| | page |
|--|----------------|
| Preface | V |
| Table of Cases | xxi |
| Table of Statutes | xliii |
| Table of Statutory Instruments | liii |
| Table of EC Legislation | lvii |
| Table of Foreign Legislation | lix |
| Table of International Conventions | lxv |
| | |
| | para |
| 1. The Evolution of Performers' Rights in the United I | KINGDOM |
| Introduction . | 1.01 |
| The Rationale for Protecting Performers | 1.02 |
| Who are Performers? | 1.02 |
| The Social and Economic Position of Performers | 1.04 |
| Arguments in Favour of Performers' Rights | 1.14 |
| Arguments against Performers' Rights | 1.18 |
| Copyright and Related (or Neighbouring) Rights | 1.20 |
| What is Copyright? | 1.21 |
| What are Copyright and Related (or Neighbouring |) Rights? 1.26 |
| Historical Review | 1.27 |
| A Brief History of Copyright | 1.27 |
| Performers' Rights before 1925 | 1.41 |
| The Dramatic and Musical Performers' Protection | Act 1925 1.43 |
| The Blackmail Case | 1.49 |
| The Gregory Report and the Copyright Act 1956 | 1.51 |
| The Dramatic and Musical Performers' Protection | Act 1958 1.52 |
| The Rome Convention | 1.53 |
| The Performers' Protection Acts 1963 and 1972 | 1.60 |
| Civil Claims under the Performers' Protection Acts | 1958-72 1.64 |
| The Beatles Case | 1.65 |
| The Island Records Case | 1.67 |

CONTENTS

| | Salar Na Salar Sal | |
|------|--|-------|
| | The Lonrho Case | 1.70 |
| | The post-Lonrho Cases | 1.73 |
| | The Peter Sellers Case | 1.74 |
| | The Judgment of Hobhouse J. | 1.74 |
| | The Judgment of the Court of Appeal | 1.78 |
| | The Whitford Report and the Copyright, Designs and Patent | S |
| | Act 1988 | 1.85 |
| | The EC Copyright and Related Rights Directives | 1.88 |
| | TRIPs | 1.95 |
| | The WIPO Performances and Phonograms Treaty | 1.97 |
| | The Diplomatic Conference on the Protection of | 1.77 |
| | Audiovisual Performances | 1.100 |
| | Recent European Legislation | 1.101 |
| | The Gowers Review | 1.108 |
| | Proposals for Reform | 1.110 |
| | Troposais for Reform | 1.110 |
| | | |
| 2. | Subsistence and Duration | |
| ، سک | Introduction | 2.01 |
| | Subsistence of Performers' Rights | 2.01 |
| | Protected Types of Performance | 2.03 |
| | Dramatic Performances | 2.05 |
| | Musical Performances | |
| | | 2.07 |
| | Readings and Recitals | 2.10 |
| | Performances of Variety Acts—Circus Performers and Others | 2 15 |
| | | 2.15 |
| | Sporting Performances | 2.18 |
| | Improvised Performances | 2.20 |
| | Interviews | 2.21 |
| | Aleatoric Works | 2.23 |
| | Artistic Works | 2.24 |
| | The Requirement for Live Performance | 2.25 |
| | Performances must be Given by One or More Individuals | 2.27 |
| | Individuals | 2.28 |
| | One Performance or Many? | 2.30 |
| | Interpreters and Executants | 2.31 |
| | Performance or Adaptation | 2.34 |
| | Qualification Requirements for Performers' Rights | 2.35 |
| | Qualifying Individuals | 2.38 |
| | Citizen or Subject | 2.39 |
| | Resident | 2.40 |
| | Qualifying countries | 2.41 |
| | Countries Enjoying Reciprocal Protection | 2.42 |
| | Convention Countries | 2.43 |
| | Countries Giving Adequate Protection | 2.44 |

