Film Copyright in the European Union

Intellectual property issues in the film industry are often highly complex and are evolving rapidly in today’s world. In this second edition of *Film Copyright in the European Union*, Pascal Kamina unravels the complexities of film protection in the twenty-eight Member States of the European Union, including thirteen new Member States who have joined since the first edition. As well as addressing key aspects of film copyright, Pascal Kamina also deals with the protection of film works within the European Union in the context of European harmonisation of copyright laws. Including a new chapter on copyright enforcement, this second edition details the substantial developments in EU law during the last decade, including major cases for the European Court of Justice, new treaties and new directives. This book will interest practitioners, academics and students. The developments on contracts and moral rights will be of particular interest to lawyers outside continental Europe.

PASCAL KAMINA, Dr Jur (France), LLM, PhD (Cantab), is Professor of Law at the University Bourgogne Franche-Comté and Attorney at Law of the Paris Bar. He is the author of *Droit du cinéma* (Cinema Law) (2011, 2nd ed. 2014) and of several monographs and chapters on the subject of film copyright and media law both in French and in English.
Cambridge Intellectual Property and Information Law

As its economic potential has rapidly expanded, intellectual property has become a subject of front-rank legal importance. *Cambridge Intellectual Property and Information Law* is a series of monograph studies of major current issues in intellectual property. Each volume contains a mix of international, European, comparative and national law, making this a highly significant series for practitioners, judges and academic researchers in many countries.

**Series editors**

Lionel Bently  
*Herchel Smith Professor of Intellectual Property Law, University of Cambridge*

William R. Cornish  
*Emeritus Herchel Smith Professor of Intellectual Property Law, University of Cambridge*

**Advisory editors**

François Dessemontet, *Professor of Law, University of Lausanne*

Paul Goldstein, *Professor of Law, Stanford University*

The Rt Hon. Sir Robin Jacob, *Hugh Laddie Professor of Intellectual Property, University College, London*

A list of books in the series can be found at the end of this volume.
Film Copyright in the European Union

Pascal Kamina
# Contents

*Foreword to the first edition*  
*Preface to the second edition*  
*Acknowledgements*  
*List of abbreviations*

## 1 Introduction

1. The European audiovisual industry in the digital age  
2. A complex and evolving copyright framework  
3. The challenge of mass piracy  
4. Structure of this book  
5. A word on the terminology used in this book (copyright/author’s right/related rights)

## 2 History of film protection in Europe

6. The birth of an industry  

   **Section I** Early stages of copyright protection (1896–1908)  
   7. Questions raised by ‘photo-plays’ and ‘cinematograph films’  

   **Part I** National legislation before the Berlin Conference  
   8. Films as series of photographs or dramatic works  
   9. Early protection in the United Kingdom  
   10. Early protection in France and countries influenced by French law  
   11. Germany and countries influenced by German law  
   12. Scandinavian countries  

   **Part II** The Berlin Conference of the Berne Convention  
   13. The Berne Convention  

   **Section II** The modern period: separation between copyright and authors’ rights countries (1908–92)  
   14. The separation of copyright and authors’ rights approaches  

   **Part I** The evolution of film protection in the United Kingdom and Member States of copyright tradition  
   15. Film protection under the UK 1911 Act: indirect protection as a series of photographs and as dramatic work  
   16. Articulation of the two protections  
   17. The subject-matter of protection under the heading of dramatic work: the distinction between script and final audiovisual work
vi Contents

18 The difficult question of film authorship under the 1911 Act 23
19 The influence of new technologies 26
20 Infringement of films under the 1911 Act 28
21 Influence of the 1911 Act 29
22 The 1956 Act: a specific subject-matter for film protection 29
23 Infringement of films under the 1956 Act 32
24 The 1988 Act: continuation or departure from the 1956 Act? 32
25 A protection of audiovisual works as dramatic works under the 1988 Act 33
26 Film protection in Ireland, Malta and Cyprus 34

Part II The evolution of film protection in Member States of authors’ right tradition 35
27 Overview 35
28 The evolution of film protection in France 37
29 The French Act of 11 March 1957 39
31 Legislation influenced by French law 42
32 The specifics of Italian copyright 43
33 The Italian Act of 22 April 1941 43
34 The evolution of German film copyright 44
35 The German Act of 9 September 1965 46
36 Austria 46
37 The Netherlands 47
38 Scandinavian countries 48
39 Other European countries 49

