright infringement in the digital age.

2. Overview of Hyperlinks and Issues for Copyright Law

2.1. Hyperlinks Overview

Hyperlink is an abbreviation for hypertext link, also known as a website link. Hyperlinks are created by Web technicians. They are the creators of the hypertext markup language (HTML) that contains instructions for entering into the browser to access a particular Web resource.

¹ Pessi Honkasalo (2011), "Links and Copyright Law," *Computer Law and Security Review*, 258.

Markup languages are data formats that contain coded symbols to describe data and represent information, including summaries or information, depending on the programmer. HTML is used to specify the document's structure and can then be given a document layout. However, all of these lead to the expected result of creating Hyperlinks, which are references to other web resources or Internet addresses ^[2]. The nature of a Web page is based on "hypertext" technology that allows users to link directly from one information source to another ^[3]. Hyperlinks can be established voluntarily without the consent of the owner of the linked Website.

A Web link is a citation of an electronic address where the user can find further information, as with footnotes in a paper document. However, besides this passive function, a web link is superior to a paper citation because it can instantly direct the user to where the document is stored on the Internet ^[4]. When selected by the user, a Web link allows the transition from one document to another (on the same or different servers) or the connection of different parts of the same document by a simple click ^[5]. This operation can be compared to directing the user to another Web page on the Internet ^[6]. Web links form a fundamental tool for programmers in building Web pages and for users navigating the Web ^[7]. Today, Hyperlinks are essential for providing online services such as search engines, news aggregators, and social networking sites through which users can share content using Hyperlinks ^[8].

2.2. Website Linking Issues Raised for Copyright Law

Hyperlinks create the following copyright-related issues: (i) Copyright law protects literary, scientific, and artistic works on the linked-to Web page; (ii) There is a transmission from the Web page to the end user's computer; (iii) End users know that they are on a third-party Web page when they click on a Website link; (iv) End users may not know that they are on a third-party Web page when copyrighted content is framed; (v) End users may not realize that they are on a third-party Web page when copyrighted content is embedded ^[9]; (vi) Embedded Hyperlinks will cause the embedded work to become part of the Web page that performs the embedding ^[10].

However, the issue is often primarily focused on the potential for Hyperlinks to infringe copyright by specifically examining whether Hyperlinks constitute communication to the public and whether providing Hyperlinks constitutes

copyright infringement by examining the exclusive rights of the copyright ^[11], specifically as follows:

1. A Website link is within the scope of the exclusive right to distribute the work if the Website link refers to a Website whose content has been previously distributed to the public or not;
2. Whether posting a Website link to a third-party Website that contains a protected work should be considered a distribution or communication of the work to the public;
3. Does the person posting the Website link need to determine in advance that the content posted on the linked Website is non-copyright infringing content? ^[12]

Technology is challenging the exclusive rights of copyright owners, creating many issues that need to be studied about these rights.

3. EU, US, Australian Copyright Laws Relating to Hyperlinks

3.1. EU case law on Hyperlinks

The first opinion of the European Court of Justice (CJEU) on Hyperlinks was issued in February 2014. In this case, the plaintiffs were all journalists whose works were published on the Gteborgs-Posten website. Retriever Sverige was the owner and operator of a website that provided its customers with a list of clickable links that could be used to navigate to articles published by other websites, including the Gteborgs-Posten website. The journalists brought a lawsuit against Retriever before the Stockholm District Court, alleging that Retriever had provided its customers with some of the articles without their permission. Furthermore, the journalists argued that users were unaware that clicking on the links was redirected to another website to access the work, thus giving the false impression that the works belonged to Retriever's Website.

