

Seminar 6: Copyright (2)

(Thursdays 10th and 17th February at 12:00-13:00)

1. Anne works at a restaurant until after midnight. One night, she sets the video to record a made-for-TV movie (*The Naked Nijinsky*) which is being shown late on BBC 2 to mark the 50th anniversary of Nijinsky's death in 1950. Next day there is a public uproar about some overtly homoerotic dance sequences, and the BBC promise only to show it again if these scenes are cut short. The director, choreographer, composer and dancers publicly condemn this decision. A few years later, Anne sells some personal possessions at a car boot sale. These include unlabelled video cassettes, which she sells for 50p each regardless of any shows recorded on them.

2. Ben is a freelance television journalist who buys the cassettes and notices that the original uncut version of *The Naked Nijinsky* is on one of them. He circulates a dozen copies of the video to contacts in broadcasting with a proposal for a programme showing the suppressed scenes and criticising the BBC for yielding to pressure. Channel 4 broadcast a recorded studio discussion as part of which all the uncut dances are shown, and the following week they show the whole uncut film. At the last minute, the BBC decides to show the censored version at the same time as a 'spoiler'.

3. David and Edward are dancers. After watching the Channel 4 programmes several times on video, they are able to recreate the entire dance sequences which they perform live in a production (*Undressed, uncut and unashamed*) at the Edinburgh Fringe. They are acclaimed for their mastery of Nijinsky's technique and style.

4. Fred is an 'adult' stand-up comedian. He secretly videos David and Edward on stage, and incorporates an obscene and offensive parody of their show into his routine on the pub-and-club circuit under the title *Undressed, uncut and up yours*.

Be prepared to discuss: What kinds of copyright (or other copyright-like rights) might be in issue here? What works (etc.) are there which are likely to be protected, and who will the initial right-owners be? What contractual arrangements would you expect to affect this? Subject to any specific defences, who is liable for any infringements? What defences might each of them have, and under what circumstances?