Section III Towards European harmonisation (1992 to the present) 50
40 The European harmonisation of copyright 50
41 The Rental, Lending and Related Rights Directive of 19 November 1992 52
42 The Satellite and Cable Directive of 27 September 1993 52
44 The Information Society Directive of 22 May 2001 53
45 The Enforcement Directive of 30 April 2004 54
46 Other relevant copyright directives 55
47 National implementations of the EU copyright directives 56
48 Further harmonisation 56
49 Towards European Copyright Code/Unitary Right? 61

3 Subsistence of rights 63
50 Introduction 63

Section I The subject-matter for protection 64
51 Determination of the subject-matter for film protection 64
52 Definition of the subject-matter for protection at the international and regional levels 65
53 The requirement of a double protection under the EU copyright directives 67
54 Originality under EU law 68
55 Structure 70
Contents

Part I The audiovisual or cinematographic work 71
56 Direct versus indirect protection 71
57 The audiovisual work in the United Kingdom and in Member States of British copyright tradition 71
58 In the United Kingdom 71
59 In Ireland, Malta and Cyprus 81
60 The audiovisual work in Member States of authors’ right tradition 82
61 Audiovisual works and borderline works 87
62 Television formats 89
Part II The audiovisual recording 93
63 Presentation 93
64 The problem raised by the double protection of audiovisual works 94
65 The related right of the film producer in the EU copyright directives 95
66 The related right of the film producer in domestic laws 96
67 In the United Kingdom: the copyright in the ‘film’ 96
68 In Ireland, Malta and Cyprus 108
69 In Member States of author’s right tradition 109
Part III The protection of contributory works 111
70 Main underlying works in film production 111
71 Characters 112
72 Titles 113
Part IV Broadcasts 116
73 Introduction 116
74 The Rome Convention of 1961 116
75 The TRIPS Agreement 117
76 The Brussels Convention of 1974 118
77 Council of Europe 118
78 EU copyright directives 119
79 Protection at the national level 122
80 In the Member States of copyright tradition 122
81 In Member States of author’s right tradition 126
Part V Protection as a database? 128
82 The Database Directive and films 128
Section II The term of copyright protection 130
83 The Term Directive and the extended duration for audiovisual works 130
84 Unpublished films or film works 132
85 Musical compositions with words/sound recordings 132
86 Implementation in the United Kingdom 133
87 Other national implementations 135
88 War extensions 135
89 Revived and extended rights 137
4 Authorship and initial ownership 141
90 Introduction 141
91 Authorship of films in the Berne Convention 142
92 The dichotomy between copyright and author’s right systems 143
Determination of film co-authors

The EU copyright directives

Structure

Section I Film authorship in the United Kingdom and Member States of British copyright tradition

Introduction

Part I The author of the ‘film’ (audiovisual recording)

Entrepreneurial authorship of films under the UK 1956 Act

The author of a film made before 1 July 1994

The co-authors of a film made on or after 1 July 1994

The film director

The film producer

The author of the ‘film’ in Ireland

The author of the audiovisual recording in Malta and Cyprus

Part II The author of the audiovisual work (as distinct from its recording)

Cases of creative authorship of films under UK copyright law

The relevance of authorship entitlement

The importance of joint authorship rules

Evaluation of potential claims to co-authorship in audiovisual works

Conclusion: the co-authors of dramatic audiovisual works

The regime of joint works under UK copyright law

The author of the audiovisual work in Ireland, Malta and Cyprus

Section II Authorship of audiovisual works in Member States of author’s right tradition

Historical development: the difficult road to creative authorship

The rise of the film director

Countries without a statutory list of co-authors

Countries with a statutory list of co-authors

Section III Initial ownership

Introduction

Part I Ownership of rights in audiovisual works

International agreements and EU directives

The law in Member States of copyright tradition

The law in Member States of author’s right tradition

Part II Ownership of underlying rights

Should film producers be the initial owners of underlying rights?

