

International Copyright

Principles, Law, and Practice

Second Edition

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Contents

Preface to the first edition	xiii
Preface to the second edition	xv
Table of Abbreviations	xvii
Journals	xxi
PART I Principles of International Copyright	1
Chapter 1 Introduction	3
1.1 Common Rules and Principles	4
1.2 The Rationales of Copyright	6
1.3 The Politics of International Copyright	8
1.4 The Internationalization of Copyright	10
1.5 Outline of this Book	11
Chapter 2 The Legal Traditions	13
2.1 The Copyright Tradition	15
2.2 The Traditions of Author's Right and Neighboring Rights	19
2.2.1 Author's Right	19
2.2.2 Neighboring Rights	22
2.3 Copyright as a Human Right	23
Chapter 3 The Norms of International Copyright	27
3.1 Copyright Treaties	29
3.1.1 Bilateral Copyright Treaties	31
3.1.2 The Berne Convention	33
3.1.2.1 History	33
3.1.2.2 Structure and Substance	38
3.1.2.3 Residual Powers and Relations Among Union Members	42
3.1.3 The Universal Copyright Convention	43
3.1.4 The WIPO Copyright Treaty	45
3.1.5 Which Treaty Governs?	47
3.1.5.1 Different Texts of the Berne Convention	48
3.1.5.2 Texts of Different Treaties	49
3.2 Neighboring Rights Treaties	54
3.2.1 Rome Convention	55
3.2.1.1 History	55
3.2.1.2 Protection of Performers	55
3.2.1.3 Protection of Producers of Phonograms	56
3.2.1.4 Protection of Broadcasters	57
3.2.1.5 Other Provisions	57
3.2.2 Geneva Phonograms Convention	58
3.2.3 WIPO Performances and Phonograms Treaty	59
3.2.4 Brussels Satellite Convention	61
3.3 Regional Arrangements	64
3.3.1 The European Union	64
3.3.2 Inter-American Copyright Agreements	69
3.3.3 Other Regional Arrangements	70
3.4 Trade Arrangements	71

3.4.1	TRIPs Agreement	73
3.4.1.1	History	73
3.4.1.2	Dispute Settlement	74
3.4.1.3	Conditions for Protection	76
3.4.1.4	Subject Matter, Ownership, and Term	76
3.4.1.5	Rights and Remedies	78
3.4.2	Regional and Bilateral Trade Agreements	80
3.4.2.1	Free Trade Agreements	80
3.4.2.2	Other Trade Agreements	86
3.5	Intergovernmental Organizations	88
Chapter 4	Territoriality, National Treatment, Jurisdiction, and Conflict of Laws	91
4.1	The Territoriality Principle	95
4.1.1	Territoriality in International Law	96
4.1.2	Territoriality in Copyright Law	97
4.2	National Treatment	99
4.2.1	The Trade Economics of National Treatment	102
4.2.2	“Works” Subject to National Treatment	104
4.2.2.1	Berne Convention	104
4.2.2.2	TRIPs Agreement	105
4.2.3	“Rights” Subject to National Treatment	108
4.2.3.1	Berne Convention	108
4.2.3.2	TRIPs Agreement	111
4.2.4	Most-Favored-Nation Requirement	112
4.2.4.1	“Works” Subject to Most-Favored-Nation Requirement	112
4.2.4.2	Exemptions from Coverage	113
4.3	Jurisdiction	115
4.3.1	Subject Matter Jurisdiction	116
4.3.1.1	Common Law Traditions; Copyright Infringement as a “Local” or “Transitory” Action	116
4.3.1.2	Civil Law Tradition; the Brussels Regime	119
4.3.2	Forum Non Conveniens	120
4.3.3	Hard Cases	122
4.3.3.1	Where Acts of Infringement Occur in More than One Country	122
4.3.3.2	Where Elements of Infringement Occur in More than One Country	125
4.3.4	Contractual Choice of Forum	128
4.4	Conflict of Laws	129
4.4.1	Where No Contract Prescribes Applicable Law	131
4.4.1.1	Authorship and Initial Ownership	133
4.4.1.2	Subject Matter and Rights	137
4.4.2	Law of the Contract as Applicable Law	139
4.4.2.1	When Parties Have Designated Applicable Law	142
4.4.2.2	When Parties Have Not Designated Applicable Law	144
4.4.3	Where the Law of the Protecting Country and the Law of the Contract Conflict	147
Chapter 5	Scope and Points of Attachment of International Protection	153
5.1	Berne Convention	154
5.1.1	Application of the Berne Convention	155
5.1.1.1	Subject Matter Scope	155
5.1.1.2	Temporal Scope	156
5.1.2	Points of Attachment	158
5.1.2.1	Nationality or Residence of Author	158
5.1.2.2	Country of Publication	160
5.2	Universal Copyright Convention	163
5.3	Other Copyright Treaties	164
5.4	TRIPs Agreement	165