In June 2010, the Stockholm District Court rejected their application. The journalists then appealed to the Svea Court of Appeal, again alleging that Retriever had infringed their exclusive right to make their works available to the public. In contrast, the defendant Retriever argued that providing links to works that had already been communicated to the public did not constitute copyright infringement, as Retriever did not perform any transmission of the protected works; Retriever simply indicated the location of those works ^[13]. The Svea Court of Appeal accepted the application and asked the CJEU

² Athanasekou P. Eve (1998), "Internet and Copyright: An Introduction to Caching, Linking, and Framing", Work in Progress," *The Journal of Information, Law and Technology JILT*, 2, 3. http://elj.warwick.ac.uk/jilt/wip/98_2atha/.

³ Allison Roarty (1999), "Note, Link Liability: The Argument for Inline Links and Frames as Infringements of the Copyright Display Right," *Fordham Law Review*, 1011 (1999), 5, 68.

⁴ Athanasekou P. Eve (1998), "Internet and Copyright: An Introduction to Caching, Linking, and Framing", Work in Progress," *The Journal of Information, Law and Technology JILT*, 2, 3. http://elj.warwick.ac.uk/jilt/wip/98_2atha/.

⁵ Athanasekou P. Eve (1998), "Internet and Copyright: An Introduction to Caching, Linking, and Framing," Work in Progress, 1998 (2) *The Journal of Information, Law and Technology JILT*, 3.

⁶ InfoLaw Group LLP (2017), *Does Linking to content Infringe Copyright*, link <http://www.infolawgroup.com/2013/08/articles/copyright/copyright-linking-infringement>.

⁷ Arezzo (2014), "Hyperlinks and Making Available Right in the European Union," 525, <https://ssrn.com/abstract=2404250>.

⁸ Strowel, A. and Hanley V (2009), "Secondary Liability for Copyright Infringement about Hyperlinks," *Peer-to-Peer File Sharing and Secondary Liability in Copyright Law*, Edward Elgar Publishing House, 71.

⁹ Hughes, Hubbard and Reed LLP (2014), *Copyright Aspects Of Embedding, Framing And Hyperlinking – Introduction*, AIPPI Congress Toronto, http://aippi.org/wpcontent/uploads/2015/09/SNaumann_Moderator_Pres_WS_II.pdf.

¹⁰ Tim Berners-Lee (1997), *Links and Law: Myths*, link <https://www.w3.org/DesignIssues/LinkMyths.html>, accessed August 15, 2023.

¹¹ Directive 2001/29/EC of the European Parliament and of the Council of May 22, 2001, on the harmonization of certain aspects of copyright and related rights in the information society [2001] L167/10, Art. 3(1)

¹² Reihan Putri Primasatya (2017), *A Comparative Analysis of Hyperlink to A Copyright-Infringing Material in The EU, The US, and Australia*, Tilburg Institute for Law, Technology, and Society.

¹³ Papadaki, E. (2017), "Hyperlinking, making available and copyright infringement: lessons from European national courts," *European Journal of Law and Technology*, 8, 1.

for an opinion on whether providing a website link was a communication to the public within the meaning of Article 3(1) of the Information Society Directive. Does the fact that a linked work is located on a restricted access website differ from one on a non-restricted access website? ^[14]. The CJEU has interpreted the concept of communication to the public as consisting of two criteria: (i) the act of communicating the work and (ii) the communication of that work to the public. The Court's initial assumption was that the provision of clickable links to protected works should be considered "available" and, therefore, a "communication." According to the Court, an act of intervention is sufficient to constitute a communication; in particular, it is sufficient for a work to be made available to the public in a manner that is accessible to those constituting the public. Communication is understood broadly as any transmission of a protected work, regardless of the technical means or process used ^[15]. Moreover, the protected work must be communicated to the public. The term "public" refers to a large, unspecified number of potential recipients. In addition, according to the Court, the work is required to be directed to a "new public" which is an additional "public" distinct from the original public and not considered by the copyright owners when they authorize the communication of the work.

In this case, the original public includes all potential visitors to the Goteborgs-Posten website since access to the works on that Website is not subject to any restrictions and is freely accessible to all Internet users. Therefore, the users of the Retriever website do not constitute a "new public." All website users whose works are communicated by a clickable link can directly access those works on another website to which they were initially contacted. In such cases, no "new public" and no permission from the copyright owner is required for the link.

