
Kluwer Copyright Blog

Estonia: Tiina Tammer, Supreme Court of Estonia, 3-2-1-153-16, 29 March 2017

Elise Vasamae (Palladium Attorneys at Law) · Tuesday, May 2nd, 2017

A full report of this case has been published on [Kluwer IP Law](#).

In this interesting case, the Supreme Court of Estonia examined whether the answers given by the claimant in the framework of an interview are works protectable by copyright. Section 4(6) of the Copyright Act stipulates that the protection of a work by copyright is presumed except if, based on this Act or other copyright legislation, there are apparent circumstances which preclude this. The burden of proof lies with the person who contests the protection of a work by copyright. In the present case, it must be presumed that the claimant's answers are copyrightable subject matter and the defendant has the burden of proving otherwise. The Supreme Court stressed that the claimant is an author and has the exclusive right to authorise or prohibit any use of her copyright work, including the reproduction of her oral speech in a book.

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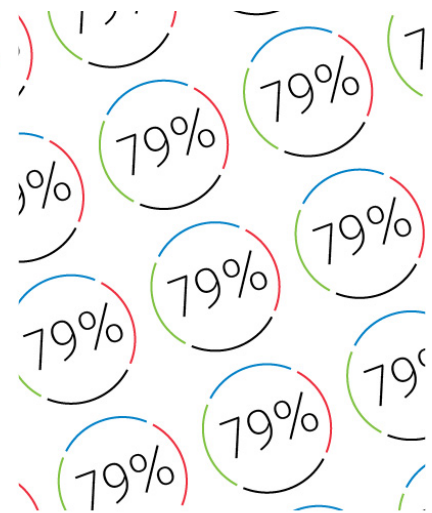
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