



Music and Intellectual Property

Identifying, Protecting and Enforcing Rights in Music

8 December 2010, London

“This one day conference is a required day for anyone involved in the legal protection of music – whether acting for musicians, recording companies, or promoters.”

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- 9.15** Registration and Coffee
- 9.30** Chairman's Welcome and Introduction
Jeremy Phillips, IP Consultant, Olswang LLP
- 9.45** Music and Intellectual Property: An Overview
- Is it just copyright, or are other rights at stake?
 - Music in international and EU law
Gwilym Harbottle, Hogarth Chambers
- 10.30** Music as Property
- What is music in law?
 - Does the current legal approach make sense?
Andreas Rahmatian, University of Glasgow
- 11.15** Coffee
- 11.30** Copyright Societies and Organisations
- Why are there so many of them? Do they all do the same thing?
 - Songs of love and hate: the European Commission's view of collecting societies
Florian Koempel, UK Music
- 12.15** Music in Court: A Round-up of Recent Cases
- Music in the British Courts
 - Music in Europe
Christina Michalos, 5 RB
- 1.00** Questions
- 1.15** Lunch
- 2.00** Enforcing Copyright in the Music Industry: The Myth and the Reality
- So much infringement, so little litigation: why?
 - Making the decision to sue: what are the criteria?
- Damages, accounts and other relief – are they worth the effort?
Nick Kounoupias, DMH Stallard
- 2.45** The Digital Economy Act - What it Means in Practice
- Overview of the Digital Economy Act and the Initial Obligations Code
 - What it means for copyright owners, creators and ISPs
 - Will the system work and, if so, for whose benefit?
Tom Harding, Olswang LLP
- 3.30** Tea
- 3.45** Meeting the Challenge of Enforcing Copyright Infringements Online: Answers from Abroad
- Overview of initiatives at EU level and in select EU Member States
 - Comparison of key features of the Digital Economy Act with the French 'Hadopi Laws'
 - Is there a perfect answer?
Brigitte Lindner, Serle Court
- 4.15** The Glastonbury Tales: The Practicalities of Festival Life and IP
- Preparing the (legal) ground for a music festival
 - Rights, rates and wrongs - music licensing at festival
 - TV, recordings and other rights
 - Ambush marketing - keeping the gatecrashers out
Ben Challis, General Counsel, Glastonbury Festivals Ltd
- 4.45** Chairman's Concluding Remarks and Questions
- 5.00** Conference Close

Music and Intellectual Property

Music is big business, with vast sums of money involved in promotion, marketing and distribution of music-related products.

But what, in legal terms, is music? With such uncertainty about its nature, how can it be protected in law? Are the concepts of intellectual property appropriate for the protection of this curious asset?

Chairman:

Jeremy Phillips is intellectual property consultant, Olswang LLP. He is a research director, Intellectual Property Institute, editor of the *Journal of Intellectual Property Law and Practice* and co-founder of the IPKat weblog. He is also blogmeister of the 1709 Blog, which specialises in copyright issues.

Speakers:

Ben Challis is a UK lawyer specialising in music and entertainment law. He acts as General Counsel for the world famous Glastonbury Festival as well as advising clients who include concert promoters 3A Entertainment, Africa Express and The Prince's Trust. At Glastonbury, Ben combines the role of managing the Festival's broadcast and other media rights alongside acting as a legal advisor for the Festival. Ben regularly contributes to books, journals and broadcasts and is a regular conference speaker. Ben is a visiting professor at Buckinghamshire New University and edits www.musiclawupdates.com.

Gwilym Harbottle is a barrister and a member of Hogarth Chambers. He specialises in intellectual property law. He has appeared in a number of significant copyright and design right cases, is a joint editor of the 15th edition of *Copinger on Copyright* and has written several articles on civil and criminal remedies for infringement of IP rights.

Tom Harding is an associate in the Media, Communications and Technology Group of Olswang LLP. He specialises in providing commercial and regulatory advice for clients in the media, communications and technology industries and has a particular interest in the music, entertainment and e-commerce sectors. He has also spent six months on secondment at Phonographic Performance Limited.

Florian Koempel has been Legal Counsel at UK Music since 2001. He is the British Copyright Council representative at WIPO and a member of the Executive Committee of the British Literary and Artistic Copyright Association. He holds a Diploma in European Competition Law, an LLM in Intellectual Property from London University, as well as a Law Degree from the University of Regensburg in Bavaria. In 1998, he passed the bar exam in Munich and has worked for the Regional Court and in private practice.

Nick Kounoupis is a partner in the dispute resolution group of DMH Stallard specialising in all forms of intellectual property, human rights and cultural property disputes. He was previously Head of Litigation at the MCPS-PRS Music Alliance and managed the music industry anti-piracy unit for ten years. He was formerly a Council member of the Anti-Counterfeiting Group and Chair of its enforcement sub-committee, and is a Director of the Federation against Software Theft.

Brigitte Lindner, Rechtsanwältin, is a member of the Bar of Berlin/Germany and practises as Registered European Lawyer (Bar Council) in association with Serle Court in London. As a legal practitioner with practical experience in the German, French and English legal systems and particular expertise in legal policy and governmental affairs, she advises on all aspects of international, regional and comparative copyright law.

Christina Michalos is a barrister at 5RB. She practices in IP (non-patent), media law and sports law. She is particularly known for her specialisation in image rights and is the author of *The Law of Photography and Digital Images* (Sweet & Maxwell). She is recommended in *Chambers* and *Legal 500* as a leading junior in media & entertainment law. Cases in which she has appeared include for Associated Newspapers Ltd in the copyright and privacy claim brought by HRH the Prince of Wales and acting for the claimant in *Fraser-Woodward v BBC* (copyright trial concerning photographs of Victoria Beckham). She continues to practise general civil & commercial litigation (including some personal injury work), in particular acting for government departments as a member of the A-G's A Panel to which she was appointed in 2009.

Dr Andreas Rahmatian is a Senior Lecturer at Glasgow University. He obtained his first degree in law and his PhD in private law, and another first degree in musicology and history, from the University of Vienna. After having completed an LLM at the University of London with an emphasis on comparative and intellectual property law, he worked as an associate attorney at law in a law firm in Vienna where he specialised in intellectual property law, before returning to the United Kingdom for qualification as a solicitor (England & Wales, non-practising).

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