| | Springing Performers' Rights | 2.45 |
|----|--|------|
| | New Rights under the 1996 and 2003 Regulations | 2.47 |
| | No Formalities | 2.51 |
| | Performers' Rights Independent of Copyright | 2.52 |
| | Subsistence of Recording Rights | 2.53 |
| | Exclusive Recording Contracts | 2.53 |
| | Recordings | 2.54 |
| | Protected Performances | 2.55 |
| | With a View to Commercial Exploitation | 2.56 |
| | Qualification Requirements for Recording Rights | 2.57 |
| | Qualifying Persons | 2.58 |
| | Contracts with Service Companies | 2.59 |
| | No Formalities, Rights Independent of Copyright | 2.60 |
| | Duration of Performers' Rights and Recording Rights | 2.61 |
| | The 1988 Provisions | 2.61 |
| | The New Provisions under the Term Directive | 2.62 |
| | 50 Years from First Release | 2.63 |
| | National Treatment for EEA Nationals | 2.64 |
| | Reciprocal Treatment for Non-EEA Nationals | 2.65 |
| | Derogation from Reciprocal Treatment: International | |
| | Obligations | 2.67 |
| | Application of the New Provisions | 2.71 |
| | Transitional Provisions | 2.74 |
| | Ownership of Extended and Revived Rights | 2.75 |
| | Licences under Extended Rights | 2.78 |
| | Defences to Infringement of Revived Rights | 2.79 |
| | Licences of Right under Revived Rights | 2.81 |
| | | |
| | | |
| 3. | OWNERSHIP, LICENSING, EQUITABLE REMUNERATION AND THE | |
| | Copyright Tribunal | |
| | Introduction | 3.01 |
| | First Ownership | 3.02 |
| | First Ownership of Performers' Rights | 3.02 |
| | First Ownership of Recording Rights | 3.04 |
| | Transmission of Performers' Rights | 3.05 |
| | Performers' Property Rights | 3.06 |
| | Assignment of Performers' Property Rights | 3.07 |
| | Presumed Transfer of Rental Rights in Films | 3.09 |
| | Performers' Non-property Rights | 3.11 |
| | Disposition of Performers' Non-property Rights | 3.12 |
| | Transmission of Performers' Non-property Rights on | |
| | Death in Absence of Disposition | 3.14 |
| | Bequests of Unpublished Recordings | 3.15 |
| | Transmission of Recording Rights | 3.16 |

| Joint Ownership | 3.17 |
|--|------|
| Performers' Rights | 3.17 |
| Performers' Rights of Partners | 3.19 |
| Recording Rights | 3.20 |
| Licences | 3.21 |
| Exclusive Licences of Performers' Property Rights | 3.23 |
| Compulsory Licensing | 3.24 |
| The Copyright Tribunal's Power to Give Consent | 3.25 |
| Extent of the Tribunal's Jurisdiction to Give Consent | 3.26 |
| | 3.20 |
| Identity or Whereabouts of the Owner of the Reproduction | 3.29 |
| Right cannot be Ascertained by Reasonable Inquiry Factors to be taken into Account | 3.31 |
| | |
| Ambit of Consent given by the Tribunal Terms | 3.32 |
| | 3.33 |
| Mode of Application | 3.34 |
| Reception and Re-transmission of Wireless Broadcasts by Cable | 2 25 |
| Pursuant to a Relevant Requirement | 3.35 |
| Wireless Broadcast | 3.36 |
| Re-transmission by Cable | 3.37 |
| Relevant Requirement | 3.38 |
| Applications to Settle the Royalty or Other Payment | 3.39 |
| Powers Exercisable by the Secretary of State, the Competition | 2 10 |
| Commission and the Office of Fair Trading | 3.40 |
| Licences of Right | 3.42 |
| Lending to the Public of Copies of Films and Sound Recordings | 3.43 |
| Applications to Settle the Royalty or Other Payment | 3.44 |
| Certification of Licensing Schemes | 3.45 |
| Rights to Equitable Remuneration | 3.46 |
| Right to Equitable Remuneration from Public Performance and | |
| Communication to the Public of Sound Recordings | 3.47 |
| Background | 3.47 |
| Implementation of the Rental and Lending Rights Directive | 3.48 |
| Commercially Published | 3.49 |
| Played in Public and Communicated to the Public otherwise | |
| than by Making Available | 3.50 |
| Owner of the Copyright in the Sound Recording | 3.51 |
| Right to Equitable Remuneration on Transfer of Rental Right | 3.52 |
| Producer | 3.53 |
| Transfer | 3.54 |
| By Whom is Equitable Remuneration of Rental Payable? | 3.56 |
| Rights to Equitable Remuneration are Unwaivable | 3.57 |
| Transmission of Rights to Equitable Remuneration | 3.58 |
| Applications to Determine the Amount Payable | 3.59 |
| What is Equitable Remuneration? | 3.61 |
| Administration by Collecting Societies | 3 65 |