On February 13, 2014, the CJEU ruled in this case of linking to the Website as follows: *"Links do not infringe copyright, provided that the work is freely and freely accessible on the linked Website"* ^[16]; *The website owner may, without the copyright owner's authorization, direct Internet users, through web links, to protected works that are freely accessible on another Website.* The Court held that the links do not lead to a "new public" as defined in section 3 of Directive 2001/29/EC, since the content is already freely available to all Internet users on the original Web site ^[17]. In this case, the CJEU determined that providing clickable links to copyrighted works constitutes communication. However,

in order to determine whether there is a communication to the public, it is required that the protected work be communicated by technical means other than the original means of communication or be directed to a new public that is not exposed to the work on the original Web site ^[18].

3.2. US case law

The US courts have held that simple Hyperlinks do not violate copyright law because they do not create a copy ^[19]. US court case law has yet to apply copyright law consistently for embedded links. For example, in *Leslie A Kelly v. Arriba Soft Corporation*, the US Court of Appeals, in February 2002, held that embedding or framing images from another website on the linked Website infringed the owner's right to perform the work in public ^[20]. Meanwhile, in *Perfect Ten v. Google*, on May 16, 2007, the Court held that Google's framing of images in Google Image search results did not violate copyright ^[21]. In that case, the Court's view was that Hyperlinks only allowed users to view on Google a portion of the Website from the original Website that posted the images ^[22]. In *Pearson Education Inc. et al. v. Lazar Ishayev*, the defendant was selling links to the Plaintiff's work, which contained solutions manuals on the Internet (the publishers of these manuals were diverse, including Pearson Education, Inc., John Wiley & Sons, Inc., Cengage Learning, Inc., and McGraw-Hill Global Education Holdings, LLC, etc.). The defendant distributed these manuals by sending emails to buyers containing Web links. When the buyer clicked on the Web link, he was taken to a Web page where the buyer could download the work. The problem arose because the Web page did not have the right to upload these works; in other words, the materials posted on the Web page were pirated works ^[23]. The Court concluded that *"a hyperlink that does not contain any content does not itself contain the content of the protected work, and therefore does not infringe any copyright rights under Section 106 of the Copyright Act."* ^[24] The Court described Web links as *"a digital means of providing the recipient with directions to another Web page on the Internet."* ^[25] US courts have adopted this judicial view in previous cases where they have compared Web links to road signs ^[26]. The Court also held that Hyperlinks are an automated version of academic footnotes or bibliographies that tell the reader where to find the referenced work ^[27].

3.3. Australian Case Law on Copyright Relating to Hyperlinks

Hyperlinks have been considered under Australian law, for

¹⁴ Baker A (2014), "EU, Copyright Directive: Can a Hyperlink be a "Communication to the Public"?", *CTLR*, 20(4), 100.

¹⁵ Case C-403/08 *Football Association Premier League (FAPL) v QC Leisure and Others and Karen Murphy v Media Protection Services Ltd* [2011] ECR I-09083, 193.

¹⁶ *Svensson and Others v Retriever Sverige AB* (C-466/12)

¹⁷ Dave Neal (2014), *Website Links to Free Content Do not Infringe Copyright, Rules ECJ Less Aggravation, more Aggregation*, The Inquirer,

¹⁸ Kit Burden (2015), "EU Update", *Computer Law & Security Review*, 1, 31.

¹⁹ Philipp Plog et al. (2017), *An Overview of International Jurisprudence on Embedded Linking and Framing and Related Unfair-competition, Passing-Off, and Trademarks Questions*, link <https://www.fieldfisher.com/media/2372324/Embedded-linking.pdf>.

²⁰ Philipp Plog et al. (2017), *An Overview of International Jurisprudence on Embedded Linking and Framing and Related Unfair-competition, Passing-Off, and Trademarks Questions*, <https://www.fieldfisher.com/media/2372324/Embedded-linking.pdf>.

