Index

access costs of copyright 13
access-incentives balance 85-94
adaptation, right of 14-15
Adler, M. 68
administrative costs of copyright 13-14, 18-19
AFMA (Anstalt für musikalisches Aufführungsrecht) 144
African music, copyright difficulties 127-8
Alfred Bell & Co. v. Catalda Fine Arts 17
Algerian Rai music 127
altering and reselling copyrighted work 20-21
analogue use of museum images 226-7
Anne Bragance v. Olivier Orban and Michel de Grèce 46
appropriability, digital private copying 190-92
appropriation art 9-11, 21-7
A.R.T. 20-21
art works, borrowed images 9-11, 17-27
artistic materials
  intellectual property rights 120
  moral rights 135-6
tax on use of 134-5
artists’ income 12
effect of abolishing copyright 133-5
  from copyright 12-13, 126-8, 222-3
  as purpose of copyright 132
Artists Rights Society 20
ASCAP 168-9
Atwood, M. 60
Australia, indigenous cultural works 104
authors
  copyright collecting societies 142-4, 152-3
  Internet publishing 4-5
  property rights, Russia 250-55
  relationship with publisher 69-70
authorship of copyright works 39-40
Babylon, J.-P. 125
Baker, A.J. 186
Barnet, R. 122
Barthes, R. 124
Belgische Radio en Televisie v. SABAM 151
Belgium, copyright society 151
Bell, Alfred & Co. v. Catalda Fine Arts 17
Bensaid, B. 71, 74
Berne Convention
  exceptions to copyright 235
  ownership, cinematographic work 41-3
  protected work 33-4
  term of copyright 37, 38
Besen, S.M. 183, 187-9
Bettig, R. 125
Blakeney, M. 104-5
BMI 168-9
Boggs, J.S.G. 103
book publishing, impact of digital technology 77-8
borrowed images 9-11, 17-27
Bourget, E. 141-2
Boyle, J. 56-7, 130
Bragance, Anne v. Olivier Orban and Michel de Grèce 46
Brandeis, Justice 52
Bridgeman Art Library v. Corel Corp. 18
Bridgeman Art Library v. Rodney Fitch & Co Ltd 223
British Music Publishers Association (MPA) 146
Buren, D. 122
Copyright in the cultural industries

Burke, A.E. 70

Campbell Connelly & Co. Ltd v. Noble
45

Canada Safeway Ltd v. Manitoba Food
and Chemical Workers, Local 832
57

Canada
copyright of corporate symbols 57–8
native culture 128
Catalda Fine Arts 17
Cavanagh, J. 122
CDs
broadcasting use, Japan 206
copying 76–7
France 179–82
Chomsky, N. 130
cinematographic work, copyright
ownership 41–3
Coase, R.H. 53
collecting societies 92, 140–47
and museum images 225–6
The Netherlands 222–3
property conceptions, Europe 150–55
reforms 156–7
collective rights, native cultures 128–31
collectively created works, Russia 254–5
Collins, J. 127–8
commercial firms, use of museum
images 224–5
commodification of copyright interest
104–9
competition law, and museum images
228
complementary products, reducing
copying 185
composers
property rights 211–18
societies, Germany 144–5
compulsory licensing 89–93
compulsory representation, Germany
153–4
Coombe, R. 120, 125, 128, 132
copying
cost reduction 75–80
digital music 76–7, 123–4
digital private 178–93
effect on production of new work
80–81
protection against 14

