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Copyright, Limitations and the Three-step test. An Analysis of the Three-Step Test in International and EC Copyright Law

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FOREWORD

Writing this doctoral thesis was a three-step process. It led me to the *Institut für Informationsrecht* of the University of Karlsruhe (TH), the *Instituut voor Informatierecht* (IViR) of the University of Amsterdam and the *Max-Planck-Institut für Geistiges Eigentum, Wettbewerbs- und Steuerrecht* in Munich.

This final book would not have been possible without all the guidance and support offered to me by my two supervisors Bernt Hugenholtz and Thomas Dreier. They always had a listening ear for my questions. In Karlsruhe, it was Thomas Dreier who helped me to identify the three-step test as an appropriate research topic. In Amsterdam, it was Bernt Hugenholtz who supported me in developing a concept on which not only the research at that time but also this final book could be based. I would like to thank both of them for their constant help and support.

After graduation at the University of Heidelberg in 2000, I had the opportunity to enhance my knowledge of current trends and problems in the field of copyright law at the *Institut für Informationsrecht* in Karlsruhe. On the basis of the research project in which I was involved, I finally took the decision to write a doctoral thesis about the three-step test in international copyright law. For the inspiring working atmosphere and numerous useful discussions, I would like to thank all my colleagues and particularly Georg Nolte.

It became obvious that the Institute in Karlsruhe had been an excellent starting point when I applied for a full time research position at the *Instituut voor Informatierecht* in Amsterdam. In March 2001, I could move to the Netherlands immediately. Profiting from the help and support offered by my new colleagues, I managed to develop the concept on which the book rests to this day. In particular, I would like to thank Lucie Guibault, Natali Helberger, Kamiel Koelman, Nirmala Sitompoel and Rosanne van der Waal for their support of my work. I would also like to thank the ITeR program (*Informatietechnologie en Recht*) for financing my work.

When the research project in Amsterdam came to an end in March 2002, I received a scholarship from the *Max-Planck-Institut für Geistiges Eigentum, Wettbewerbs- und Steuerrecht* in Munich. This research grant offered me the possibility to continue the intensive work on my thesis. The Institute's excellent library and international working atmosphere guaranteed that I finally succeeded in completing my analysis of the three-step test. For supporting my work and for many fruitful discussions, I would particularly like to thank Christophe Geiger, Gisbert Hohagen, Alexander Peukert and Rupprecht Podszun. For financing the third step of my research I would like to thank the *Max-Planck-Gesellschaft*.

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Moreover, I owe thanks to my mother Erika Senftleben for her constant support of my work. I also want to thank Tarlach McGonagle with whom I hunted flats and mosquitoes alike in Amsterdam. As well as answering all the questions 'concerning the English language' which I posed, he offered to proofread the whole book whilst working intensively on his own PhD. Thanks a lot!

Most of all, I would like to thank Stephanie Steinmetz. She always supported and encouraged my work, and even approved my decision to leave for Amsterdam. Listening patiently to all my monologues about the three-step test, she became a specialist in the field herself. Without her, my research would not have resulted in this book, nor would the time of my life which I spent writing it have gained the particular importance which it now has for me.

If not otherwise indicated, I am responsible for the translation of Dutch, French or German texts. The Dutch summary which forms part of the 'promotieeditie' of this book has been carefully reviewed by Gerard Mom. The research for this book was completed on 1 October 2003.

Karlsruhe, 1 November 2003

Martin Senftleben