International agreements and EU directives

The law in Member States of copyright tradition

The law in Member States of author’s right tradition

5 Contracts and authorial rights

Introduction

Section I Copyright transfers
# Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>124</td>
<td>Scope of the study</td>
<td>191</td>
</tr>
<tr>
<td>125</td>
<td>European harmonisation</td>
<td>192</td>
</tr>
<tr>
<td>126</td>
<td>The existence of specific regimes for copyright and film production agreements</td>
<td>193</td>
</tr>
<tr>
<td>127</td>
<td>Transmissibility of copyright and author’s right</td>
<td>194</td>
</tr>
<tr>
<td>128</td>
<td>Divisibility of copyright</td>
<td>195</td>
</tr>
<tr>
<td>129</td>
<td>Writing requirements</td>
<td>195</td>
</tr>
<tr>
<td>130</td>
<td>Registration/priority of transfers</td>
<td>197</td>
</tr>
<tr>
<td>131</td>
<td>Statutory presumptions of grant/deemed assignments</td>
<td>198</td>
</tr>
<tr>
<td>132</td>
<td>Statutory presumptions of grant in the United Kingdom and Ireland</td>
<td>198</td>
</tr>
<tr>
<td>133</td>
<td>The presumption in France and Belgium</td>
<td>199</td>
</tr>
<tr>
<td>134</td>
<td>The presumption in other Member States</td>
<td>200</td>
</tr>
<tr>
<td>135</td>
<td>Limitation in time</td>
<td>204</td>
</tr>
<tr>
<td>136</td>
<td>Construction of grants/unfair clauses</td>
<td>204</td>
</tr>
<tr>
<td>137</td>
<td>Agreements relating to future works</td>
<td>207</td>
</tr>
<tr>
<td>138</td>
<td>Uses not contemplated at the time of the agreement</td>
<td>208</td>
</tr>
<tr>
<td>139</td>
<td>Duty to produce or distribute the film/revocation for non-exercise</td>
<td>210</td>
</tr>
<tr>
<td>140</td>
<td>Other obligations of the film producer</td>
<td>213</td>
</tr>
<tr>
<td>141</td>
<td>Collective and professional agreements</td>
<td>213</td>
</tr>
<tr>
<td>142</td>
<td>Transferrability of copyright interest to a third party</td>
<td>218</td>
</tr>
<tr>
<td>143</td>
<td>Introduction</td>
<td>220</td>
</tr>
<tr>
<td>144</td>
<td>Authorial rights at the international and regional levels</td>
<td>220</td>
</tr>
<tr>
<td>145</td>
<td>Equitable remuneration of film authors in the European Union: a first view</td>
<td>222</td>
</tr>
<tr>
<td>146</td>
<td>Equitable remuneration in the United Kingdom and Member States of British copyright tradition</td>
<td>225</td>
</tr>
<tr>
<td>147</td>
<td>Authorial rights in France</td>
<td>227</td>
</tr>
<tr>
<td>148</td>
<td>Authorial rights in other Member States</td>
<td>230</td>
</tr>
<tr>
<td>149</td>
<td>Introduction</td>
<td>235</td>
</tr>
<tr>
<td>150</td>
<td>European law</td>
<td>235</td>
</tr>
<tr>
<td>151</td>
<td>Collective management of film rights</td>
<td>240</td>
</tr>
<tr>
<td>152</td>
<td>Extended collective licensing</td>
<td>244</td>
</tr>
<tr>
<td>153</td>
<td>Introduction</td>
<td>249</td>
</tr>
<tr>
<td>154</td>
<td>The definition of exclusive rights under national laws</td>
<td>250</td>
</tr>
<tr>
<td>155</td>
<td>Structure</td>
<td>253</td>
</tr>
<tr>
<td>156</td>
<td>The reproduction right at the international level</td>
<td>253</td>
</tr>
<tr>
<td>157</td>
<td>The reproduction right at the European level</td>
<td>254</td>
</tr>
<tr>
<td>158</td>
<td>The reproduction of film works in the United Kingdom and Ireland</td>
<td>256</td>
</tr>
<tr>
<td>159</td>
<td>The right of reproduction in Member States of author’s right tradition</td>
<td>257</td>
</tr>
<tr>
<td>160</td>
<td>The adaptation right at international and European levels</td>
<td>258</td>
</tr>
</tbody>
</table>
Contents