²¹ Philipp Plog et al. (2017), *An Overview of International Jurisprudence on Embedded Linking and Framing and Related Unfair-competition, Passing-Off, and Trademarks Questions*, <https://www.fieldfisher.com/media/2372324/Embedded-linking.pdf>.

²² Philipp Plog et al. (2017), *An Overview of International Jurisprudence on Embedded Linking and Framing and Related Unfair-competition, Passing-Off, and Trademarks Questions*, link <https://www.fieldfisher.com/media/2372324/Embedded-linking.pdf>.

²³ Samir Mathur (2013), *Linking to Copyrighted Material is not necessarily infringement*, link <https://www.lexology.com/library/detail.aspx?g=c71fa5d9-8380-4714-b7fb-73d8d426973b>.

²⁴ Samir Mathur (2013), *Linking to Copyrighted Material is not necessarily infringement*, link <https://www.lexology.com/library/detail.aspx?g=c71fa5d9-8380-4714-b7fb-73d8d426973b>.

²⁵ Mark Sableman (2001), "Link Law revisited: Internet Linking Law at Five Years," *Berkeley Tech Law Journal*, 3, 16, 1274.

²⁶ Mark Sableman (2001), "Link Law revisited: Internet Linking Law at Five Years", *Berkeley Tech Law Journal*, 3, 16, 1274.

²⁷ Dan L Bruk (1998), "Proprietary Rights in Hypertext Linkages," *The Journal of Information, Law, and Technology*, 2.

example, in the *Universal Music v. Australia v. Cooper* dispute^[28]. Cooper established a highly trafficked website at MP3s4FREE.com. The owner established the Website for the express purpose of (i) allowing automatic uploading of links to MP3 files and (ii) ensuring that people could easily search and find the MP3 files they were looking for. The website owner also classified the music based on origin, such as Australia, UK, etc.^[29]. The Australian Court held that the Hyperlinks on Cooper's Website resulted in copies of the music files being made even though Cooper's Website did not host any copies^[30]. The Australian Court held that Cooper had infringed his exclusive right to reproduction by copying the MP3 files to his computer^[31]. However, Cooper's use of the link only infringed his right to reproduction, not directly infringe his right to communication with the public^[32]. The Australian Court found that the Hyperlinks did not constitute a communication to the public from the Cooper site; the communication to the public originated from third-party Websites^[33]. The files were not stored on the Cooper website per se, nor were they transferred through the Website when downloaded by users^[34]. It was concluded that Cooper did not provide the infringing files, nor was it involved in their electronic transmission^[35].

The Australian Court held that the defendants did not infringe the right of communication to the public because they did not make the recordings available nor did they transmit the recordings to the public, for three main reasons: (i) no recordings were posted on the MP34free website; (ii) it was the third-party Website that allowed users to download the recordings. The third-party Website made the recordings available to the public, not the mp34free Website; (iii) the transmission of the recordings was initiated by clicking on a link on the mp34free Website from the third-party Website^[36]. This decision means that a website cannot be considered to exercise the right of communication to the public of a protected work simply by providing links to sources on third-party websites^[37]. This means that the website owner, manager, or operator that provides links to third-party Websites (where the recordings are located) does not determine the content of the communication. As such, Hyperlinks from their Website are not an act of communication to the public^[38].

