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Volume 60, Issue 3, of the *Journal of the Copyright Society of the USA* begins with *The Orphan Works Copyright Issue: Suggestions for International Response* by Bingbin Lu, which proposes a legal framework that would solve the orphan works problem and facilitate lawful, cross-border online access to orphan works. After examining the issues, the author concludes that: “The international treaties on copyright should be revised or a special agreement on orphan works should be drafted in order to address the challenges posed by digital technologies in the Internet era.”

The next two articles deal with aspects of Chinese law. *Dancing in Shackles: Copyright in China’s Highly Regulated Publishing Market* by Hongsong Song discusses the tensions that exist in China’s media industry between the market and state control. He observes that by acquiescing to private publishing, the state press control authorities derive revenue from the profits of private publishing and “benefit from copyright revenue generated from the market.” *Toward a More Balanced Model: The Revision of Anti-Circumvention Rules* by (Jerry) Jie Hua, focuses on China when looking for a way to revise anti-circumvention rules in a way that would “restore the balance of interests between copyright owners and public users in general, as well as guarantee access to information and knowledge in less developed countries . . ..” He advocates: “the inclusion of access-control technological measures into more general legal systems such as competition law.”

In *Comparing Apples to Applejacks: Cognitive Science Concepts of Similarity Judgment and Derivative Works*, author Kate Klonick suggests ways in which cognitive science can be applied to copyright law. She states that: “scientific models and understandings shed light on the potential biases of court-made tests to judge similarity and suggest new frameworks for understanding courts’ various considerations in assessing copyright infringement and derivative works.” Next, *The Quest for “Parity”: An Examination of the Internet Radio Fairness Act* by Rick Marshall examines competing rate-setting standards, and analyzes recurring issues in the dispute between webcasters and sound recording owners over standards governing rate-setting proceedings. The author maintains that if Congress acts on a new IRFA bill, instead of a one-sided rate-setting mechanism, “it should endorse a standard that creates true parity — a market-based rate that applies across all digital music platforms.”

The final article in issue 3, *On the Prospects of Raising the Originality Requirement in Copyright Law: Perspectives from the Humanities*, Erlend
Lavik and Stef van Gompel explain that because copyright law is so distinct from patent law and aesthetic theory, “introducing a higher originality standard along the lines of patent law’s criterion of non-obviousness or the threshold of originality in aesthetics is highly problematic and therefore undesirable.” They note that “[t]he proposal to raise the originality threshold, or to make works’ degree of copyright protection commensurate with their degree of originality, holds intuitive appeal,” but add that they “find it impracticable, and have reservations about the presuppositions on which it is based.” The authors conclude that: “Other measures are more feasible, proficient, and relevant to the problems that so many creators face as a result of deficiencies in the current legal framework.”

The issue concludes with Part III, Administrative Developments, and Part IV, the Bibliography.

As always, your comments and suggestions are welcome.

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PART I

ARTICLES