161 Adaptation of ‘films’ and audiovisual dramatic works in the United Kingdom and Ireland 259
162 Adaptation of film works in other Member States 263

Section III The right of communication to the public 268
163 Introduction 268
164 Provisions of international agreements 268
165 The right of communication to the public at the European level 269
166 The CJEU and communication to the public 273
167 The right of communication to the public in Member States 277

Section IV The distribution right 281
168 International protection 281
169 European harmonisation 282
170 The distribution of film works in Member States of the copyright tradition 284
171 The distribution of film works in authors’ rights countries 286
172 Public lending of films 288

Section V Protection of technological measures and rights-management information 289
173 Introduction 289
174 Protection of technological measures and rights-management information in international agreements 289
175 European harmonisation 290
176 Technological measures 290
177 Rights-management information 292

7 Exemptions and limitations 294
179 Introduction 294
180 Copyright exemptions and limitations at the international level 295
181 European harmonisation before the Information Society Directive 296
182 The Information Society Directive 296
183 The Orphan Works Directive 302
184 External limitations on copyright 304
185 Exhaustion of rights 304
186 Competition law 306
187 Free speech 309
188 Other doctrines 311
189 Structure 311

Section I The main exemptions applicable to film works 311
190 Introduction 311
191 Private copy 312
192 Performance in restricted circles/free performances 317
193 Information purpose, criticism, review and news reporting 320
194 Parodies 321
195 Incidental inclusion of copyright material 325
196 Educational use 326
197 Libraries and archives 327
Contents

198 Network retransmissions (cable and Internet retransmissions) 328
Section II Compensation for private copying/blank tape levy 334
199 General view/EU law 334
200 The treatment of foreign authors 336

8 Moral rights in films 338
201 Introduction 338
202 Understanding the moral rights doctrine 338
203 International and EU law aspects 340
204 Compatibility with copyright doctrine 342
205 Basic problems of moral rights protection in relation to films 345
206 Structure 346
Section I Moral rights and films in the United Kingdom and Member States of the copyright tradition 347
207 Introduction 347
Part I Entitlement to moral rights in films 347
208 In the United Kingdom 347
209 In Ireland, Malta and Cyprus 349
Part II The scope and regime of moral rights 349
210 The piecemeal approach to moral rights 349
211 The right of integrity 350
212 Application to treatments of films 353
213 The right against false attribution 358
214 The right to be identified as author or director 359
215 Consent and waiver of moral rights 362
216 Duration of moral rights 364
217 Transitional provisions: moral rights in old films 364
218 The preservation of other causes of action 366
Section II Moral rights and films in Member States of author’s right tradition 367
219 Introduction 367
Part I Entitlement to moral rights in films 367
220 Film authors 367
221 Conflict of moral rights between authors 368
222 Moral rights for film producers 369
Part II The scope and regime of moral rights in films 370
223 The right of integrity 370
224 Case law on the right of integrity 374
225 The right of paternity 381
226 The right of divulgation 382
227 The right of reconsideration 384
228 Waivers and consents 384
229 Transfer and exercise of moral rights 386
230 The duration of moral rights in films 386
231 Preservation of other causes of action 387

