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Series on Intellectual Property Issues: Part 24

What rights do companies involved in performing, broadcasting and producing music recordings have?

Over the last 50 years, a new field of rights related to copyright has developed rapidly. These so-called 'related rights' have grown up around copyrighted works, and provide similar rights, although often more limited and of shorter duration, to:

- ❑ Performing artists (such as actors and musicians) in their performances;
- ❑ Producers of sound recordings (for example, cassette recordings and compact discs) in their recordings;
- ❑ Broadcasting organizations in their radio and television programmes.

'Related rights' differ from 'copyright' in that they belong to owners regarded as intermediaries in the production, recording or diffusion of works. The link with copyright is that the three categories of related rights are auxiliaries in the process of intellectual creation and dissemination since they lend their assistance to authors in the communication of the latter's work to the public. A musician performs a musical work written by a composer; an actor performs a role in a play writ-

ten by a playwright; producers of phonograms - or, more commonly, 'the record industry' - record and produce songs and music written by authors and composers, played by musicians or sung by performers; broadcasting organizations broadcast works and recordings on their stations.

If your business is based on any of these activities, or you are a regular user of such services, then you must understand that there are important IP rights which cannot be used without authorization of the right-holder. This invariably requires the payment of fees or remuneration for obtaining such permission.

As is the case with copyright, related rights are obtained without having to comply with any formalities such as registration, deposit or display of any notice, for example, on a phonogram. Even so, it is advisable to place a notice on a phonogram with the following three elements:

- ❑ A circled capital letter ©
- ❑ The name of the owner of the exclusive right; and
- ❑ The year of first publication of the phonogram.

References:

International Federation of the Phonographic Industry (IFPI). Website at www.ifpi.org. Useful resources, links, publications, news items and information on IP-related rights, infringement and enforcement in the recording industry.

International Confederation of Societies of Authors and Composers (CISAC). Website at www.cisac.org. A knowledge base on intellectual property and on the business of collective administration of rights for CISAC members. CISAC regroups 199 authors' societies in 103 countries.

This is the 24th issue of the series on Intellectual Property Issues relevant for small and medium sized enterprises. The first issue was published in the World Trade Net Business Briefing of 19 May 2008. Next issue in this series will be published on week 49.