
Editorial

Copyright Control

The major problem for copyright owners lies in enforcement of their otherwise powerful and long-lived rights. Even within the UK, enforcement can be difficult enough, as those engaged in combating video piracy know to their cost. But the problem is an international one, and infringing goods can be made in one distant country and put on the market in another distant country where the laws, even if they exist, may be very difficult to enforce. In some instances the very basis of copyright itself is challenged.

The Economist Intelligence Unit has published a useful report on "Copyright and Related Rights",¹ which explains both the UK law and the outlines of the various international conventions which exist to assist copyright owners to protect their works, the provisions of which, to be effective, have to be incorporated into the laws of the signatory states. It also reviews the attitude of developing countries towards copyright control. Copyright control enshrines a monopoly, and to some developing countries it constitutes an impediment to their own development: it requires them directly or indirectly to pay copyright royalties, at a stage in their development when they have little copyright material of their own on which to earn income. Some governments have even encouraged copyright infringement because the industry it produces is good for the economy.

As countries develop so copyright control tends to become more established. But even in highly developed economies copyright law is often inadequate. The 1956 Copyright Act was passed before technological developments led to widespread photocopying; before either mass or private reproduction of sound and video tapes was contemplated; and before the computer revolution was upon us. The Act needs updating, but progress is slow. Pressures have led to items of specific legislation being passed in an attempt to deal with the grosser abuses of video tape piracy, and to the courts interpreting the existing law to protect computer software. The valuable Anton Piller procedure has been devised and developed, and international co-operation between copyright owners has increased to deal with the increasingly international business of infringement.

With patent rights copyright control is an essential protection given to creativity, but it needs to be relevant to modern needs. The EIU report, whilst lacking a discussion of the industrial application of copyright drawings, is a useful guide to the protections available to the owners of copyright both in the UK and through the web of international conventions and agreements which exist to help an owner control the use of his copyright work.

¹Available from the EIU, Spencer House, 27 St James's Place, London SW1A 1NT. Price £55.