9 Performers’ rights 388
232 Introduction 388
233 The situation in the European Union before harmonisation 388
### Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Enforcement</td>
<td>421</td>
</tr>
<tr>
<td></td>
<td>Section I Jurisdiction and choice of law</td>
<td>422</td>
</tr>
<tr>
<td></td>
<td>259 Introduction</td>
<td>422</td>
</tr>
<tr>
<td></td>
<td>260 Jurisdiction</td>
<td>422</td>
</tr>
<tr>
<td></td>
<td>261 Law applicable to contracts</td>
<td>426</td>
</tr>
<tr>
<td></td>
<td>262 Law applicable to infringements</td>
<td>429</td>
</tr>
<tr>
<td></td>
<td>Section II Procedures and sanctions (general)</td>
<td>430</td>
</tr>
<tr>
<td></td>
<td>263 Introduction: the international instruments</td>
<td>430</td>
</tr>
<tr>
<td></td>
<td>264 The Enforcement Directive</td>
<td>431</td>
</tr>
<tr>
<td></td>
<td>265 The revision of the Enforcement Directive</td>
<td>440</td>
</tr>
<tr>
<td></td>
<td>266 Civil enforcement procedures and measures in Member States</td>
<td>440</td>
</tr>
<tr>
<td></td>
<td>267 In the United Kingdom (England and Wales)</td>
<td>441</td>
</tr>
<tr>
<td></td>
<td>268 In France</td>
<td>445</td>
</tr>
<tr>
<td></td>
<td>269 Cross-border/European-wide injunctions</td>
<td>450</td>
</tr>
<tr>
<td></td>
<td>270 Criminal sanctions</td>
<td>451</td>
</tr>
<tr>
<td></td>
<td>271 Border measures</td>
<td>452</td>
</tr>
<tr>
<td></td>
<td>Section III Internet infringements</td>
<td>453</td>
</tr>
<tr>
<td></td>
<td>272 Introduction</td>
<td>453</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>234</td>
<td>European harmonisation</td>
<td>390</td>
</tr>
<tr>
<td>235</td>
<td>The Rental and Lending Directive and extension of the related right of performers</td>
<td>390</td>
</tr>
<tr>
<td>236</td>
<td>The special regime of film production contracts and the right of equitable remuneration</td>
<td>392</td>
</tr>
<tr>
<td>237</td>
<td>The Satellite and Cable Directive</td>
<td>392</td>
</tr>
<tr>
<td>238</td>
<td>The Term Directive</td>
<td>392</td>
</tr>
<tr>
<td>239</td>
<td>The Information Society Directive</td>
<td>393</td>
</tr>
<tr>
<td>240</td>
<td>Other international instruments</td>
<td>393</td>
</tr>
<tr>
<td>241</td>
<td>The Rome Convention of 1961</td>
<td>394</td>
</tr>
<tr>
<td>242</td>
<td>The TRIPS Agreement of 1994</td>
<td>395</td>
</tr>
<tr>
<td>243</td>
<td>The WIPO Performances and Phonograms Treaty of 1996</td>
<td>395</td>
</tr>
<tr>
<td>244</td>
<td>The Beijing Treaty on Audiovisual Performances</td>
<td>396</td>
</tr>
<tr>
<td>245</td>
<td>Implementation of the EU and international instruments</td>
<td>399</td>
</tr>
<tr>
<td>246</td>
<td>Structure</td>
<td>401</td>
</tr>
<tr>
<td>Section I</td>
<td>Performers’ economic rights</td>
<td>401</td>
</tr>
<tr>
<td>247</td>
<td>Introduction</td>
<td>401</td>
</tr>
<tr>
<td>248</td>
<td>The protected performances</td>
<td>402</td>
</tr>
<tr>
<td>249</td>
<td>Exclusive rights</td>
<td>405</td>
</tr>
<tr>
<td>250</td>
<td>Limitations and exemptions</td>
<td>408</td>
</tr>
<tr>
<td>251</td>
<td>Duration</td>
<td>409</td>
</tr>
<tr>
<td>252</td>
<td>Transfers of exclusive rights</td>
<td>410</td>
</tr>
<tr>
<td>253</td>
<td>Recording rights and other forms of protection</td>
<td>414</td>
</tr>
<tr>
<td>Section II</td>
<td>Performers’ moral rights</td>
<td>415</td>
</tr>
<tr>
<td>254</td>
<td>Introduction</td>
<td>415</td>
</tr>
<tr>
<td>255</td>
<td>In the United Kingdom and Ireland</td>
<td>416</td>
</tr>
<tr>
<td>256</td>
<td>In other Member States</td>
<td>418</td>
</tr>
<tr>
<td>257</td>
<td>Conflicts between moral rights of performers and moral rights of authors</td>
<td>419</td>
</tr>
</tbody>
</table>

10 Enforcement
Contents

273 Liability of intermediaries 453
274 Liability of intermediaries under the e-Commerce Directive 454
275 Injunctions against intermediaries under article 8(3) of the Information Society Directive 457
276 Privacy and freedom of expression issues 458
277 ‘Three Strikes/Warning Laws’ 460
278 Computer crime 462