5.5 Neighboring Rights Treaties	166
5.5.1 Rome Convention	166
5.5.1.1 Performers	167
5.5.1.2 Producers of Phonograms	168
5.5.1.3 Broadcasting Organizations	169
5.5.2 Geneva Phonograms Convention	169
5.6 Points of Attachment under National Law	170
5.6.1 United States	170
5.6.1.1 Unpublished Works	172
5.6.1.2 Published Works	173
5.6.1.3 Retroactive Protection for Works Lacking a Point of Attachment	177
5.6.1.4 Moral Rights and Neighboring Rights	178
5.6.2 Other Countries	180

PART II

Substantive Copyright Law

183

Chapter 6 Subject Matter of Copyright and Neighboring Rights 185

6.1 Literary and Artistic Works	187
6.1.1 Standards for Protection	189
6.1.2 Classes of Subject Matter	194
6.1.2.1 Literary Works	196
6.1.2.2 Musical Works	198
6.1.2.3 Works of Visual Art and Photography	198
6.1.2.4 Dramatic Works	202
6.1.2.5 Cinematographic Works	203
6.1.2.6 Translations, Adaptations, and Other Derivative Works	204
6.1.2.7 Compilations and Collective Works, Including Databases	205
6.1.2.8 Utilitarian Works	208
6.1.2.9 Computer Programs	209
6.1.2.10 Applied Art and Industrial Design	211
6.1.3 Unprotectible Subject Matter	216
6.1.3.1 Ideas, Facts	216
6.1.3.2 Official Texts	217
6.1.4 Formalities	219
6.1.4.1 General Prohibition	219
6.1.4.2 United States	222
6.1.5 Fixation	229
6.2 Performances, Phonograms, Broadcasts, Databases, and Other Productions	230
6.2.1 Performances	233
6.2.2 Phonograms	235
6.2.3 Broadcasts	237
6.2.4 Databases	238
6.2.5 Formalities	240

Chapter 7 Authorship and Ownership 243

7.1 Initial Authorship and Ownership	245
7.2 Collaborative (Joint) Authorship	248
7.3 Collective Works	251
7.4 Works Made for Hire or under Employment	252
7.5 Audiovisual Works (Including Cinematographic Works)	254
7.5.1 National Law	255
7.5.2 International Conventions	257
7.5.2.1 Berne Convention	258
7.5.2.2 Rome Convention	259

7.6	Ownership by Transfer	260
7.6.1	Limitations and Construction of Transfers	261
7.6.1.1	Scope of Grant	264
7.6.1.2	Term and Termination of Grant	266
7.6.1.3	Remuneration	268
7.6.1.4	Rights to Future Works	269
7.6.2	Formalities and Priorities	269
7.6.2.1	Formalities	269
7.6.2.2	Priorities	271
7.6.3	Collective Rights Management	273
Chapter 8	Term of Protection	277
8.1	Copyright	279
8.1.1	Traditional Literary and Artistic Works	279
8.1.1.1	Individual Works	279
8.1.1.2	Collective and Joint Works	281
8.1.1.3	Anonymous and Pseudonymous Works	282
8.1.2	Special Classes of Works	283
8.1.2.1	Cinematographic Works	283
8.1.2.2	Photographs and Works of Applied Art	284
8.2	Neighboring Rights	285
8.3	Comparison of Terms	287
8.3.1	Berne Convention	287
8.3.1.1	Scope	288
8.3.1.2	Country of Origin	289
8.3.2	Universal Copyright Convention	290
8.3.3	E.C. Term Directive	292
8.4	Retroactivity	294
Chapter 9	Economic Rights	297
9.1	Copyright	300
9.1.1	Reproduction Right	300
9.1.2	Distribution	303
9.1.2.1	Exhaustion (First Sale)	305
9.1.2.2	Rental Rights	307
9.1.2.3	Public Lending Right	310
9.1.2.4	<i>Droit de Suite</i> (Resale Royalty Right)	312
9.1.3	Translation and Adaptation	315
9.1.4	Communication to the Public	317
9.1.4.1	Public Performance and Recitation	320
9.1.4.2	Exhibition and Display	322
9.1.4.3	Broadcasting	323
9.1.4.4	Cable Retransmission	326
9.1.4.5	Making Available Online	328
9.1.5	Secondary (Contributory) Liability	330
9.1.6	Anti-circumvention Rules	333
9.2	Neighboring Rights	337
9.2.1	Rights of Performers	338
9.2.2	Rights of Phonogram Producers	340
9.2.3	Rights of Broadcasting Organizations	342
9.2.4	Other Neighboring Rights	342
Chapter 10	Moral Rights	345
10.1	Right of Paternity	349
10.2	Right of Integrity	351