| | | | CONTENTS |
|----|--|---|------------------|
| | | | 2200 200427 |
| | | ging Rights to Equitable Remuneration | 3.66 |
| | Trans | sitional Provisions | 3.67 |
| | Colle | ctive Licensing and the Copyright Tribunal | 3.69 |
| | Licen | sing Schemes | 3.74 |
| | Licen | sing Bodies | 3.75 |
| | Scope | of the Tribunal's Jurisdiction | 3.76 |
| | - | ences of Licensing Schemes to the Tribunal | 3.77 |
| | | cations to the Tribunal for the Grant of Licences under | |
| | Access to the latest to the la | sing Schemes | 3.80 |
| | | ces Granted by Licensing Bodies otherwise than under | |
| | | sing Schemes | 3.82 |
| | | rs to be taken into account | 3.86 |
| | | of the Tribunal's Order on Reference or Application | 3.87 |
| | Lilect | of the Tribunar's Order on Reference of Tippineation | 3.07 |
| | | | |
| 4. | INIEDIN | NGEMENT | |
| т. | | duction | 4.01 |
| | | gement of Performers' Rights | 4.02 |
| | | | 4.03 |
| | | osistence of Rights | 4.04 |
| | | mary and Secondary Infringements | 4.05 |
| | | ostantial Part | |
| | | thout Consent | 4.09 ace 4.10 |
| | 1. | 0 0 , | |
| | | Recording | 4.11 |
| | | Live | 4.12 |
| | 2. | Broadcasting Live | 4.13 |
| | | Broadcast | 4.14 |
| | | Internet Transmissions | 4.15 |
| | | Encrypted Transmissions | 4.16 |
| | | Reception and Re-transmission | 4.17 |
| | | Person Broadcasting a Performance | 4.18 |
| | 3. | Making a Recording Directly from a Broadcast | 4.20 |
| | 4. | Copying a Recording | 4.21 |
| | | Сору | 4.22 |
| | | Transient or Incidental | 4.23 |
| | | Directly or Indirectly | 4.24 |
| | 5. | Issuing Copies of a Recording to the Public | 4.26 |
| | | Issue to the Public | 4.27 |
| | | Putting Copies into Circulation | 4.29 |
| | | Circulation in the EEA by or with the Consent of | the |
| | | Performer | 4.30 |
| | | Putting Copies into Circulation Outside the EEA | 4.32 |
| | | Copies | 4.33 |
| | 6. | Renting or Lending Copies of a Recording to the Publ | |
| | 47(D) | Rental | 4.35 |
| | | | |