11 Protection of foreign film works 465
279 Introduction 465
280 Multilateral conventions in the field of copyright 466
281 National treatment under the Berne Convention and TRIPS Agreement 467
282 Difficulties in relation to film works 468
283 The law applicable to the definition of ‘author’ 469
284 The law applicable to the definition of the owner of copyright 470
285 The definition of ‘publication’ under the Berne Convention 472
286 General rules applicable to related rights (national treatment) 474
287 National treatment under the FEU Treaty 475
288 Most-favoured-nation treatment under the TRIPS Agreement 476
289 The protection of foreign film works in domestic laws 477
290 The protection of foreign film works in the United Kingdom 477
291 The law in Member States of author’s right tradition 479
292 The rule of shorter term 483

Appendices

Appendix 1 A basic guide to the European Union 486
Appendix 2 Principal national copyright legislation 491
Appendix 3 EU copyright directives 493
Appendix 4 Status of the adherence of EU Member States to international copyright convention 495
Appendix 5 US copyright relations with EU Member States 503

Index 509
Foreword to the first edition

In the realm of copyright, films and other audiovisual productions have become the archetypal complex work. The range of creative participants in the production of a film is often extensive; the risk to investors is considerable. Yet the prospects for the lucky few who succeed in scoring a hit with viewers are celestial: a powerful flow of revenues from the film itself, at the box office and on television; a parallel stream from the sale of merchandise; and ultimately the chance of making sequels and other follow-ons. The legal organisation behind these exploitations turns at root on copyright protection and in economic detail upon contractual relationships. In future, technological controls over the exploitation of digital material will become increasingly crucial. The governing law has developed in different countries in response to pressures from national film-makers and also from powerful outsiders, led by the Leviathan that is Hollywood. On the film scene in Europe, Americanophobia is never far from the surface – as the negotiators of the GATT–WTO accord discovered as it was ripening for signature in 1994.

Beside these festering jealousies, there are differences of basic attitude: is film a grubby little form of mass entertainment, a tinsel make-believe which ordinary people need and will pay for in large numbers? Or is it the great new art of the twentieth century, through which directors illuminate our human condition in comparable degree with the greatest masters of language and music and the plastic arts? In the European Union, these differences of perception left their stamp upon national copyright legislation. As a result, the European Commission determined that there were major distortions across the Single Market. Since 1992, it has set about eliminating them by directive.

Dr Kamina’s book analyses the process of ‘approximation’ that the intervention of EC legislation has induced in the national systems. A Frenchman, whose formation as an intellectual property lawyer has
been divided between Poitiers and Cambridge, and who now practises and teaches in his own country, he is well equipped for the task. There will be many who seek his careful guidance through the legal quagmire that is the European law (or laws) of film copyright.

WILLIAM R. CORNISH
SERIES EDITOR
Preface to the second edition

This book, now in its second edition, deals with the protection of film works within the European Union. It is designed to help students, academics and practitioners discover and understand the richness and complexity of the matter, in the context of the European harmonisation of copyright laws. It attempts to describe in detail the main features of the domestic legislation of EU Member States and to identify the difficulties awaiting a further harmonisation of copyright and neighbouring rights in this field.

It was impossible for me to give an account of the legislation of the twenty-eight EU Member States with the same level of detail. As a result, I have focused primarily on the laws of the United Kingdom and France. There is no need to justify the choice of UK copyright law, given the importance of the UK film industry in Europe and the role played by the Copyright Acts of 1956 and 1988 as legislative models in several copyright countries. Continental and American readers may be surprised to see how different UK solutions are from those of the United States. The choice of the French system may also be justified for similar reasons. However, I should stress that, in several respects, French droit d’auteur is very different from other continental authors’ right laws. This is especially true not only as regards the laws of countries of the Germanic tradition but also as regards Italian, Dutch and Scandinavian laws. I hope this book will help in understanding these differences. A Frenchman who speaks on behalf of authors’ right countries in general is not entirely to be trusted.

All chapters in this new edition have been updated, most of them substantially. A new chapter on enforcement is added.