copyright
administration using digital
technology 204–5
evacuation 143
collecting societies see collecting
societies
compulsory licensing and incentives
87–93
creation 33–4
and creativity 131–2
digitized images, 224–6
disputes 10–11, 17–27
duration see term of copyright
as elegant conception 2–3
government intervention 3–7
and incentives 85–94
as intellectual property 55–6
Japan 202
satellite broadcasting 207–8
law, international issues 32–47
market effects 66–9
in markets with network externalities
70–74
monopoly 119–22
museum images 19–20, 221–30
music see music copyright
payment, music 171–2
scanned images, 224–6
scope 14–17, 34–7
software 78–80
and trade 104–6
Copyright, Designs and Patents Act,
1988 33, 37, 40
Copyright and Neighbouring Rights in
the Information Society 4
Copyright and Neighbouring Rights law
of the Russian Federation 251, 253
Corbis 120, 224–5
Corel Corp. 18, 34–5
corporate power over cultural output 99–
102, 107–13
corporate symbols 56–8
costs
of copyright protection 13–14
of creation 12
of reproduction 12
Creative Diversity, Our 100, 128
creativity
as a commodity 119–21
effect of copyright 131–2
cultural conglomerates 120–21
cultural industries, Netherlands 7–8
culture, indigenous 104, 126–31
Daoudi, B. 127
database rights, museums 229–30
Dauman, H. 22–3
Death of the Author, The 124
demand, effect of copying cost reduction 76
Demsetz, H. 55
derivative works right 14–15
Deutsches Museum 224–5
development, and culture 99–102
dialogic practice, as purpose of copyright 132
digital copying
  museum works 19–20, 221–30
  private 178–93
  public domain works 18–19
digital music downloads 123–4, 170–75
digital rights, music 165–75
digital technology 201–2
  and book publishing 77–8
  and Japanese performance art 202–9
  and music publishing 165–75
digitized images, copyright 224–6
Director, A. 53
downloading music 123–4, 170–74
Duchamp, M. 9
duration of copyright see term of copyright
dynamic environment, network effects 72

Easterbrook, F. 21
economic analysis, freedom of expression 53–5
Economic Analysis of Law 55
economic approach to copyright 21–7
economic model of copyright 66–82
Economides, N. 71
employees and copyright ownership 43–4
enforcement costs of copyright 13–14
Enterprising Culture, An 7, 8
Eudes, Y. 123
Europe, copyright societies 150–55
European Database Directive 229–30

European Union
  competition law 228
  exceptions to copyright 236–40
  exclusive transferable property rights 152–5
  expression, protection of 14
  fair use doctrine 15–16
  fees see payments
  films, copyright ownership 42–3
  financial support see subsidies
  first-sale doctrine 21
  folklore, copyright protection 129–30
  France
  copyright law 46
  digital private copying 178–82
  term of copyright 38
  freedom of expression, economic analysis 52–60
  GDT (Genossenschaft Deutscher Tonsetzer) 144
  GEIDANKO 196–7
  GEMA (Genossenschaft zur Verwertung musikalischer Aufführungsrechte) 144–5
  Germany
  music copyright 144–5, 164
  Gnutella 123
  government policy on copyright, Netherlands 3–7
  Hakfoort, J. 72–3
  Hammer, P.J. 54
  Harper & Row v. Nation Enterprises 51
  Haydn, J. music publication 213–14
  Hohfeld, W.N. 149–50
  Holmes, O.W. 27, 52
  Houston, J. 40
  Hummel, J.N. 218
images, digital reproduction, museums 221–30
implied consent for copying 15–16
incentives-access balance 85–94
income
  artists 126, 132–5
  impact of copying 184
  musicians 144–7, 154–5, 213–17
  performers, Japan 197–9
Index

