

Copyright Update

- summaries of recent cases
- summaries of recent articles
- recent developments & news
- book reviews

February 2003

U03n01

Prepared by Helen Dakin

Australian Copyright Council

PO Box 1986
Strawberry Hills NSW 2012 Australia
www.copyright.org.au
ACN 001 228 780

Tel +61 2 9699 3247
Fax +61 2 9698 3536
info@copyright.org.au

ISSN 1328-4908
U03n01

© Australian Copyright Council 2003

For enquiries about reproduction or other uses of this publication, please contact:

Australian Copyright Council
PO Box 1986 Strawberry Hills NSW 2012
Tel: +61 2 9699 3247
Fax: +61 2 9698 3536
email: info@copyright.org.au

Australian Copyright Council: role and objectives

The Australian Copyright Council is a non-profit organisation, founded in 1968.

Copyright is the legal basis on which most creators earn their income. It provides reward and stimulus for creative activity, and encourages respect for the economic and cultural value of creative work. Without copyright, writers, composers and many other creators could not work professionally.

The Copyright Council's objectives are to:

- assist creators and other copyright owners to exercise their rights effectively;
- raise awareness in the community generally about the importance of copyright;
- research and identify areas of copyright law which are inadequate or unfair;
- seek changes to law and practice to enhance the effectiveness and fairness of copyright;
- foster co-operation amongst bodies representing creators and owners of copyright.



The Australian Copyright Council has been assisted by the Commonwealth Government through the Australia Council, its arts funding and advisory body. The Copyright Council also acknowledges the financial assistance of the Australian Film Commission. The Australian Copyright Council is solely responsible for the editorial content and accuracy of this publication.

Copyright Update U03n01

Table of contents

1: RECENT CASES

Australia

<u>Adams v Quasar Management Services [2002] QSC 223</u>	E3726
<u>"The Panel" Decision of the Full Federal Court</u>	E3727
<u>Playstation Protection — not on the "Digital Agenda"</u>	E3728
<u>Industrious Effort is Enough: Telstra Corp Ltd v Desktop Marketing Systems</u>	E3729
<u>Sumner v Beyond Properties</u>	E3730
<u>Sony Computer Entertainment KK v Stephens</u>	E3731

Belgium

<u>"Happiness has no Age"</u>	E3732
<u>Helmut Lotigiers & Piet Roelen Production v Bertelsmann Music Group</u>	E3733

Canada

<u>Merger of Idea and Expression: Canadian or American Style</u>	E3734
--	-------

France

<u>The ramifications of the doctrine of restraint of trade applied to performing artists</u>	E3735
<u>Moral Rights</u>	E3736
<u>Photography</u>	E3737
<u>Photographic sports journalism</u>	E3738
<u>Filmed trailers-Compulsory Licensing Scheme</u>	E3739
<u>Extensions to copyright protection during wartime periods</u>	E3740
<u>Re-broadcast of news programmes over the Internet</u>	E3741
<u>Neighbouring Rights of the Performer</u>	E3742

Germany

<u>Anton Piller Orders</u>	E3743
<u>Personality Rights and TV Broadcasts in Germany</u>	E3744
<u>Video Rights in TV Films</u>	E3745

Greece

<u>Termination by artist — whether Court could order him to carry out his obligations under the contract</u>	E3746
--	-------

Hong Kong

<u>Case Law in Hong Kong — Additional Damages</u>	E3747
---	-------

Netherlands

	E3748
Electronic press clipping services — infringement of copyright — no database rights to be infringed	E3749

South Africa

Dexion Europe Ltd v Universal Storage Systems Pty Ltd	E3750
---	-------

United Kingdom

Ludlow Music Inc v Williams [2002] FSR 57	E3751
Beckingham v Hodgens	E3752
L Woolley Jewellers Ltd v A and A Jewellery Ltd	E3753
BCT Software Solutions Ltd v Jones	E3754
Co-Author of Song Lyrics Doesn't Own Copyright in Remixed Version	E3755
Psychology Press Ltd v Cara Flanagan and Nelson Thornes Ltd	E3756

United States

Song Parody Is Not Trade Mark Infringement or Dilution	E3757
State, Not Federal Law Governs Security Interest in Copyrights	E3758
Timex loses round in film suit	E3759
LA News v CBS Broadcasting	E3760