Although I have tried to balance the developments of UK copyright, on the one hand, and those of droit d’auteur, on the other hand, several parts of this book are much more detailed when it comes to UK law. This is mainly due to the casuistic approach adopted in the UK Copyright Acts (the CDPA of 1988 is more than 300 sections long,
while the corresponding authors’ rights Acts usually contain around 100 articles, drafted in a much more general and synthetic way) and to the complexity of certain choices made by UK law in this field (see, for example, the developments concerning the subject-matter for protection, moral rights and performer’s rights).
Acknowledgements

I would like to thank Bill Cornish for his support over my years in Cambridge and beyond. I would also like to thank the fellows of Trinity Hall and Trinity College, Cambridge, and the trustees of the Knox Scholarship, Trinity College. This book is dedicated to Sir John and Danielle Lyons, to John Collier of Trinity Hall and to my parents, Pierre and Annie Kamina.

Finally, I would like to thank my wife, Aurélie, for her continued support and encouragement in writing.

I apologise in advance for any possible errors of omission and commission in respect of certain domestic legislation. Needless to say, any errors that remain are entirely my own. I welcome any comments and suggestions for improvements, perhaps to appear in a third edition. The law is stated as of 1 January 2016.
### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC</td>
<td>Appeal Cases</td>
</tr>
<tr>
<td>AIR</td>
<td>All India Reports</td>
</tr>
<tr>
<td>ALAI</td>
<td>Association Littéraire et Artistique Internationale</td>
</tr>
<tr>
<td>All ER</td>
<td>All England Law Reports</td>
</tr>
<tr>
<td>BGH</td>
<td>Bundesgerichtshof (Federal Court of Justice)</td>
</tr>
<tr>
<td>CA</td>
<td>Court of Appeal</td>
</tr>
<tr>
<td>CDPA</td>
<td>Copyright, Designs and Patents Act 1988</td>
</tr>
<tr>
<td>CPR</td>
<td>Canadian Patent Reporter</td>
</tr>
<tr>
<td>DLR</td>
<td>Dominion Law Reports</td>
</tr>
<tr>
<td>EIPR</td>
<td>European Intellectual Property Review</td>
</tr>
<tr>
<td>EMLR</td>
<td>Entertainment and Media Law Reports</td>
</tr>
<tr>
<td>Ent. L.R.</td>
<td>Entertainment Law Review</td>
</tr>
<tr>
<td>FSR</td>
<td>Fleet Street Reports</td>
</tr>
<tr>
<td>FTLR</td>
<td>Financial Times Law Reports</td>
</tr>
<tr>
<td>GRUR</td>
<td>Gewerblicher Rechtsschutz und Urheberrecht</td>
</tr>
<tr>
<td>GRUR Int.</td>
<td>Gewerblicher Rechtsschutz und Urheberrecht, Internationaler Teil</td>
</tr>
<tr>
<td>HL</td>
<td>House of Lords (now UK Supreme Court)</td>
</tr>
<tr>
<td>IIC</td>
<td>International Review of Industrial Property and Copyright Law</td>
</tr>
<tr>
<td>KB</td>
<td>King’s Bench</td>
</tr>
<tr>
<td>MCC</td>
<td>MacGillivray Copyright Cases</td>
</tr>
<tr>
<td>NZLR</td>
<td>New Zealand Law Reports</td>
</tr>
<tr>
<td>p.m.a.</td>
<td>post mortem auctoris</td>
</tr>
<tr>
<td>QB</td>
<td>Queen’s Bench</td>
</tr>
<tr>
<td>QBD</td>
<td>Queen’s Bench Division</td>
</tr>
<tr>
<td>RGZ</td>
<td>Entscheidungen des Reichsgerichtes in Zivilsachen</td>
</tr>
<tr>
<td>RIDA</td>
<td>Revue Internationale du Droit d’Auteur</td>
</tr>
<tr>
<td>RPC</td>
<td>Reports of Patent, Design and Trade Mark Cases</td>
</tr>
<tr>
<td>SI</td>
<td>statutory instrument (UK)</td>
</tr>
</tbody>
</table>

xx
List of abbreviations

SLT  
Scots Law Times

TLR  
Times Law Reports

TRIPs  
Trade-Related Aspects of Intellectual Property Rights

UCC  
Uniform Commercial Code

UKSC  
United Kingdom Supreme Court

USC  
United States Code

WIPO  
World Intellectual Property Organization

WLR  
Weekly Law Reports

WTO  
World Trade Organization

ZUM  
Zeitschrift für Urheber- und Medienrecht