10.3	Right of Divulcation	353
10.4	Right of Withdrawal	354
10.5	Limitation and Waiver of Moral Rights	355
10.5.1	Waiver	355
10.5.2	Limitations	356
Chapter 11	Exemptions, Statutory Licenses, and Other Limitations on Exclusive Rights	359
11.1	The Three-Step Test	364
11.2	Private Uses	367
11.2.1	Research and Scholarship	368
11.2.2	Private Copying and Home Taping	370
11.2.3	Reverse Engineering	373
11.3	Incidental Uses	374
11.3.1	Ephemeral Copies for Broadcasting Purposes	374
11.3.2	Transient Digital Copies	375
11.3.3	Other Incidental Uses	377
11.4	Public Uses	378
11.4.1	Quotation and Parody	379
11.4.2	Uses by the Media	382
11.4.3	Educational Uses	383
11.4.4	Library and Archival Uses	385
11.4.5	Recording of Musical Works	387
11.4.6	Other Uses	388
11.5	Reproduction and Translation in Developing Countries	389
11.6	External Constraints on Copyright	390
11.6.1	Misuse and Abuse of Copyright	391
11.6.2	Freedom of Expression	393
Chapter 12	Enforcement	395
12.1	Coercive Remedies	397
12.1.1	Temporary Remedies	397
12.1.2	Permanent Remedies	400
12.2	Monetary Remedies	402
12.3	Criminal Sanctions	405
12.4	Customs (Border) Measures	406
Appendices		
1.	Berne Convention for the Protection of Literary and Artistic Works [Paris Text, 1971]	409
2.	Berne Convention, Contracting Parties	447
3.	International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations [Rome Convention]	453
4.	Rome Convention, Contracting Parties	467
5.	WIPO Copyright Treaty [With Agreed Statements]	471
6.	WIPO Copyright Treaty, Contracting Parties	485
7.	WIPO Performances and Phonograms Treaty [With Agreed Statements]	489
8.	WIPO Performances and Phonograms Treaty, Contracting Parties	507
9.	Agreement on Trade-Related Aspects of Intellectual Property Rights, Including Trade in Counterfeit Goods [TRIPs Agreement]	513
10.	Members of the World Trade Organization [WTO]	523
11.	International Copyright Relations of the United States of America	525
Bibliography		543
Index		553

Preface to the First Edition

The idea for this book originated in a conversation with Lewis Flacks over a dozen years ago. Although death has sadly stilled Lew's voice, his wisdom on matters of international copyright endures and, I hope, is reflected, however faintly, in the pages that follow.

I am also indebted to Professor W. R. Cornish of Cambridge University and Professor Jane C. Ginsburg of Columbia Law School for reviewing and commenting on the manuscript. Collaboration and conversations with colleagues in the Intellectual Property Group at Morrison & Foerster have enriched my understanding of international copyright law and practice. In particular, the discussion of licensing and contract choice of law has benefited from my work with William Schwartz and other lawyers in the Group's licensing practice, and the discussion of E.C. directives has benefited from my work with Thomas Vinje in the firm's Brussels office.

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Portola Valley, California
1 August 2000
Paul Goldstein

Preface to the Second Edition

Almost a decade has passed since this book's first edition in 2001, a decade that has brought enormous change to the law of copyright. The Internet, just years ago considered a new technology, has more recently become a mainstream medium for disseminating a wide variety of copyrighted works—whether authorized by right holders or not. Borderless by its very nature, the Internet has enlarged the importance of international copyright law both at the national level, where courts now routinely confront cases of cross-national copyright infringement, and at the international level, where substantive copyright norms and copyright enforcement standards are proliferating in an ever-widening array of international instruments—from bilateral trade arrangements to the forthcoming Anti-Counterfeiting Trade Agreement.

The changes wrought by the past decade have required a thorough updating and partial revision of this book. This edition contains updates of case law and legislation in the countries that are principally covered by the treatise: France, Germany, the United Kingdom and the United States, and occasionally from other jurisdictions. Recent developments have occasioned other changes as well. Readers familiar with the first edition will immediately notice its new format, which—the authors hope—will make this book more accessible to advanced students as well as to professional readers. Further, while leaving the substance of the first edition largely intact, the book has undergone considerable structural change, and now divides into twelve rather than five chapters, and includes an extensive bibliography. The second edition has also brought in a second author: Professor P. Bernt Hugenholtz of the University of Amsterdam, which has enabled a more expansive treatment of the law of copyright in the European Union and its member states.

The authors are very grateful to Sabina Gorini for immaculate copy-editing and research assistance, and to Lynne Anderson for her fine work with the manuscript. Once again, the reference staff of the Stanford Law Library came through with colors flying: Paul Lomio, Sonia Moss, Sergio Stone, Kate Wilko, George Wilson and Sarah Wilson have our deep gratitude.

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