

INTRODUCTION TO BECS:

COLLECTIVE MANAGEMENT OF AUDIO-VISUAL PERFORMERS' RIGHTS

UK LAW AND PRACTICE

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Society Ltd*

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Executive*



WHAT IS BECS?

WHO ARE OUR MEMBERS?

WHY PROTECT PERFORMERS IN
STATUTE?

WHY NOT JUST LEAVE IT TO
CONTRACT?



EU 2019 DIRECTIVE ON COPYRIGHT IN THE DIGITAL SINGLE MARKET

Articles:

18. Appropriate and
proportionate remuneration;

19. Information;

20. “Best seller”.



HOW DO THE RIGHTS OF
AUDIOVISUAL PERFORMERS
DIFFER FROM THOSE OF
AUTHORS (COPYRIGHT
OWNERS) AND MUSIC
PERFORMERS?

AUTHORS (COPYRIGHT OWNERS)

		Legal source of income per right			
		Exclusive right	Exclusive right w. mandatory equitable remuneration on transfer	Remuneration right	Compensation
Reproduction		Green			
Communication to the public	CTP (inc. broadcasting)	Green			
	Making available	Green			
Physical	Sale	Green			
	Rental	Green	Green		
	Lending	Green			
Exceptions – private copying (not in UK - yet)					Green

MUSIC PERFORMERS

		Legal source of income per right			
		Exclusive right	Exclusive right w. mandatory equitable remuneration on transfer	Remuneration right	Compensation
Reproduction		Green			
Communication to the public	Live	Green			
	Commercial phonograms	Orange	Orange	Green	Orange
	Making available	Green			
Physical	Sale	Green			
	Rental	Green	Green		
	Lending	Green			
Exceptions – private copying (not in UK - yet)					Green

AUDIOVISUAL PERFORMERS

		Legal source of income per right			
		Exclusive right	Exclusive right w. mandatory equitable remuneration on transfer	Remuneration right	Compensation
Reproduction		Green			
Communication to the public	Live	Green			
	Commercial AV recordings	Orange	Orange	Orange	Orange
	Making available	Green			
Physical	Sale	Green			
	Rental	Green	Green		
	Lending	Green			
Exceptions – private copying (not in UK - yet)					Green

WIPO PERFORMANCES AND PHONOGRAMS TREATY (WPPT)

(ADOPTED IN GENEVA ON
DECEMBER 20, 1996)

► Article 15(1)

Performers and producers of **phonograms** shall enjoy the right to a single equitable remuneration for the direct or indirect use of phonograms published for commercial purposes for broadcasting or for any communication to the public.

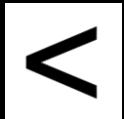
**EXCLUSIVE RIGHT
V.
EQUITABLE REMUNERATION
RIGHT**



Less rights – no communication to the public or broadcast rights



More reliance on negotiation of contracts but weak bargaining position, producers often buy out all rights



Shorter Protection (Europe)

Audio 70 yrs vs
Audio Visual 50 yrs



Resulting in less money

WHAT WERE THE CONSEQUENCES?

BEIJING TREATY ON AUDIOVISUAL PERFORMANCES BEIJING, ON JUNE 24, 2012

<u>Article 7:</u>	Right of Reproduction
<u>Article 8:</u>	Right of Distribution
<u>Article 9:</u>	Right of Rental
<u>Article 10:</u>	Right of Making Available of Fixed Performances
<u>Article 11:</u>	Right of Broadcasting and Communication to the Public

BEIJING TREATY ON AUDIOVISUAL PERFORMANCES BEIJING, ON JUNE 24, 2012

▶ Article 11

▶ Right of Broadcasting and Communication to the Public

▶ Options:

▶ Exclusive rights;

▶ Right to equitable remuneration;

▶ Neither of the above.

BEIJING TREATY ON AUDIOVISUAL PERFORMANCES

BEIJING, ON JUNE 24, 2012

▶ Article 12

▶ Transfer of Rights

- Consent to fixation = presumption of ownership by producer.
- National laws may provide for ER or royalties for use.

BEIJING CAN IMPROVE THE SITUATION OF AUDIOVISUAL PERFORMERS

BUT

- ▶ Only if ratified – so far 42 countries have acceded to or ratified the Treaty.

AND

- ▶ If implemented into national legislation in a way that supports performers.