and private copying 185–6
Newton, H. 11, 23–4
Nimmer, M.B. 56
non-interactive streaming, and
performance rights 172–3
non-Western countries
lack of copyright 126–31
subsidies for artists 134–5
Novos, I.E. 183
Nyerere, J. 131
original works, value of 12–13
originality 12, 124–5
Our Creative Diversity 100, 128
owner-biased copyright balances 91–3
ownership rights 41–2, 125
museums 227–30
parody 16, 58–9
Patterson, L.R. 55–6
payments
digital music downloads 170–75
sound recording 203–4
see also income; royalty payments
Pérez de Cuellar, J. 100
performance, music, Vienna 215–7
performance rights 167, 168–70
digital music downloads 170–72
Germany 144
streaming 172–5
UK 146
performing arts
Japan 196–209
Russia 250–55
Performing Rights Society (PRS) 146
Phonographic Performance Ltd (PPL) 92
photographs
digital rights 120
of museum objects 223–4, 226–7
Pchevin, A. 126
piracy 70, 122–3
musical composition 217–18
software 78
plagiarism 124
see also appropriation art
playwrights, and copyright, Russia 250–55
Pogosev, A. 250
Posner, R.A. 26, 53–4, 55, 56, 58–9, 65, 66
price discrimination
and copying 184
and copyright level 68–9
prices, and private copying levy 187–9
private copying
digital 6, 178–93
levy 186–9
production/utilization balance 86–94
property conceptions 147–50
and copyright societies 150–55
property rights see intellectual property
rights
public benefit rationale for copyright 102
public concerts, Vienna 215–7
public domain work, copying of 17–20
public performance, Japan 198–200
public performance rights see performance rights
publication, definition 19–20
publishers
changing roles 75–80
conflicts with composers 217–18
role in collecting societies 142–4, 152–3
publishing, effect of digital technology 75–8
Pusenkoff, G. 11, 23–4
Raï music 127
Rasmussen, E. 54
Rauschenberg, R. 11
record industry, effect of private copying
levy 186–8, 192
recording copyright, sound 145–7, 165–8
recording equipment market, France 179–80
Recording Industry Association of America 170
recording rights see mechanical rights
Rehnquist, Justice 55
remuneration see payments
reproduction
rights to works of art, disputes 10–11
and value of works 12–13
see also copying
respect for artistic works 135–6
Rogers v. Koons 9–10, 24–5, 103–4
Rosen, S. 68
Copyright in the cultural industries

royalty payments
digital broadcasting 170
distribution formula 154–5
Rushton, M. 81
Russia, copyright and performing arts 250–55
Russian Authors’ Society (RAS) 251–3
Ruzicka, P. 153
SABAM 151
SACEM 151
satellite broadcasting of music, Japan 207–8
scanned images, copyright 224–6
Scholte, R. 125
scientific research
and copyright 233–6, 246–7
Italy 242–4
dissemination 244–5
sculptures, copied from photographs 9–10, 24–6, 103–4
secondary use of recorded material 203–4
Société des Auteurs et Compositeurs et Editeurs de Musique (SACEM) 151
socio-cultural deductions by collecting societies 154
software
copyright protection 78–80
digital private copying 182, 191–2
market, network effects 73–4
piracy 78
software publishers, losses due to copying 182
Souliillou, J. 124
Sound Exchange royalty payment system 170
sound recording
remuneration 203–4
rights see mechanical rights; performance rights
STAGMA 145
stardom 68–9, 121–2
static environment, network effects 72
Stichting Beeldrecht 222–3
String of Puppies case 9–10, 24–5, 103–4
Ströter-Bender, J. 130
subsidies
Japanese performing arts 200–201
to non-Western artists 134–5
to producers of copied works 189–90, 192
Takeyama, L.N. 185
tax
on private copying 186–9
on use of artistic materials 134–5
Temple Lang, J. 152
term of copyright 16–17, 37–8
effect on trade 106
termination of copyright 37–8
territorial extent of copyright 32–47
theatre, and copyright, Russia 250–55
Third World countries see non-Western countries
time, effect on optimal copyright level 68–9
Towse, R.M. 69
trade, and copyright 104–6
trademarks and copyright 56–8
transferability of copyright 44–6
translators, and copyright, Russia 252
TRIPs agreement 104–5
UK
copyright law 32–3, 36, 51
music copyright 146–7, 164
term of copyright 37, 38
under-production/under-utilization balance 63–4, 86–94
USA
copyright law 34–5, 51
and TRIPs 104–5
user-biased copyright balances 90–91
validity of copyright 38–9
van Jole, F. 1
video games
digital private copying 191–2
effect of private copying levy 188, 192
Vienna
music publishing 212–15
public concerts 215–7
Visual Artists and Galleries Association 20
Waldman, M. 183
Waldron, J. 59
Index

Warhol, A. 11, 15, 22-3
Weiss, F. 130-31
Willemse, S. 72-3
WIPO (World Intellectual Property Organization) 142-3
WIPO Treaty on Copyright, exceptions to copyright 235
word of mouth externalities 71, 74
World Commission on Culture and Development 128-9