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Chapter 1 : Copyright and the Dead Sea Scrolls - Edinburgh Research Explorer

About On Scrolls, Artefacts and Intellectual Property The Dead Sea Scrolls were found in Palestine, recovered in Jordan, and largely edited by an international Christian team who prevented public access to unpublished manuscripts.

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Chapter 2 : Intellectual Property and the Dead Sea Scrolls | Timothy Lim - www.nxgvision.com

Read Online On Scrolls Artefacts And Intellectual Property as forgive as you can Discover the key to increase the lifestyle by reading this On Scrolls Artefacts And Intellectual Property This is a kind of autograph album that you require currently.

A survey of the Scottish legal system and Scottish private and commercial law as at 1 January. A new edition of a classic textbook on the law of and relating to sale of goods. This is achieved by covering not only the central aspects of the system, such as the courts and the legal profession, but also the border areas with constitutional law and jurisprudence. This well established text provides an up-to-date treatment of all significant developments affecting the Scottish legal system. Provides all the necessary information required for developing a basic understanding of unjustified enrichment. Designed as a study and revision tool, this guide approaches the subject in a clear and uncomplicated way. The Law of Scotland, W. His Institutes of the Law of Scotland, published in two parts in and , has long since been unobtainable and known only to specialists. The present volume thus makes available for the first time since the eighteenth century a work of considerable interest and importance. Forbes intended the Institutes as a definitive statement of private and criminal law at a time when, following the Union, they might appear to be under significant threat. There is still much which can be learned from it today. Studying Scots Law provides a highly readable account of the educational and training requirements for entry into the Scottish legal profession and provides essential information on law courses throughout Scotland as well as giving useful advice on study skills. Studying Scots Law provides law students with an invaluable source of reference throughout their studies. Authoritative, influential yet accessible to students this textbook addresses one of the most important aspects of commercial law. Its enduring role as the definitive guide to the law surrounding the sale of goods cements its position as the market leading text for undergraduate and postgraduate students alike. Uniquely, key differences between Scots and English law in this area are highlighted throughout equipping the reader with a thorough understanding of the regulatory regimes governing the sale of goods in both jurisdictions. An introductory student text on the Scots law of unjustified enrichment. As technological progress marches on, so anxiety over the shape of the public domain is likely to continue if not increase. This collection helps to define the boundaries within which the debate over the shape of law and policy should take place. From historical analysis to discussion of contemporary developments, the importance of the public domain in its cultural and scientific contexts is explored by lawyers, scientists, economists, librarians, journalists and entrepreneurs. This book will appeal not only to students and researchers coming from a variety of fields, but also to policy-makers in the IP field and those more generally interested in the public domain, as well as those more directly involved in the current movements towards open access, open science and open source. The book offers an original perspective on intellectual property law. Beyond providing a thorough and up-to-date account of intellectual property law, the text examines the complex policies that inform and guide modern IP law at the domestic including Scottish , European and international levels. The focus is on contemporary challenges to intellectual property law and policy. This book sets out initially to test the claim that, as combinations of civil and common law influences, the mixed systems of contract law in Scotland and South Africa have anticipated the content of the Principles of European Contract Law PECL , concluded and published in by the unofficial Commission on European Contract Law. The studies go much further, however. Current official moves towards a European contract law within the European Union lend the critiques of PECL offered in this book an especial urgency and significance. A European contract law is nearer to reality than ever before, and mere policy critiques of that possibility are no longer enough. Technical and substantive assessments of PECL are also essential. This book provides just such assessments from the perspective of Scots and South African contract lawyers, and is offered to the European debate without prejudice as to the deeper policy questions. At the same time it may help to inform Scots and South African lawyers about the