Monitor



Negotiate



License



Collect



Distribute

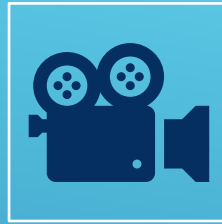
COLLECTIVE MANAGEMENT IN PRACTICE

Collective
Management
Organisation
(CMO)

COLLECTIVE MANAGEMENT SYSTEMS



Members'
mandates



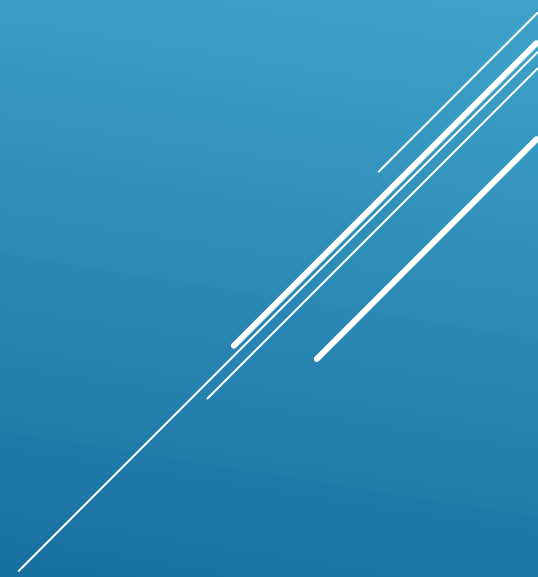
Repertoire



Statutes &
Agreements



Data Collection
and Exchange



MEMBERS' MANDATES & DETAILS



Performers, Beneficiaries

- membership agreement
- mandate to manage vs assignment of rights

Region

- local, regional or worldwide
- mandate conflicts

Personal Details

- name
- contact
- bank
- work / productions



GDPR

REPERTOIRE (MEMBERS' WORK LISTING)



