

Contents

Preface	ix
Table of Cases	xi
Table of Statutes and Statutory Instruments	xvi
1 Introduction	1
What is Copyright?	1
The History of Copyright	2
The Evolution of a Performers' Copyright	5
Proposals for Reform	7
Part I The Old Law of Performers' Protection	
2 Criminal Law	13
Introduction	13
Protected Performances	14
Duration of Protection	20
Prohibited Acts	22
Other Offences	31
<i>Mens rea</i>	32
Defences	38
Penalties	44
Private Prosecutions	44
3 Civil Law	45
Introduction	45
Transmission of Rights	45
Collecting Societies	48
Who May Sue?	49
Who May Be Sued?	49
Territoriality	50
Defences	50
Remedies	51

Part II The New Law of Performers' Rights and Recording Rights

4	Subsistence and Ownership	55
	Introduction	55
	Performances	56
	Subsistence of Performers' Rights	68
	Exclusive Recording Contracts	70
	Subsistence of Recording Rights	72
	Duration of Performers' Rights and Recording Rights	73
	Transmission of Rights	73
	Co-ownership	75
	Licensing	76
	Collecting Societies	76
5	Infringement	77
	Introduction	77
	Infringement of Performers' Rights	77
	Infringement of Recording Rights	91
	Knowledge or Reason for Belief	94
	Territoriality	96
6	Exceptions and Defences	100
	Introduction	100
	Exceptions	100
	Defences	110
	Copyright Tribunal	115
7	Proceedings	121
	Introduction	121
	Who May Sue?	121
	Who May Be Sued?	121
	Venue	122
	Remedies	122
	Interlocutory Proceedings	136
8	Criminal Law	138
	Introduction	138
	Principal Offences	138
	Additional Offences	142
	<i>Mens rea</i>	143
	Defences	144
	Penalties	144
	Search Warrants	146
	Private Prosecutions	146

Appendices

Appendix 1 The Legislative History of the Dramatic and Musical Performers' Protection Act 1925	148
Appendix 2 Is There a Civil Right of Action Under the Performers' Protection Acts 1958–72?	150
Appendix 3 Dramatic and Musical Performers' Protection Act 1925	162
Appendix 4 Statutes in Force on 31 July 1989 (Part I)	
Dramatic and Musical Performers' Protection Act 1958	164
Performers' Protection Act 1963	169
Performers' Protection Act 1972	172
Appendix 5 Statute in Force from 1 August 1989 (Part II)	175
Copyright, Designs and Patents Act 1988, Part II and Schedule 2	
Appendix 6 Secondary Legislation in Force from 1 August 1989 (Part II)	201
Copyright Tribunal Rules 1989 (extracts)	
Copyright and Rights in Performances (Notice of Seizure) Order 1989	
Appendix 7 International Agreements	212
Rome Convention 1961	
Treaty of Rome (extract)	
Index	225