However, the trial court did not stop there, holding that

although these Hyperlinks did not infringe on the right of communication to the public, they may have violated the fiduciary duty related to the right of communication to the public. Defendant Cooper, who owns and operates the mp34free Website, could take down the infringing Hyperlinks and was required to know that these Hyperlinks could lead to infringement. However, the defendant did not take any measures to prevent such infringement. As for the ISPs providing Web hosting services, they could also take down these Hyperlinks from the Website, but they did nothing to prevent such infringement^[39]. They allowed the hosting of the Website and supported its operation, which is one of the acts of supporting the illegal downloading of protected works. In Australia, a website link may not be a direct infringement of the right of communication to the public but may be considered a contributory infringement, i.e. an indirect infringement. The Court noted Justice Gibbs' comments on fiduciary duty in the *University of New South Wales v Moorhouse* case as follows: a person who, in his control, may commit an act of copyright infringement by undertaking and making available to others, knowing or having reason to suspect that the work is likely to be used for an infringing purpose, but who nevertheless fails to take reasonable steps to limit the use of the work for unlawful purposes, will facilitate the infringement resulting from the use of the work^[40].

4. Vietnamese Law on Copyright Related to Hyperlinks and Some Recommendations for Improvement

4.1. Current status of Vietnamese law on copyright related to Hyperlinks

Point a Clause 1, Article 20, Law on Intellectual Property 2005 (amended and supplemented in 2009, 2019, 2022) (from now on referred to as Law on Intellectual Property) stipulates that the right to do derivative works is one of the exclusive property rights reserved for copyright owners. Derivative works are "translated from one language to another, adapted, transformed, compiled, annotated, selected."^[41] It is an exclusive right reserved for copyright owners, meaning that to make a derivative work, it is necessary to ask for permission and pay royalties, remuneration, and other material benefits to the copyright owner^[42].

²⁸ Timebase (2014), *Hyperlinks and Copyright: Svensson v Retriever Sverige*, <http://www.timebase.com.au/news/2014/AT247-article.html>

²⁹ Kim (2006), *Reactions to The Cooper Decision*, <http://www.lawfont.com/2006/12/19/reactions-to-the-cooper-judgment/>

³⁰ TimeBase (2014), *Hyperlinks and Copyright: Svensson v Retriever Sverige*, <http://www.timebase.com.au/news/2014/AT247-article.html>.

³¹ *Universal Music Australia Pty Ltd & Ors v. Cooper & Ors* [2005] FCA 972.

³² *Universal Music Australia Pty Ltd & Ors v. Cooper & Ors* [2005] FCA 972.

³³ TimeBase (2014), *Hyperlinks and Copyright: Svensson v Retriever Sverige*, <http://www.timebase.com.au/news/2014/AT247-article.html>.

³⁴ Jason Goldschmied (2008), *A Battle Royal: Digital Music Piracy v. The Music Industry: An Assessment of Australian Copyright Law*, Bond University, 143.

³⁵ Jason Goldschmied (2008), *A Battle Royal: Digital Music Piracy v. The Music Industry: An Assessment of Australian Copyright Law*, Bond University, 143.

³⁶ Shi Xu (2016), *A Comparative Law Perspective on Intermediaries' Direct Liability in Cloud Computing Context – A Proposal for China*, Indiana University Maurer School of Law.

³⁷ *Universal Music Australia Pty Ltd v Cooper* (2005) FCA 972, paras. 72-75, <https://jade.io/article/110955/section/140833>.

³⁸ Shi Xu (2016), *A Comparative Law Perspective on Intermediaries' Direct Liability in Cloud Computing Context – A Proposal for China*, Indiana University Maurer School of Law.

³⁹ Copyright Act 1968.

⁴⁰ Irish Bentley Lawyers (2017), *New Australian Copyright Rules A Broken Link for Copyright*, <https://www.irishbentley.com.au/new-australian-copyright-rules/>.

⁴¹ Clause 8, Article 4, Law on Intellectual Property No. 50/2005/QH11 (amended and supplemented in 2009, 2019, and 2022 by Law No. 36/2009/QH12, Law No. 42/2019/QH14 and Law No. 07/2022/QH15).

⁴² Clause 3, Article 20, Law on Intellectual Property No. 50/2005/QH11 (amended and supplemented in 2009, 2019, and 2022 by Law No. 36/2009/QH12, Law No. 42/2019/QH14 and Law No. 07/2022/QH15).