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substance of international developments in the field, and suggest ways in which their still-vigorous and vital national laws may continue to be developed to remain in step with the needs of the present day. Collection of essays on Scottish legal history. The latest edition of this book gives a full and critical account of the law of sale of goods in the United Kingdom. This eleventh edition has been brought up to date with legislative and common law changes that have taken place over the last four years. In particular, it covers the changes brought in by the new Consumer Guarantees Directive which has required substantial amendment to the Sale of Goods Act. It also incorporates new material on software sales law and e-commerce law. Reflecting the increasing divergence of Scots and English law in this area, this edition again includes a treatment of the law as it applies in Scotland. Findings of research undertaken between and in the Scottish cultural heritage sector. Studying Scots Law provides an account of the educational and training requirements for entry into the Scottish legal profession. The text outlines the functions of solicitors and advocates within the context of the Scottish Legal System. Studying Scots Law provides essential information on law courses throughout Scotland as well as giving useful advice on study skills, providing law students with a source of reference throughout their studies. Appendices include useful addresses and details on funding. Introductory work on the Scots Law of Unjustified Enrichment. Considers the scope of copyright in the light of the digital revolution and raises issues about the future shape of the law requiring further investigation and reflection. Fundamentals of Scots Law is a clear and comprehensive account of a broad range of the legal areas studied by students studying Scots law, or law as part of another course in Scotland. Included are chapter summaries, further reading lists and sample examination questions and answers. The development of European private law with particular reference to regional laws such as those of Catalonia and Scotland and codification. Essays analysing the impact of the Human Rights Act in Scots law, with comparative reference to other systems. Includes essays on the Human Rights Act and Scotland Act, human rights and the law of crime, property, employment, family and private life. Volume 49 of the Stair Society series: Young, Parker Hood, Laura J. The book is a collection of essays on various legal issues arising in connection with the editing and publication of the Dead Sea Scrolls, in particular the decision of the Israeli courts in *Qimron v Shanks*. This describes the history of the Faculty of Law from to , with lists of professors noting significant events and including extracts from reminiscences of former students. Essays in Honour of W. A team of leading academic lawyers analyse the current state of Scots law and its future prospects. This edition relates the history and assesses the limitations of copyright law from its inception in , through the and Acts, to the present. Detailing some of the seminal cases in the development of copyright law, this is a jargon-free guide to a complex area of law. Dealing specifically with issues raised by the new Criminal Justice act ; money laundering under EC and international law, and considers how financial institutions, the law and the police can tackle the problem. But there have been two distinct phases in its development: Recent criticism of German law from within that system compels reconsideration of the Scottish approach, but the paper argues that in an uncodified system the force of the critique is much less and that, far from becoming fragmented, Scots enrichment law is acquiring a new sophistication. It is acknowledged that the law on unwinding failed contracts might still benefit from fresh analysis and approaches, while English law in general should not be lost to sight in Scotland. The article is essentially an attempt to explain why, almost alone in the early modern English-speaking legal world, Scots lawyers gave no particular standing to Magna Carta, the great English medieval charter of liberties, either before or after the Anglo-Scottish Union of . But, as the article demonstrates, it is certain that Magna Carta was at its most important for Scotland in the year of its creation , and that that importance probably did not long outlive King John died. Discussion of the state of the Scottish legal system post-Brexit and the independence referendum, as well as in the light of renewed uncertainty about the future of the Anglo-Scottish Union. This contribution compares the recognition of a general concept of unilateral promises, binding without acceptance by the promisee, in Article 2: The significance of this comparison is that the rule in question is significantly wider than that found in most other European legal systems, which tend to recognise only limited categories of unilateral promises or to impose a requirement of acceptance. Despite an authoritative restatement of the law by Lord President Gill in *Regus*

