

Copyright Theory

Dualistic Theory:

Property right and personal right are to be separated
(Copyright system of the Anglo-American legal system)

Monistic Theory:

Copyright law as a unity of property right and personal right
(Continental European Droit d'auteur System)

"Tree theory": Copyright as the trunk of the tree, from which, as branches and twigs, inseparably arise both property rights and personal rights (Eugen Ulmer)

Typical Effects:

Focus on property rights or personal rights

Where does copyright arise?

Copyright system: Employer (work made for hire)

Droit d'auteur system: employee (cf. Sec. 7, 29 (1) UrhG)