Performing a work publicly is one of the copyright owner's property rights as prescribed in Point B, Clause 1, Article 20 of the Law on Intellectual Property. This is the exclusive right of the copyright owner to perform or authorize others to perform the work directly or through audio recordings, video recordings, or any technical means accessible to the public. Performing a work in public includes performing the work anywhere accessible to the public. The right to perform a work in public requires "performing the work." Clause 1, Article 16 of the Law on Intellectual Property stipulates as follows: "actors, singers, musicians, dancers and other persons performing literary and artistic works" (from now on referred to as performers). At the same time, Article 29 of the Law on Intellectual Property stipulates that a performer who is also an investor has personal rights and property rights to the performance; in case the performer is not also an investor, the performer has personal rights, and the investor has property rights to the performance.

Vietnamese intellectual property law does not directly mention Hyperlinks. However, it can be affirmed that Hyperlinks do not infringe upon the following exclusive rights: The right to copy, the right to create derivative works, and the right to perform works in public. In addition, a Website link will fall within the scope of the following exclusive rights of property rights:

1. If the link provided to the public entails a financial gain, this conduct infringes the right to distribute the work (original or copies) to the public or
2. If the link is provided to the public without requiring financial or other compensation, this conduct violates the right to communicate the work to the public.

However, the application of intellectual property laws on the regulation of Hyperlinks still has the following issues that need to be resolved:

First, when a link is shared with everyone, one of the following situations may occur: (i) The Website link is shared with everyone. This means that any or a large number of users, as long as the device can browse the Web and is connected to the Internet, can access the content of the work through the Website link; (ii) Or the Website link is not shared with everyone. Instead, the sharer only allows one or several certain subjects to access the work through the Website link or attaches certain conditions to access the work through the Website link. To determine whether the two situations mentioned above are acts of communicating the work, it is necessary to clarify the meaning of the term "public." However, the Vietnamese Intellectual Property Law does not explain how it is understood as "public".

Second, the right to distribute is an indispensable characteristic of "selling, leasing, or other transfer forms." A requirement for the return of material benefits accompanies such distribution activities. The question is whether a person uploads a work to the Internet for sale or leasing, but, in reality, there is no buyer or lessee. Is this considered to be distributing the work? In other words, in the context of the right to distribute, is the purpose only required for distribution, or is there an additional condition that the distribution activity has taken place?

4.2. Some recommendations to improve Vietnamese law on copyright related to Hyperlinks

To solve copyright issues related to Hyperlinks, Vietnamese copyright law can learn from the experience of CJEU's case

law to supplement and amend some contents of the Intellectual Property Law as follows:

Firstly, clarify the term public by adding a clause in Article 4 (the clause on the interpretation of terms) of the Law on Intellectual Property as follows: "*The public is the majority of people in the community, without family relationships or the scope of familiar relationships in society, in the relationship with the person performing activities within the scope of exclusive rights for the copyright owner.*" As analyzed, the term "public" itself implies the uncertainty about the number of people and the relationship between people who are members of the public. Therefore, the above explanation has an orientational meaning in determining cases that are "public" or not "public." A detailed consideration of what constitutes a family or familiar societal relationship will be carried out in each specific case, if any. Second, amend Point d, Clause 1, Article 20 of the Law on Intellectual Property from "*Distributing, importing for distribution to the public through sale or other forms of transfer of ownership of the original or copy of the work in tangible form*" to "*Distributing, importing for distribution for profit to the public through sale or other forms of transfer of ownership of the original or copy of the work in tangible form.*"

This is the result of the topic "Copyright protection related to Hyperlinks supported by Cuu Long University research period 2024-2025.

