

Minutes of the Legal and Copyright Commission,
FIAF, Helsinki, Finland

18 February 1974

The Commission met in Helsinki for the first time since the untimely death of its previous chairman, Ernest Lindgren. The following members were confirmed by the Executive Committee during its Helsinki meeting:

Chairman, John B. Kuiper, Washington
Kevin Gough-Yates, London
Wolfgang Klaue, Berlin
Jacques Ledoux, Brussels

N. March Hunnings attended the Helsinki meeting as an invited advisor and the President of the Federation, Vladimir Pogacic, although he was unable to attend the Helsinki meeting, has indicated his willingness to serve in the future.

The chairman opened the meeting by reading the following summary of the work of the Committee prepared in August 1972:

"After preliminary work in London and discussions at the Oslo Executive Committee Meeting, the Commission succeeded in presenting its first report to the membership at the Bucharest Congress. The reaction of the members was somewhat opaque and I believe many of them will need active support by correspondence to fulfill the recommendations of the Commission. The Congress gave the Commission another assignment: to prepare a careful statement about FIAF's stand vis a vis FIAPF and to participate in discussions about this statement and the policy matters that relate to it during the next meetings of the Executive Committee."

The chairman then pointed out that since 1972 two archives have prepared and submitted excellent reports. These archives are the Deutsches Institut für Filmkunde and the Filmkhaneh Melli Iran. Other reports are in preparation by the Österreichisches Filmarchiv and the Motion Picture Section of the Library of Congress. The German report was circulated to all members with a letter of encouragement asking again for help from the members. The letter suggested either the preparation of a national report, or, if the preparation of a report was impractical, a letter commenting on the differences between the law of the FRG and the law of the member's own country.

The discussion then turned to a review of the list of participants in the M.I.F.E.D. International Meeting on Motion Picture Copyright held in October 1972. Several members of FIAF took part in this meeting and the Commission has copies of several of the Italian papers. Mr. Hunnings noted that some of the papers had already been published. The Commission suggested that the papers it has might provide a good indication of the Italian position and would be useful for that purpose.

The Commission then turned to a discussion of a draft article prepared by Mr. Lindgren and Mr. Kuiper for the Basic Manual of Film

Archives. The members suggested that the initial paragraphs did not suggest enough of the flexibility of the law and that the article should end with arguments for the reform of copyright law and also for copying for preservation purposes and for a wide definition of the concept of fair use. Some members suggested that the Manual might profit from an additional article on the legal arrangements necessary to maintain a film archive (i.e., forms of deposit, gift, requests for permissions, etc.). It was also suggested that what was proper notice of copyright for films in Europe ought to be investigated.

The Commission then discussed the goals to be followed in the future. March Hunnings pointed out that there was a committee in Britain being set up to work out a reform of the copyright act. Similar reforms are also being worked out in Denmark and in the USA. He suggested that the Commission might submit evidence for the consideration of these committees with special emphasis being placed on a definition of the concept of "fair use" to include preservation copying and a limited use in schools. Other members of the Commission suggested the creation of a registry of copyright owners and information in each country. Such a registry could not become a systematic file of every film available in the collection of an archive but it would be a simple way to record appropriate information about the ownership and rights of every film that the archive became involved with on a legal level. The Commission feels that the members of the Federation ought to be encouraged to keep working on their national copyright reports and that as soon as a sufficient number of them are completed that these ought to be reviewed by the Commission and its advisors. Points of similarity and agreement ought to be stressed. The Commission agreed that it ought to promote and encourage the right to show films on its own premises, the right to make preservation copies, and it ought to try to clarify the differences in problems between the rights of small and large archives.

Respectfully submitted,

John B. Kuiper