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Maxim Ltd v Bank of Scotland plc [] CSIH 12, the Scottish courts have generally approached the concept in a restricted and restrictive way, although at least occasionally allowing it a role even in commercial cases. It is also suggested, in opposition to a suggestion by Professor Martin Hogg, that from both the DCFR and the Scottish experience the conduct of the recipient after the statement is made may be relevant to the question of whether the statement can be treated as a binding promise. There is also comparison with the equivalent Westminster procedure for Law Commission Bills, and discussion of the prospects for the Succession Scotland Bill, introduced in June and passed in February as the second Bill under the new Scottish procedure. The decision must be understood against the background of distinct notions of common law and equity in Scots law, drawn from the Natural law tradition of the European jus commune. At the same time the decision reveals developing strands of Enlightenment thought and concepts of the judicial role in relation to legislation. A memorial tribute to Professor Geoffrey Barrow, analysing his contribution to the historiography of medieval Scotland, especially in the period , and commenting on some recent criticism. The decision must be understood against the background of distinct notions of common law and equity in Scots law, drawn from the Natural law tradition of the European jus commune. At the same time the decision reveals developing strands of Enlightenment thought and concepts of the judicial role in relation to legislation. This paper, by Hector MacQueen, assesses the current state of Scots law and the Scottish legal system, arguing that as a small legal system which cannot be self-contained it is inevitably in a state of crisis, from which, however, it will not be rescued by Scotland becoming independent. Whatever happens after the referendum concerning Scottish Independence on 18 September , the law is in need of active legislative reform, possibly codification, while the courts must become more positive in the attraction of business rather than, as it sometimes seems, seeking to push it away. Mere defence of the status quo will end in disablement and defeat. David Daube and T. This Article is a study of the relationship between two academic lawyers of the twentieth century, David Daube and Sir Thomas Broun Smith, with particular focus on their period as colleagues at Aberdeen University in Scotland in the early s. It highlights the importance of the relationship for the development of modern academic law in Scotland. The Appendices publish the texts of relevant correspondence between the two men. Findings â€” Whatever the merits of a change of circumstances doctrine, the Lloyds case does not provide a good example for its application. This article provides an analysis of the nature of donation in Scots Law, and considers matters such as the formation and constitution of donative acts, the obligations and remedies of the parties, revocation of donative acts, and mixed donations. It also considers the relationship between donation and promise in Scots law. This analysis piece examines the recent decision of the Inner House of the Court of Session in Khaliq v Londis [] CSIH 13 on the subject of liability for wasted pre-contractual expenditure. Discusses the origins of the Draft Common Frame of Reference and assesses the need for further work in particular areas, taking as an example the subject of restitutionary damages for non-performance of a contract. Considers the choices to be made by Scots law if it is to give adequate protection to privacy as required by Article 8 of the European Convention on Human Rights. Should it adapt the law of confidential information borrowed from English law or the civilian actio iniuriarum? Recent case law is reviewed and some unanswered questions considered. This paper reports on the position in the United Kingdom with regard to copyright in the digital environment. UK law recognises temporary reproduction and public communication as exclusive rights of the copyright owner. Copyright exceptions and limitations have received only limited although by no means insignificant adjustment as a result of the Copyright Directive It is not completely clear whether exceptions and limitations can be contractually excluded: Technical protection and digital rights management systems are given protection. A discussion of the principles underlying regulation of national archives, comparing the position in Scotland and Ireland, and surveying the approach to reform in the former. This article shows how under the present legislation in the UK copyright may exist in speech, in particular in interviews and conversations, provided that the words are recorded and constitute an original work. The argument is illustrated and supported by reference to reported cases from throughout the common law world, as well as to news stories and interviews with individuals ranging from Lord Denning to Michael Jackson.

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Issues arising from the collection of oral history are also discussed. It is further argued that, in addition to the internal analysis of copyright itself, such protection for the spoken word can be justified by the privacy and personality interests of speakers in the use of what they say.

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Chapter 3 : On Scrolls, Artefacts and Intellectual Property : Timothy H. Lim :

About the Editors. Timothy Lim is Reader in Hebrew and Old Testament Studies, University of Edinburgh.. Hector L. MacQueen is Professor of Private Law and Director, Shepherd and Wedderburn Centre for Research in Intellectual Property and Technology, University of Edinburgh.