5. References

1. Athanasekou PE. Internet and copyright: An introduction to caching, linking, and framing. The Journal of Information, Law, and Technology (JILT); 1998;2(3). Available from: http://elj.warwick.ac.uk/jilt/wip/98_2atha/
2. Roarty A. Note: Link liability: The argument for inline links and frames as infringements of the copyright display right. Fordham Law Review. 1999;68(5):1011-45.
3. Arezzo E. Hyperlinks and making available right in the European Union; c2014. Available from: <https://ssrn.com/abstract=2404250>
4. Baker A. EU, Copyright Directive: Can a hyperlink be a "communication to the public"? CTRLR. 2014;20(4):100.
5. Case C-403/08 Football Association Premier League (FAPL) v QC Leisure and Others and Karen Murphy v Media Protection Services Ltd.; c2011 ECR I-09083, para. 193.
6. Neal D. Website links to free content do not infringe copyright, rules ECJ. The Inquirer; c2014.
7. Directive 2001/29/EC of the European Parliament and of the Council of May 22, 2001, on the harmonization of certain aspects of copyright and related rights in the information society. OJ L. 2001;167/10, Art. 3(1).
8. Bruk DL. Proprietary rights in hypertext linkages. The Journal of Information, Law, and Technology. 1998;2.
9. Hughes, Hubbard, Reed LLP. Copyright aspects of embedding, framing, and hyperlinking – introduction. AIPPI Congress Toronto; c2014. Available from: http://aippi.org/wpcontent/uploads/2015/09/SNaumann_Moderator_Pres_WS_II.pdf
10. Irish Bentley Lawyers. New Australian copyright rules: A broken link for copyright; c2017. Available from: <https://www.irishbentley.com.au/new-australian->

- copyright-rules/
11. InfoLaw Group LLP. Does linking to content infringe copyright?; c2017. Available from: <http://www.infolawgroup.com/2013/08/articles/copyright/copyright-linking-infringement>
 12. Goldschmied J. A battle royal: Digital music piracy v. the music industry: An assessment of Australian copyright law. Bond University; 2008:143.
 13. Kim. Reactions to the Cooper decision; c2006. Available from: <http://www.lawfont.com/2006/12/19/reactions-to-the-cooper-judgment/>
 14. Burden K. EU update. Computer Law & Security Review; 2015:31(1).
 15. Sableman M. Link law revisited: Internet linking law at five years. Berkeley Technology Law Journal. 2001;16(3):1274.
 16. Papadaki E. Hyperlinking, making available and copyright infringement: Lessons from European national courts. European Journal of Law and Technology; 2017:8(1).
 17. Honkasalo P. Links and copyright law. Computer Law and Security Review. 2011;27(3):258.
 18. Plog P, *et al.* An overview of international jurisprudence on embedded linking and framing and related unfair-competition, passing-off, and trademarks questions; c2017. Available from: <https://www.fieldfisher.com/media/2372324/Embedded-linking.pdf>
 19. Primasatya RP. A comparative analysis of hyperlink to a copyright-infringing material in the EU, the US, and Australia. Tilburg Institute for Law, Technology, and Society; c2017.
 20. Mathur S. Linking to copyrighted material is not necessarily infringement; c2013. Available from: <https://www.lexology.com/library/detail.aspx?g=c71fa5d9-8380-4714-b7fb-73d8d426973b>
 21. Strowel A, Hanley V. Secondary liability for copyright infringement about hyperlinks. Peer-to-Peer File Sharing and Secondary Liability in Copyright Law. Edward Elgar Publishing; 2009:71.
 22. Xu S. A comparative law perspective on intermediaries' direct liability in cloud computing context: A proposal for China. Indiana University Maurer School of Law; c2016.
 23. Berners-Lee T. Links and law: Myths; c1997. Available from: <https://www.w3.org/DesignIssues/LinkMyths.html> [accessed 2023 Aug 15].
 24. Timebase. Hyperlinks and copyright: Svensson v Retriever Sverige; c2014. Available from: <http://www.timebase.com.au/news/2014/AT247-article.html>
 25. Universal Music Australia Pty Ltd v Cooper. FCA 972; c2005. paras. 72-5. Available from: <https://jade.io/article/110955/section/140833>