2: RECENT ARTICLES

Australia

PlayStation held not to include a Technical Protection Measure	E3761
Intellectual Property Licensing and Part IV of the Trade Practices Act: are the TPA's pro-competitive provisions anti-IP commercialisation?	E3762
Editorial — Copyright and Contract	E3763
The death of the recording industry?	E3764
Beyond the photocopier: copyright and publishing in Australia	E3765

Denmark

How Internet Radio Plays in Accordance with US and Danish (EU) Copyright Laws	E3766
---	-------

Europe

Digital Rights Management Systems: Recent European Issues	E3767
Equitable Remuneration as a EU Concept	E3768

European Council (EC)

Protecting Technology Over Copyright: A Step Too Far?	E3769
---	-------

European Union	
The Unregistered Community Design	E3770
“One-stop shopping” for simulcast licences	E3771
Hong Kong	
Deep Linking — the Hong Kong Perspective	E3772
International	
Digital Licensing Q's & A's	E3773
Challenging Law's Traditional Refusal to Protect Information per se for Fear of Stifling Innovation, Competition and Access	E3774
Why IPRs are a Global Political Issue	E3775
Jamaica	
Licensing Reprographic Rights in Jamaica	E3776
Thailand	
Does Thai Law Provide Adequate Protection for Copyright Infringement on the Internet?	E3777
United Kingdom	
Copyright in Joyce's Ulysses: an Act for the Discouragement of Learning?	E3778
Joint Authorship of a Copyright Work: the "Bluebells" Case	E3779
Electing how to exploit your IPR — an overview	E3780
Stop the CD rip off ...	E3781
Copyright Issues Facing Galleries and Museums	E3782
United States	
The Anti-Monopoly Origins of the Patent and Copyright Clause	E3783
Recent Developments in Copyright: Selected Annotated Cases	E3784
Eldred v Ashcroft (Part III)	E3785

3: RECENT DEVELOPMENTS AND NEWS

Australia	
Hansard (Senate)	E3786
Open narrowcasting radio services	E3787
The impact of photocopying on the publishing industry	E3788
China	
Dotcoms battle it out	E3789
New civil code	E3790

Colombia	
Telephone directories protected	E3791
Public servants as owners of copyrights	E3792
Denmark	
Danish court prohibits deep-linking	E3793
European Union	
Deep-linking violates EU Law	E3794
Counterfeiting and Piracy	E3795
Enforcement Directive	E3796
Hong Kong	
Proposed Amendments to Copyright Ordinance	E3797
International	
Anti-piracy action agenda at APEC	E3798
Italy	
Implementation of the Copyright Directive	E3799
Unfair Clauses in Internet Contracts	E3800
Thailand	
Thailand's First e-Law	E3801
United Kingdom	
New Copyright Laws by Christmas?	E3802
OFT Draft Guidelines on Intellectual Property	E3803
Copyright Directive Will Not Be Implemented by December Deadline	E3804
United States	
Legislative and Administrative Developments	E3805
Congress Approves Legislation Granting Relief to Small Webcasters	E3806
Former copyright claimant sentenced for fraud	E3807
Energizer sues for illegal use of bunny	E3808
Celine backs down over show name	E3809
Apple defends iTunes' identity	E3810
Indian artist sues rap star	E3811
ArtToday.com sued for wilful infringement	E3812
Cinram pays fine to settle infringement allegations	E3813
Marconi sued over chip design software	E3814
TV chiefs to sue	E3815
Journalist sued over interview	E3816

Web advertiser hit with lawsuit	E3817
NBC settle suit	E3818

WIPO

WIPO Treaties	E3819
Standing Committee debates Priority Copyright Issues for Future Review	E3820

4: BOOK REVIEWS

Australia

Art and Copyright	E3821
Australian cyberlaw casebooks v 1.0	E3822

China

A Primer on Foreign Investment Enterprises and Protection of IP in China	E3823
--	-------

International

Copy Fights: The Future of IP in the information Age	E3824
Copyright in a Global Information Society: The Scope of Copyright Protection under International, United States, United Kingdom and French Law	E3825

United Kingdom

Introduction to Intellectual Property Law	E3826
---	-------