Dead Sea Discoveries, Vol. JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. Robinson and Biblical Archaeology Society hereafter: Hershel Shanks has paid the amount, including court costs, in full. Officially, the case is over. But the ramifications of this controversial decision are only beginning to be recognized. This short article will 1 briefly outline the background to the case, 2 discuss the main points of both the original judgment and the appeal decision, and 3 offer some personal reflections on how this case will affect the way we work as Qumran scholars. What I will say in 1 and 2 have to be taken in the context of recent events and the original judgment and the appeal decision. Sheffield Academic Press, and I say this not to draw attention to my own work, but to note that I am aware of several different versions of this Judgment-two in Hebrew and an unofficial English translation of the draft version which was used during the trial. The draft version has been heavily edited in the official publication see, e. Background The case is known to most of us, since many of us lived through it as interested spectators, witnesses, or litigants. For the benefit of those unaware or uncertain of the details of the background, let me briefly rehearse its history. Prepared with an Introduction and Index by Robert H. This content downloaded from The letter also insisted that Kaperas stop the distribution of his bulletin. In response, Kaperas wrote a letter of apology to Drori and explained that he had circulated only a few copies and that he had asked his readers not to distribute them further. Shanks, however, felt that the pressure exerted on Kaperas was illegitimate and encouraged readers of Biblical Archaeology Review hereafter: This Shanks did in the context of his struggle to liberate the scrolls from "the cartel. Eisenman and Robinson, the two editors, through different lawyers, argued that they were not responsible for the publication of the composite text and had no knowledge that Shanks was going to publish it. Dorners Judgment? Judge Dorners, however, found the two editors, as well as Shanks and BAS, liable jointly and severally, each of them accountable for his damages in full, although Shanks has paid the full amount. Shanks now states that he was directing his fire at Strugnell, then Editor-in-Chief of the DJD series and "did not want to be critical of a young untenured Israeli scholar,"⁴ obliquely referring to Qimron in the sentence "with a colleague, Strugnell proceeded to write a I "Intellectual Property Law and the Scholar: It was he who was withholding MMT. I knew Elisha Qimron was working with him, but I did not know the extent of his contribution" "Intellectual Property Law and the Scholar," LIM page commentary on this line text. But in her Judgment, Judge Dorners was unable to ascertain a firm estimate of the material damage caused by the illicit publication Dorners Judgment? She did, however, award the maximum statutory damages of NIS 20, for deterrence against future infringement Dorners Judgment? In her own words? The argument in the matter of harm to reputation is insufficiently based on facts. They would also have understood that this was a draft. It is possible to assume that they would know that Strugnell and the Plaintiff [i]. But she did find that the infringement had caused Qimron mental anguish and based upon the principle of *in statu quo ante* "the restoration to the state in which things were before" awarded him NIS 80, as compensation for the infringement of moral right? From this follows the conclusion that the "inspiration,"⁷ the "added soul" that he imbued into the Scroll fragments by the force of his work make him the owner of copyright in the Deciphered Text Decision? In addition to the award of the District Court, which it supported, the Appellate Court ordered the return of all infringing copies of the work and the plates "used or intended to be used for the production of such infringing copies" Decision? The procedures and rulings of the District Court and Supreme Court are controversial. All agree on the principle of applying *lex loci delicti* "the law of the place

