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COPYRIGHT AND NEIGHBORING RIGHTS LAWS AND TREATIES (INSERT)

Editor's Note

AUSTRALIA

- Copyright Amendment Act 1986 (No. 78 of 1986) Text 1-01

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Studies

Copyright and Data Bases: a Worry or a Challenge?

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Correspondence

Letter from Austria

Robert DITTRICH*

Activities of Other Organizations

International Literary and Artistic Association (ALAI)

Executive Committee

(Paris, January 24, 1987)

The Executive Committee of the International Literary and Artistic Association (ALAI) met on January 24, 1987, in the Conference Room of the SNAC (*Syndicat national des auteurs et compositeurs*) in Paris, under the chairmanship of Professor Georges Koumantos (Greece), President of ALAI. WIPO was represented by Mr. Henry Olsson, Director, Copyright and Public Information Department. The Committee took note of reports on past and planned activities of ALAI and discussed various questions related to those subjects. Furthermore, the Committee discussed the copyright questions contained in the draft Directive "The Community's Broadcasting Policy," which the Commission of the European Communities had submitted to the Council of Ministers on April 30, 1986. As a result of the discussion, the Executive Committee adopted the following resolution:

Resolution

The Executive Committee of ALAI,

Having examined the draft EEC Directive of April 30, 1986, relating to the Green Paper "Television Without Frontiers,"

Recalling that it has already taken a stand concerning the Green Paper at its meeting of January 12, 1985,

Without prejudice to the questions arising from the quantitative and qualitative limitations provided for in the draft Directive,

Notes with satisfaction that the above-mentioned draft gives preference to contractual solutions,

Suggests that every regulation, even in the form of a recommendation, of transmission by cable of broadcast programs should be deferred so as to permit not only a more in-depth study of the problems in question but also a more far-reaching concertation between the interested parties within the Common Market with a view to arriving at contractual solutions,

Considers that the Belgian and Dutch examples prove that such solutions are practicable and that a system of non-voluntary licenses is not indispensable in the field of cable television,

Recommends consequently the deletion from the draft Directive of all recourse to a non-voluntary license,

Suggests that the Community authorities revert to the solution that they have themselves envisaged as an alternative in the Green Paper, which consists in providing, in order to facilitate the conclusion of contracts by cable transmission enterprises, that the authors' right to authorize cable transmission of their works could be exercised only through collecting societies grouping authors.

Books and Articles

Book Review

Merchandising and Sponsorship in the Music Business. One volume of 120 pages. Maklu Publishers, Apeldoorn – Antwerp, 1986.

Limitation of Free Bargaining and Sanctity of Contracts with Performing Artists and Composers. One volume of 121 pages. Maklu Publishers, Apeldoorn – Antwerp, 1987.

Organized since 1977 within the framework of MIDEM (*Marché international du disque et de l'édition musicale*) in Cannes, the meetings of the International Association of Entertainment Lawyers (IAEL) provide a platform for discussions and exchange of views on current legal problems related to the music business. They give specialized copyright and entertainment lawyers from all parts of the world an opportunity to be kept informed of new legal developments, such as new legislation or recent case law in various countries.

The meetings take place in January and last for one day. In 1986, the topic covered was "Merchandising and Sponsorship in the Music Business"; in 1987, the subject was "Limitation of Free Bargaining and Sanctity of Contracts with Performing Artists and Composers." After each meeting, a book is published, containing reports presented at the meeting by legal practitioners or experts in copyright and entertainment law.

The reports in 1986 were written by specialists from the United States of America (Lee Phillips and Michael Sukin), the United Kingdom (Julian Turton), Canada (Richard Hahn), the Federal Republic of Germany (Günther Poll), Benelux (Jules Stuyck) and France (Olivier Carmet and Brian Lewis). In 1987, the reports were prepared by specialists from the United States of America (Alvin Deutsch and Michael Sukin), the United Kingdom (David Lester), France (André Schmidt and Louis Bernard Buchman), the Federal Republic of Germany (Udo Freiherr von Stein) and the Netherlands (Reinier de Jonge and Arend Jan van der Marel). The editor

of both volumes was David Peeperkorn (Netherlands, Chairman of IAEL) who also published in the 1986 volume a "General View" and in the 1987 volume a "General Report," a kind of introduction to and summary of the reports.