Productions

- TV schedules
- Categories of work
- Full cast lists

Sources

- IMDB / Internet
- Credits in Productions
- Producer reports

Graded Contributions

- Importance of role
- Shooting days
- Time on screen

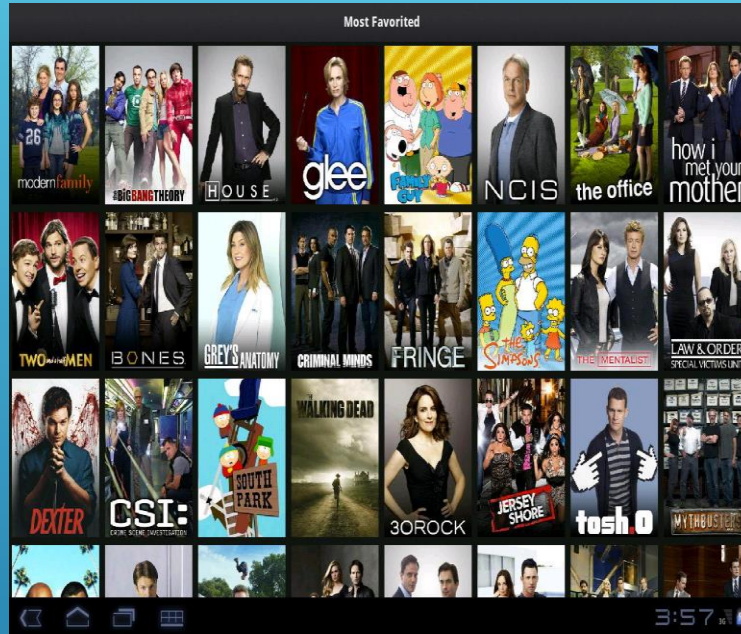
CMO A



CMO B



DATA COLLECTION and EXCHANGE

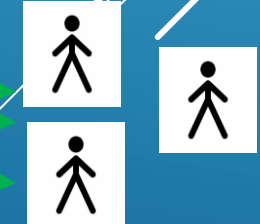
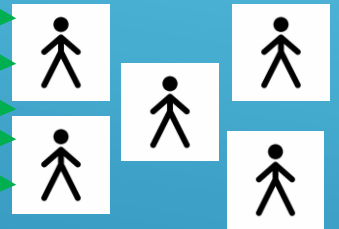
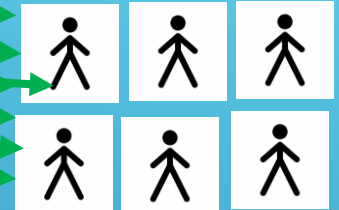
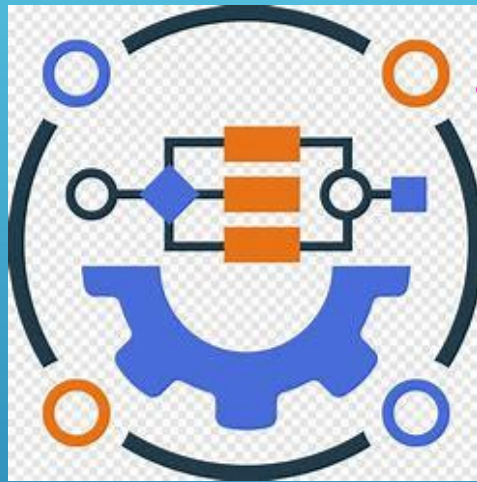


	Adam Sandler	...	Donny
	Vanilla Ice	...	Himself
	James Caan	...	Father McNally
	Luenell	...	Champale
	Tony Orlando	...	Steve Spiro
	Todd Bridges	...	Himself
	Abdoulaye NGom	...	Father Shakalu
	Colin Quinn	...	Strip Club DJ
	Amber Paul	...	Halo Stripper
	Alan Thicke	...	TV Version Donny's Dad
	Ian Ziering	...	TV Version Donny
	Brad Grunberg	...	Tubby Tuke
	Jason Venezia	...	Naked Guy in Car
	Kristen Valinch	...	Naked Lady in Car
	Corey D. Boykins	...	Gangster on Balcony
	Matthew Eriksen	...	Ice Skater
	Colleen Kelly	...	Spa Manicurist (uncredited)
	Norm Buerklin	...	Hot Tub Husband (uncredited)
	Kristi Lynn	...	Biker Waitress (uncredited)
	Tom Mardirosian	...	Hot Tube Manager (uncredited)
	Jim Patton	...	Angry Bowler (uncredited)
	Shawn Fogarty	...	Strip Club Patron / Wedding Guest
	Rebecka Ray	...	Mass Murderer (uncredited)
	Mike Jablon	...	Tough Biker (uncredited)