| | Lending | 4.36 |
|----|--|------|
| | On-the-spot Reference Use | 4.37 |
| | Copies | 4.38 |
| | Presumed Transfer of Rental Right in Copies of Films | 4.39 |
| | | 4.40 |
| | | 4.43 |
| | | 4.44 |
| | | 4.45 |
| | manus f | 4.46 |
| | | 4.47 |
| | | 4.48 |
| | | 4.49 |
| | | 4.50 |
| | | 4.51 |
| | | 4.52 |
| | metal a management of the contract of the cont | 4.53 |
| | | 4.56 |
| | | 4.57 |
| | | 4.58 |
| | | 1.64 |
| | | 4.65 |
| | | 1.67 |
| | | 1.68 |
| | | 1.69 |
| | - 4 | 1.70 |
| | ***** 1 1: 0 | 1.72 |
| | Knowledge or Reason for Belief | 1.77 |
| | | 1.85 |
| | | 1.86 |
| | | 1.88 |
| | Justiciability: the Moçambique Rule | 1.90 |
| | Applicable Law: the Double Actionability Rule | 1.91 |
| | Applicable Law: the 1995 Act | 1.94 |
| | Applicable Law: the Rome II Regulation | 1.96 |
| | | 1.97 |
| | | |
| | | |
| 5. | PERMITTED ACTS AND DEFENCES | |
| | Introduction | .01 |
| | Permitted Acts | .02 |
| | International Provisions | .04 |
| | | .08 |
| | | .09 |
| | | .10 |
| | 0 | .12 |
| | | |

| 0 | | | | | | | |
|---|---|---|---|---|---|---|---|
| | 0 | N | т | F | N | T | C |
| | | | | | | | |

| | Made Available to the Public | 5.13 |
|-----------|--|--------------|
| | | |
| | Reporting Current Events | 5.14 |
| 3. | Fair Dealing Incidental Inclusion | 5.15 5.16 |
| ٥. | Deliberate Inclusion | |
| 1 | Fig. 17 (COM) 18 (COM | 5.17 |
| 4. | Instruction or Examination | 5.18 |
| 5. | Playing or Showing at Educational Establishments | 5.19 |
| | Educational Establishment | 5.20 |
| | Teacher and Pupil | 5.21 |
| | Persons Directly Connected with the Activities of the | <i>5</i> 22 |
| _ | Establishment | 5.22 |
| | Recording by Educational Establishments | 5.23 |
| 7. | Lending of Copies of Recordings by Educational | 5 O.T |
| 0 | Establishments | 5.27 |
| 8. | Lending of Copies of Recordings by Prescribed Libraries | = 00 |
| | and Archives | 5.28 |
| 0 | Prescribed Libraries and Archives | 5.29 |
| | Copies of Works made as a Condition of Export | 5.30 |
| 10. | Parliamentary and Judicial Proceedings | 5.31 |
| orani ar | Parliamentary, Judicial Proceedings | 5.32 |
| 11. | Royal Commissions and Statutory Inquiries | 5.33 |
| 707589525 | Statutory Inquiries | 5.34 |
| | Public Records | 5.35 |
| | Statutory Authority | 5.36 |
| 14. | Recordings in Electronic Form | 5.37 |
| | In Electronic Form | 5.39 |
| | Subsequent Transfers | 5.40 |
| | Spoken Works | 5.41 |
| | Recordings of Folksongs | 5.44 |
| 17. | Lending to the Public of Copies of Films or Sound | |
| | Recordings | 5.46 |
| 18. | Playing Sound Recordings for Clubs, etc. | 5.47 |
| | Organisation | 5.48 |
| | Not Established or Conducted for Profit | 5.49 |
| | Charitable, etc. Objects | 5.50 |
| 19. | Incidental Recordings for Broadcasts | 5.51 |
| 20. | Recordings for Supervision of Broadcasts | 5.52 |
| 21. | Time-shifting | 5.53 |
| | For Private and Domestic Use | 5.54 |
| | At a more Convenient Time | 5.55 |
| 22. | Photographs of Broadcasts | 5.56 |
| | Photograph | 5.57 |
| 23. | Free Public Shows | 5.58 |
| | Paid for Admission | 5.59 |
| | Excepted Sound Recordings | 5 61 |