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where the delict [tort or wrong] was committed". That is, the premise that the laws of enlightened states are identical, arguing that English law is the common basis of US and Israeli copyright law and that Israel law furthermore adopted US law regarding statutory damages. By conferring copyright in the composite text of MMT on Qimron, the Israeli courts have ruled that Qimron is the "author" of the reconstructed text. This ruling is based upon the view that the reconstruction of the composite text of MMT from the six fragmentary copies is a creative act. As an aside, let me say that this is counter-intuitive to us as Qumran scholars. Surely, the goal of editorial reconstruction is to produce a text that is as close as possible to the putative original. I translated by Yoninah Hoffman. Who is an Author? LIM But this is an important element of the copyright claim in this case. Carson, for example, has argued that originality is not predicated on the difficulty of the task or the labour expended—the so-called "sweat of the brow" argument. Moreover, ironically, the better job that the editor does on reconstructing the original, the less claim he has to copyright. Nimmer, who during the appeal had unsuccessfully petitioned the Supreme Court as an amicus curiae, "friend of the court," representing the Committee of Concerned Intellectual Property Educators Decision? Although double readings are found in the Qumran scrolls—though not the t-Ip̄n xt method—it seems to me to be rather different from reconstructing a composite text. Nimmer concludes, on this line of reasoning, that observing that a textual variant or even drawing an inference that Mtns. MacQueen, reviewing the case from a British perspective, supports the District Court judgment in principle. His copyright lies in the Deciphered Text, namely the arrangement and reconstruction of non-contiguous fragments and the filling-in of the lacunae between fragments based upon original halakhic and linguistic research Decision? In contrast to this, the assembly of the composite text depended upon Halakhic research and linguistic research from an original, and constitutes an original creation. To make this more concrete, I would interpret the ruling to mean that the copyright of the composite text belongs to Qimron. All reconstructions of the lacunae belong to Qimron. Moreover, the assembly of non-contiguous fragments also belong to Qimron. Let us look at DJD Plate I and 4Q The two pieces of frag. I would interpret the placement of these as non-copyrightable, but frag. There are several issues that arise from these observations. First, terminological definition often varies and scholars often disagree as to what constitutes "a fragment. LIM Second, what constitutes "a join"? Should the two pieces of frag. Or is this a false distinction? Fourth, can one independently arrange the three pieces of what are now called frags 1 and 2 in any other way? We have all read and studied MMT. Is it possible to erase DJD 10 from our minds? Or is it even sensible to do so? Moreover, given their calendrical content, where the calculation of dates can be easily extrapolated, is there any other defensible way of rearranging these pieces? All the pieces that make up frags 3a and 3b I would interpret as contiguous and therefore not copyrightable. It could also be argued that frags 4 and 6 are contiguous, although their placement is less certain. All pieces belonging to frag. Frags 9 and 10 are discontinuous and copyrightable. There is only one fragment of 4Q Garcia Martinez has argued that its identification, correspondence with 4Q, and its placement within the composite text was already done by Strugnell, according to the evidence of the Preliminary Concordance. The piece labelled "2" in frag. Garcia Martinez, "Discoveries in the Judaean Desert: Published in Honour of Joseph M. All pieces that make up frag. The arrangement of frags together with of 4Q are copyrightable, although the join of frags is not. The arrangement of 4Q frags are copyrightable, although it may be argued that and possibly and 18 and 21 have enough material match to be considered continuous. Garcia Martinez again argued that "dans ce cas il est possible de prouver que le travail était substantiellement conclu en mai All the fragments are non-contiguous and are protected by copyright. Frags are non-contiguous. Frags 15, 16, and 17 are non-contiguous. There is only one fragment. I believe that the above represents a defensible interpretation of the judgment as regards the copyright protection conferred on the arrangement of discontinuous fragments. He states this forcefully: Si cette conclusion est recevable, la prétention de Qimron aux droits de propriété exclusive sur ce texte composé et reconstitué est basée sur une fautive [sic] prémisse Garcia Martinez sent me a draft in November, but the above citations are from his published version. Will we be sued if we used the composite text of MMT? What is the personal and professional relationship between you and Elisha Qimron? Justice Turkel, in writing up the

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Decision, was particularly concerned with the contention of the Appellants that conferring copyright on the Deciphered Text will hinder scholarly research. One must not take these claims lightly. In the past I remarked upon the importance that must be attached to the protection of academic freedom, while I noted that "research, study and instruction in all areas of the human spirit, that do not have handcuffs on them, raise the individual within society and with him society as a whole. It is also the exercise of a basic human need. It is true, we are dealing with a struggle between interests, that stand sometimes one against the other—the right of the individual to protection of the fruits of his creation against the right of society to continue to flourish upon the fertile ground of the past—between them one must balance. Infringement of Copyright 1 Copyright in a work shall be deemed to be infringed by any person who, without consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright:

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Chapter 5 : On Scrolls, Artefacts, and Intellectual Property - Edinburgh Research Explorer

The Dead Sea Scrolls were found in Palestine, recovered in Jordan, and largely edited by an international Christian team who prevented public access to unpublished manuscripts. Subsequently, the state of Israel, which had already purchased many of the Scrolls, has assumed responsibility for all of them.

Chapter 6 : Scrolls, Scriptures and Early Christianity : Geza Vermes :

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Chapter 8 : Paul Torremans - The University of Nottingham

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