With regard to the first meeting, dealing with merchandising and sponsorship in the music business, the reports offer interesting and practical information which may be useful in the day-to-day running of business within the merchandising field. The reports also attempt to define the meaning of merchandising.

In addition, the reports for this meeting deal with five major specific subject matters. The first report discusses the "right of publicity," the second concentrates on the right to privacy and the right "to license publicly recognizable properties," the third analyzes the classical means of protection offered by copyright, the fourth deals with laws of trademark and service marks and finally, the fifth discusses various actions based on "passing off" and on unfair competition.

As far as the meeting of 1987 is concerned, the reports have adopted a more general approach, insofar as they deal with the validity and enforceability of contracts with artists, and the implications of the failure of such contracts. All the reports stress the importance of free negotiations which is a basic principle prevailing in national laws analyzed by them. The general report gives a summary of the various approaches and solutions outlined by the speakers at the meeting.

Both publications illustrate well that the annual IAEL meetings at MIDEM provide a good opportunity for participants to compare national legislation and practice. The meetings can thus contribute to the solution of a number of legal and practical problems in this important field full of ever new copyright and neighboring rights questions.

P.C.M.

Calendar of Meetings

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible change.)

1987

- June 4 and 5 (Ithaca) — Symposium on the Protection of Biotechnological Inventions
- June 11 to 19 (Washington) — Permanent Committee on Patent Information (PCPI): Working Groups on Special Questions and on Planning
- June 15 and 16 (Geneva) — Symposium on Effective Protection of Industrial Property Rights
- June 22 to 26 (Geneva) — Madrid Union: Working Group on Links Between the Madrid Agreement and the Proposed (European) Community Trade Mark
- June 22 to 30 (Geneva) — Berne Union: Executive Committee (Extraordinary Session) (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)
- June 29 to July 3 (Geneva) — Committee of Experts on Biotechnological Inventions and Industrial Property (Third Session)
- July 1 to 3 (Geneva) — Rome Convention: Intergovernmental Committee (Ordinary Session) (convened jointly with ILO and Unesco)
- September 2 to 4 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Patent Information for Developing Countries
- September 7 to 11 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)
- September 14 to 19 and 22 (Geneva) — Consultative Meeting on the Revision of the Paris Convention (Fourth Session)
- September 21 to 30 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, Budapest, TRT, Vienna and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union): Ordinary Sessions
- October 5 to 9 (Geneva) — Committee of Governmental Experts on Works of Applied Art (convened jointly with Unesco)
- November 2 to 6 (Geneva) — Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions (Fourth Session)
- November 23 to December 4 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Search Information
- December 3 and 4 (Geneva) — Joint Unesco-WIPO Consultative Committee on the Access by Developing Countries to Works Protected by Copyright (convened jointly with Unesco)
- December 7 to 11 (Geneva) — Committee of Governmental Experts on the Printed Word (convened jointly with Unesco)

UPOV Meetings

1987

- June 2 to 4 (Bamberg) — Technical Working Party for Vegetables
- June 10 to 12 (Copenhagen) — Technical Working Party on Automation and Computer Programs
- June 17 and 18 (Geneva) — Administrative and Legal Committee
- June 23 to 25 (Geneva) — Technical Working Party for Agricultural Crops
- October 13 and 14 (Geneva) — Technical Committee
- October 15 and 16 (Geneva) — Administrative and Legal Committee

- October 17 (Geneva) — Subgroup on Biotechnology
October 19 (Geneva) — Consultative Committee
October 20 and 23 (Geneva) — Council
October 21 and 22 (Geneva) — Meeting with International Organizations

Other Meetings in the Fields of Copyright and/or Neighboring Rights

Non-Governmental Organizations

1987

- June 1 and 2 (Sorrento) — International Literary and Artistic Association (ALAI): Study Session
July 20 to 22 (Cambridge) — International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting

1988

- June 12 to 17 (London) — International Publishers Association (IPA): Congress