| | 24. Reception and Retransmission of Wireless Broadcasts | |
|----|--|------|
| | by Cable | 5.62 |
| | 25. Subtitled Copies of Broadcasts | 5.63 |
| | 26. Recordings of Broadcasts for Archival Purposes | 5.64 |
| | Defences | 5.65 |
| | 1. Consent | 5.66 |
| | a. Performers' Rights | 5.67 |
| | By the Performer | 5.67 |
| | By the Performer's Agent | 5.68 |
| | By the Performer's (or Subsequent) Assignee | 5.69 |
| | By the Performer's Estate | 5.70 |
| | By a Person Falsely Representing Himself as | |
| | Authorised to Consent on Behalf of the Performer | 5.7 |
| | By the Copyright Tribunal | 5.72 |
| | Consent Upon Terms | 5.73 |
| | b. Recording Rights | 5.74 |
| | By the Performer | 5.74 |
| | By the Owner of the Recording Rights | 5.75 |
| | By the Owner's Agent | 5.76 |
| | By the Copyright Tribunal | 5.77 |
| | 2. Free Circulation within the EEA | 5.78 |
| | 3. Innocence | 5.79 |
| | 4. Private and Domestic Use / Private Purposes | 5.80 |
| | 5. Arrangements made before Commencement | 5.83 |
| | | |
| | | |
| 6. | Proceedings | |
| | Introduction | 6.01 |
| | Who May Sue? | 6.02 |
| | 1. Performers' Property Rights | 6.02 |
| | Legal Owner | 6.03 |
| | Beneficial Owner | 6.04 |
| | Exclusive Licensee | 6.05 |
| | Mere Licensee | 6.06 |
| | 2. Performers' Non-property Rights and Recording Rights | 6.07 |
| | Who May be Sued? | 6.08 |
| | Venue | 6.09 |
| | Presumption | 6.10 |
| | Remedies | 6.11 |
| | Performers' Property Rights | 6.11 |
| | Performers' Non-property Rights and Recording Rights | 6.12 |
| | 1. Injunctions against Infringers and Prospective Infringers | 6.13 |
| | Innocence | 6.14 |
| | (a) Secondary Infringements of Performers' Rights | 6.15 |
| | (b) Secondary Infringements of Recording Rights | 6.16 |

| 0 | | | | |
|-----|-----|----|------|----|
| () | ONT | TT | NIT | 70 |
| | ON | IL | IN I | |

| | Undertaking to take Licence of Right | 6.17 |
|-----|--|--------------|
| 2. | Injunctions against Service Providers | 6.18 |
| | Service Provider | 6.19 |
| | Actual Knowledge | 6.20 |
| 3. | Damages | 6.21 |
| | Measure of Damages | 6.22 |
| | (a) Performers' Property Rights | 6.22 |
| | (b) Performers' Non-property Rights and Recording | |
| | Rights | 6.23 |
| | Matters to be taken into Account | 6.24 |
| | Additional, Aggravated and Exemplary Damages | 6.26 |
| | Innocence | 6.29 |
| | (a) Primary Infringements of Performers' Rights | 6.30 |
| | (b) Secondary Infringements of Performers' Rights | 6.32 |
| | (c) Primary Infringements of Recording Rights | 6.33 |
| | (d) Secondary Infringements of Recording Rights | 6.34 |
| | Account of Profits | 6.35 |
| 4. | Non-statutory Delivery Up | 6.37 |
| 5. | Statutory Delivery Up | 6.38 |
| | Illicit Recording | 6.39 |
| | Possession in the Course of a Business | 6.40 |
| | Limitation Period | 6.41 |
| | No Order unless Grounds for Order under Section 204 | 6.42 |
| | Mode of Application | 6.43 |
| | Interim or Final? | 6.45 |
| 6. | | 6.46 |
| | Entitled to Apply for an Order under Section 195 | 6.47 |
| | Exposed or Otherwise Immediately Available for Sale | 6.50 |
| | Notice of the Time and Place of the Proposed Seizure | 6.51 |
| | Premises | 6.52 |
| | Permanent or Regular Place of Business | 6.53 |
| | May not Use any Force | 6.54 |
| | Prescribed Form and Particulars | 6.55 |
| | Subject to Decision under Section 204 | 6.56 |
| 7. | Forfeiture or Destruction | 6.57 |
| | Whether Other Remedies are Adequate | 6.58 |
| | Service of Notice | 6.61 |
| | Persons having an Interest in the Recording | 6.62 |
| | More than one Person Interested in the Recording | 6.63 |
| | Timing of Application | 6.64 |
| т . | Mode of Application | 6.66 6.67 |
| | erim Relief | 6.68 |
| | Interim Injunction Search Orders | 6.70 |
| | Nearch Circles | U./U |