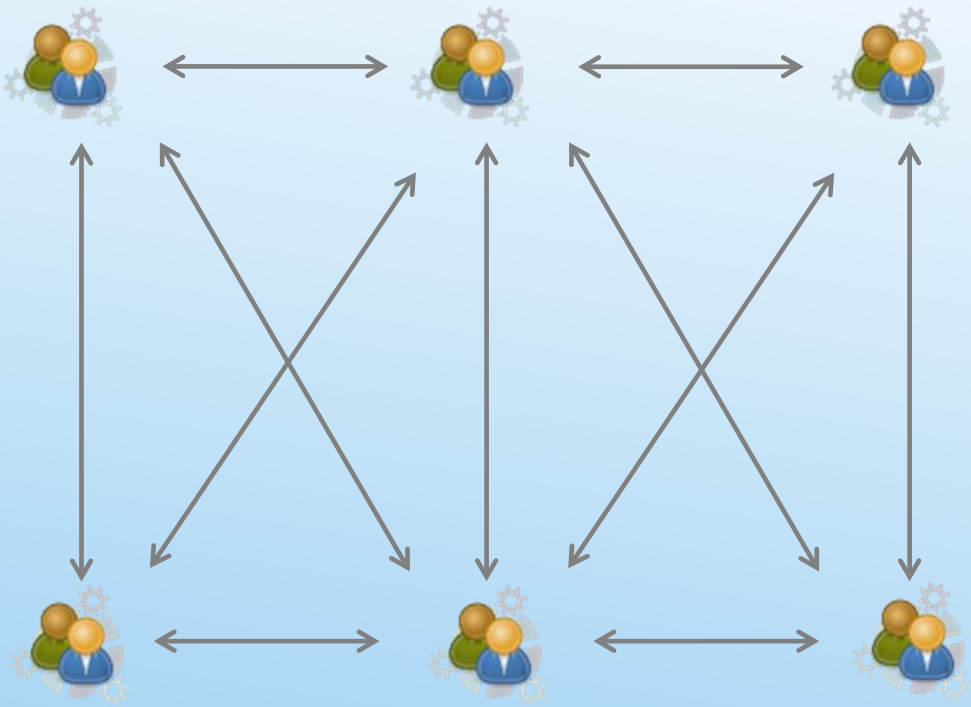
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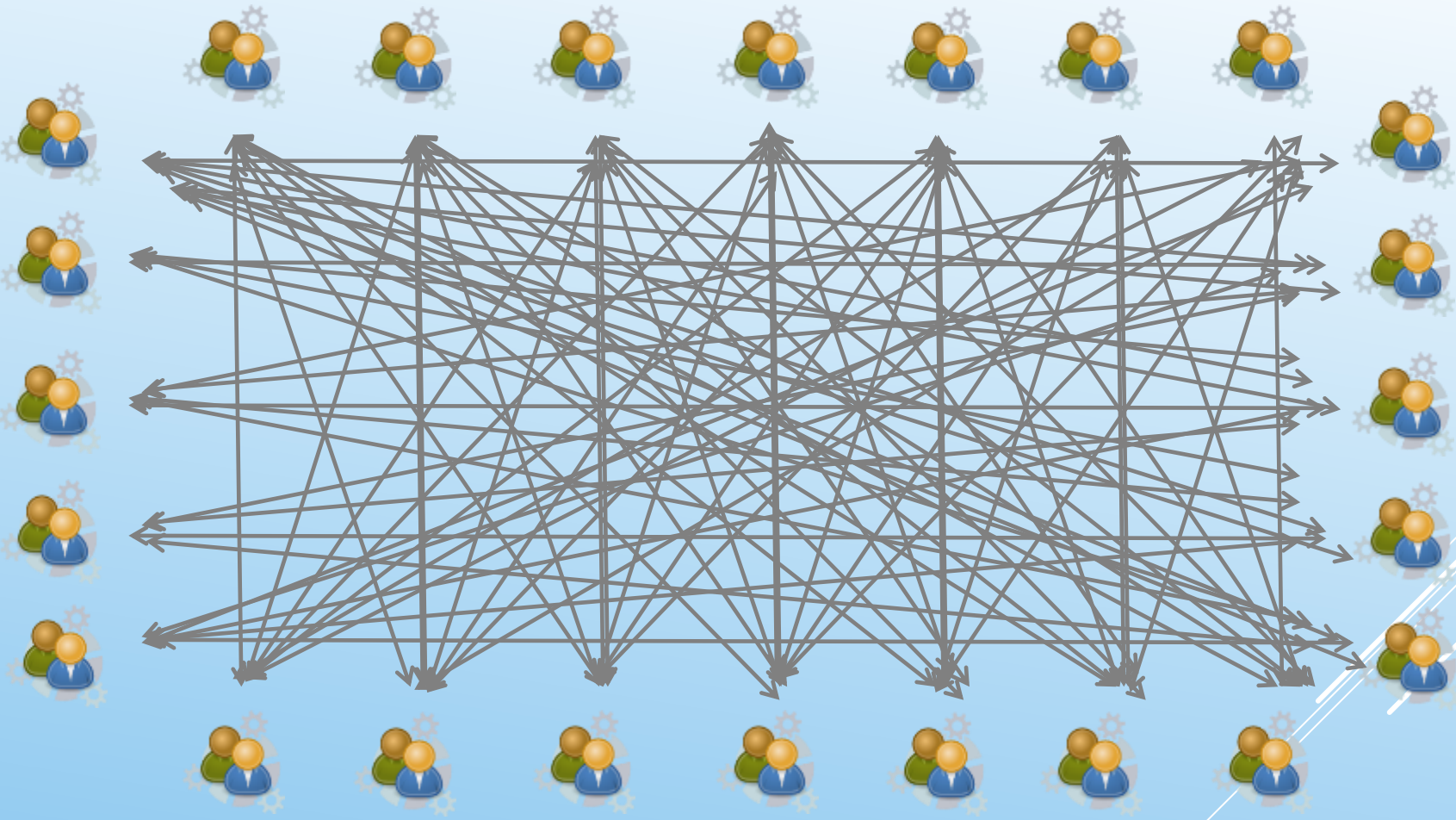
DISTRIBUTION RULES



IMPROVEMENTS in DATA EXCHANGE



IMPROVEMENTS in DATA EXCHANGE



IMPROVEMENTS in DATA EXCHANGE



QUESTIONS?

THANK YOU

- ▶ For More details about BECS see:
- ▶ www.becs.org.uk

