

FROM THE OFFICES OF LESLEY ELLEN HARRIS

Copyright, New Media Law & E-Commerce News

Vol. 15, No. 2, October 12, 2011

ISSN 1489-954X

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1. STUDIES, LEGISLATION AND CONVENTIONS:

EUROPEAN PERFORMERS' COPYRIGHT EXTENDED – Performers of music on sound recordings will have additional protection (and royalties) as copyright has been extended for performers from 50 years to 70 years in Europe.

This European Directive will likely be implemented by European Union states by 2014. Composers of music already have protection for life-plus-70.

CANADIAN COPYRIGHT REFORM UPDATE – Copyright Amendment Bill C-11 was introduced into the Canadian House of Commons on September 29, 2011. Bill is at <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=5144516>.

HARGREAVES REPORT IN U.K. – Digital Opportunity, A Review of Intellectual Property and Growth outlines ten recommendations for updating intellectual property law to promote innovation and growth in the U.K. The Government recently announced that all ten recommendations will be adopted. Report at <http://www.ipo.gov.uk/ipreview-finalreport.pdf>.

2. LEGAL CASES:

YAHOO DECISION ON LINKS OVERTURNED - The Italian Court of Appeal has overturned the Court of Rome’s decision in the Yahoo! case involving the removal of links that infringe copyright. The original decision stated that Yahoo! had “liability for contributory infringement” by acting as an accessory in the dissemination of pirated links. The Court of Appeal also declared that anyone who requests that an ISP remove material has to clearly identify the URL and to provide evidence that the communication is not authorized and therefore is a copyright violation.

SUPREME COURT OF CANADA TO HEAR FIVE CASES - The Supreme Court of Canada (SCC) will hear five copyright cases on December 6 and 7, 2011 which all relate to applications for judicial reviews of Copyright Board of Canada decisions on copyright tariffs. Four of the cases deal with sound recordings and the other with print copies for grades K-12. The scope of fair dealing and the rights encompassed by “communication to the public” will be issues to be considered by the SCC.

3. OF INTEREST:

U.K. TRAINING PROGRAM TARGETS IP CRIME - The Crown Prosecutor Service (CPS) in the U.K., together with the Intellectual Property Office, is training more than 350 prosecutors in up-to-date methods to build successful cases against pirates and counterfeiters.

This initiative is consistent with the recently published Hargreaves Review of Intellectual Property (see above) and the Government's IP crime strategy that identifies the need for an integrated approach.

INTERVIEW ON DIGITAL LICENSING - An interview providing insight into steps to take to develop a digital licensing strategy by the Canadian Heritage Information Network (CHIN) and Lesley Ellen Harris is available at CHIN's Professional Exchange site in both print and audio format: http://www.pro.rcip-chin.gc.ca/carrefour-du-savoir-knowledge-exchange/entrevue_harris-interview_harris-eng.jsp.

BAKERS CANNOT ICE THEIR CAKES – The International Olympic Committee (IOC) has banned cake-decorators from the British Sugarcraft Guild from using any of its official symbols including the 5 Olympic Rings in their 2012 competition, citing that this unlicensed use would violate IOC copyright to the images.

4. SEMINARS AND PUBLICATIONS:

U.S. COPYRIGHT OFFICE VISIT – In its internal publication, the U.S. Copyright Office wrote an article about the visit by Adjunct Professor Lesley Ellen Harris who took her Catholic University of America class to visit the office for a day. See <http://www.copyrightlaws.com/us/u-s-copyright-office-article-on-copyright-course/>.

CERTIFICATE IN COPYRIGHT MANAGEMENT – Registration is now open for the 5th offering of the SLA/Click University Certificate in Copyright Management. A new course has been added entitled “Copyright Permissions for Creators and Publishers”. The Certificate consists of 7 online courses, and 2 in-person courses in June to be offered in Washington, D.C. Graduates are from around the world and from a variety of libraries and organizations. Lots of lively discussions, practical exercises, and networking opportunities. First course begins 17 October 2011: CCM 201, Canadian Copyright Law Principles. See www.clickuniversity.com.

This newsletter is prepared by Copyright Lawyer Lesley Ellen Harris. Lesley is the author of the books Canadian Copyright Law, 3rd ed. (McGraw-Hill), Digital Property: Currency of the 21st Century (McGraw-Hill), Licensing Digital Content: A Practical Guide for Librarians, 2nd ed. (ALA Editions), and A Canadian Museum's Guide to Developing a Licensing Strategy, 2nd ed. (Canadian Heritage Information Network). Lesley edits the print newsletter, The Copyright & New

Media Law Newsletter. Lesley may be reached at www.copyrightlaws.com. Follow @copyrightlaws on Twitter at <http://twitter.com/#!/copyrightlaws>.

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