| 7. | Moral Rights | |
|----|---|-----------|
| | Introduction | 7.01 |
| | The Right to be Identified as a Performer | 7.02 |
| | When the Right Applies | 7.02 |
| | Produces or Puts on a Performance Given in Public | 7.03 |
| | Broadcasts Live, Communicates to the Public, Issues to | |
| | the Public | 7.04 |
| | The Nature of the Right | 7.06 |
| | Performances by Groups | 7.08 |
| | The Right must be Asserted | 7.10 |
| | Exceptions | 7.12 |
| | 1. Not Reasonably Practicable to Identify the Performer | 7.13 |
| | 2. Reporting Current Events | 7.14 |
| | 3. Advertising | 7.16 |
| | 4. Incidental Inclusion | 7.17 |
| | 5. Examinations | 7.18 |
| | 6. Parliamentary and Judicial Proceedings | 7.19 |
| | 7. Royal Commissions and Statutory Inquiries | 7.20 |
| | The Right to Object to Derogatory Treatment | 7.21 |
| | The Right | 7.21 |
| | No Requirement to Assert the Right | 7.29 |
| | Exceptions to the Right | 7.30 |
| | 1. Reporting Current Events | 7.31 |
| | 2. Modifications Consistent with Normal Editorial or | |
| | Production Practice | 7.32 |
| | 3. Avoiding the Commission of an Offence etc | 7.33 |
| | Duration of Moral Rights | 7.34 |
| | Consent and Waiver | 7.35 |
| | Transmission of Moral Rights | 7.38 |
| | Proceedings for Infringement | 7.42 |
| | False Claims of Authority | 7.43 |
| | Remedies for Infringement | 7.46 |
| | | |
| | | |
| 8. | Criminal Law | |
| | Introduction | 8.01 |
| | Principal Offences | 8.02 |
| | Sufficient Consent | 8.03 |
| | Illicit Recording | 8.04 |
| | 1. Making for Sale or Hire | 8.05 |
| | 2. Importation | 8.06 |
| | 3. Possession in the Course of a Business | 8.07 |
| | With a View to Committing any Act Infringing Rights | go smelli |
| | Under Part II | 8.08 |
| | 4. Sale, etc. in the Course of a Business | 8 09 |

| | * | |
|----|---|------|
| | Distribution | 8.10 |
| | 5. Causing to be Shown or Played in Public | 8.11 |
| | 6. Causing to be Communicated to the Public | 8.12 |
| | 7. Making Available | 8.13 |
| | Additional Offences | 8.14 |
| | 1. False Representation of Authority to Consent | 8.14 |
| | Authorised | 8.15 |
| | Reasonable Grounds | 8.16 |
| | 2. Connivance by Director, etc. or Body Corporate | 8.18 |
| | Director | 8.19 |
| | Inchoate Offences | 8.20 |
| | Mens Rea | 8.21 |
| | Companies | 8.22 |
| | Defences | 8.23 |
| | Delay | 8.24 |
| | Enforcement | 8.25 |
| | Private Prosecutions | 8.26 |
| | Parallel Civil Proceedings | 8.27 |
| | Search Warrants | 8.28 |
| | Penalties | 8.31 |
| | Imprisonment and/or Fine | 8.31 |
| | Delivery Up | 8.35 |
| | Forfeiture | 8.38 |
| | Compensation | 8.42 |
| | Confiscation Order | 8.43 |
| | Serious Crime Prevention Order | 8.44 |
| | | |
| | | |
| 9. | Performers' Contracts | |
| | Introduction | 9.01 |
| | Assignments of Performers' Property Rights | 9.02 |
| | The Rule in Barker v Stickney | 9.07 |
| | Distinguishing between Assignments and Licences | 9.19 |
| | Licences of Performers' Rights (Consents) | 9.20 |
| | Construing Consent Clauses | 9.22 |
| | Case Study: the BPI/MU Consent Form | 9.25 |
| | Assignability of Performers' Contracts | 9.35 |
| | Enforcement of Performers' Contracts | 9.41 |
| | Specific Performance | 9.42 |
| | Injunctions | 9.44 |
| | Restraint of Trade | 9.45 |
| | Undue Influence | 9.48 |

