Preface

The first modern copyright law was enacted by the British Parliament in 1709 and came into force in 1710. This was the Statute of Anne: an Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies. . .

The Act proved to be a catalyst and was soon followed by other copyright legislation, the most influential being the French droit d’auteur decrees passed in 1791 and 1793. For more than a century all efforts remained focussed at a national level, but increasingly this territorial approach became a problem.

Consequently, the International Literary and Artistic Association (ALAI) was founded in Paris in 1878, with Victor Hugo as its honorary chairman. Its main objective was to promote an international agreement to protect authors of literary, scientific and artistic works. The association achieved this with the adoption on 9 September 1886, of the Berne Convention for the Protection of Literary and Artistic Works. This was the culmination of 175 years of modern copyright laws. The Convention recognised and developed legal principles that were first forged under national systems. In essence this is still the copyright system as we know it.

The ALAI 2009 London Congress celebrated the tercentenary of modern copyright law. It explored the various principles set out in the Statute of Anne, such as the right of printing and publishing, the notion of libraries as repositories of knowledge, the right of authors to control the importation of books, and the question of formalities. The discussion then moved on in a second stage to the ways in which these historic issues manifest themselves in the era of Cyberspace: online digital libraries, illegal downloading and distribution of protected works, authors’ contracts and the economic impact of copyright. In a third stage the current globalised context that puts fundamentally into question the basis of modern copyright, that is national systems with an international top layer based on national treatment, was examined from the angle of international exhaustion and the renewed interest in formalities.

This volume is in essence the crystallisation of these debates during the
Congress. Three stages have become the three main parts of the book. Each of these topics is analysed in depth by those who presented their papers at the Congress and those who participated in the panels. Each stage is also introduced by one of the editors to show its place in the wider picture, as well as the links between the various contributions.

We have also retained the symbolism of the Congress in this volume. The journey started at Stationers’ Hall, a place with a strong historical link to copyright and the first stage of the debates of the Congress, before ending at Lincoln’s Inn, a place linked to modern law as we know it. The volume opens with the opening speech of Victor Nabhan, President of ALAI, and it ends with his closing speech that rounded off the work of the Congress, followed by Lord Hoffmann’s dinner speech at Lincoln’s Inn. We hope that in this way not only the scientific content of the Congress, but also its atmosphere finds its way into this volume. This also emphasises the dual role of the book. On the one hand it forms the conference proceedings for those that shared these three memorable days in London in June 2009 and on the other hand it provides an in depth scientific analysis of the legacy of the Statute of Anne and modern copyright 300 years on from its origins.

This book is published in conjunction with the website of Blaca, which contains additional material. This includes the replies to the questionnaire sent in ahead of the Congress by the national groups of ALAI, as well as the original language versions of the papers that were not submitted in English and translations into French and Spanish of a number of key papers. The website, which can be found at www.blaca.org, and the book should be looked at together as a joint publication.

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