CONTENTS

| 10. | OTHER FORMS OF PROTECTION FOR PERFORMERS | |
|-----|--|-------|
| | Introduction | 10.01 |
| | Copyright in Dramatic and Musical Works: Performers as | |
| | Authors | 10.02 |
| | Basic Requirements | 10.04 |
| | What is the Work? | 10.05 |
| | Subsistence of Copyright | 10.10 |
| | Fixation by Electronic Recording | 10.12 |
| | Content of Dramatic and Musical Works | 10.13 |
| | Authorship | 10.16 |
| | Adaptations and Arrangements | 10.21 |
| | Originality of Adaptations and Arrangements | 10.22 |
| | Authorship of Adaptations and Arrangements | 10.23 |
| | Ownership of Copyright in Adaptations and Arrangements | 10.26 |
| | Credits and Rewards | 10.29 |
| | Illustrations | 10.32 |
| | Copyright in Sound Recordings and Films | 10.33 |
| | Copyright in Sets, Costumes and Props | 10.34 |
| | Passing off | 10.35 |
| | Basic Requirements | 10.36 |
| | Personality Merchandising | 10.37 |
| | Imitation of Performance Characteristics | 10.47 |
| | Breach of Confidence, Invasion of Privacy and the Right to | |
| | Control the Use of One's Image | 10.49 |
| | Basic Requirements of a Claim for Breach of Confidence | 10.50 |
| | Breach of Confidence and Invasion of Privacy | 10.51 |
| | Images as Commercial Confidential Information | 10.52 |
| | The Right to Control the Use of One's Image | 10.53 |
| | Defamation | 10.57 |
| | | |
| 11 | Performers' Rights in Other Countries | |
| 11. | Introduction | 11.01 |
| | Summary of Performers' Rights under the Rome Convention | 11.04 |
| | Summary of Performers' Rights under TRIPs | 11.10 |
| | Summary of Performers' Rights under the WIPO Performances | 11.10 |
| | and Phonograms Treaty | 11.15 |
| | Table of Countries | 11.13 |
| | Particular Countries | 11.22 |
| | Australia | 11.22 |
| | Canada | 11.22 |
| | Hong Kong Special Administrative Region of China | 11.36 |
| | India | 11.45 |
| | Ireland | 11.49 |
| | Israel | 11.49 |
| | AVAMAN | |

| CON | (IEN13 |
|---|--|
| Jamaica Kenya New Zealand Nigeria Pakistan Singapore South Africa United States of America | 11.64 11.70 11.74 11.78 11.82 11.85 11.90 11.98 |
| Appendices | |
| Appendix 1 Copyright, Designs and Patents Act 1988, Part II and Schedules 2 and 2A (as amended) | A1.01 |
| B) Copyright and Rights in Performance (Notice of Seizure) | A2.01 |
| | A2.22 |
| D) Copyright and Related Rights Regulations 1996 (extracts) E) Copyright and Related Rights Regulations 2003 (extracts) F) Performances (Moral Rights, Etc.) Regulations 2006 (extracts) G) Intellectual Property (Enforcement, Etc.) Regulations 2006 (extracts) H) Copyright and Performances (Application To Other | A2.24 A2.39 A2.51 A2.61 A2.65 A2.68 |
| C) Parliament and Council Directive 2004/48/EC (extracts) D) Council Directive 2006/115/EC (extracts) | A3.1 A3.10 A3.21 A3.37 A3.48 |
| / | A4.01 A4.22 A4.36 A4.59 |

CONTENTS

| E) EEA Agreement (extracts) | A4.65 |
|-----------------------------|-------|
| | page |
| INDEX | 525 |