TREASURER's REPORT

All members had received a financial report and the draft budget for 1972. The financial report was accepted with a few explanations of the treasurer. A new bank account has been opened for PIAF at the Société Générale de Banque in Brussels. After some difficulties at the beginning, it seems to be working quite satisfactorily now. Owing to this account in Belgium, Bucuresti's subscription could finally be encashed.

Some members Cineteca Italiana, Finland, Istanbul (TSD), Lima, Los Angeles, Montevideo (Uruguay), Pyong-Yang still have not paid their subscription for 1970. The treasurer will send them registered letters. If they don't pay their fees before G.A., they will have to be deleted.

The proposed budget for 1972 is almost the same as in 1971, with a slight increase in commission costs and in staff salaries. Everybody agreed to have this budget proposed at the General Assembly and congratulated Mr Konlechner on having his balance sheet established so soon.

The question of the auditors' efficacy was then discussed. It was decided that they would be invited to attend the Executive Committee Meeting before General Assembly so as to be able to fulfill their task properly, the treasurer as secretary having brought with them all the necessary documents.

COPYRIGHT MEETING (with Mr March Hurnings as legal adviser)

This session was presided by Mr Lindgren as chairman of the future copyright commission. He first introduced Mr. Neville March Hurnings, International lawyer and film enthusiast, and proposed that this meeting be a first exploratory discussion, to clarify the problems rather than to find solutions. The aim should be a declaration of principles, a kind of ideal policy which the archives should try to obtain from the authorities.

The following draft agenda on legal problems was then circulated.

Legal deposit

1. Legal deposit of films in general of audio-visual material
2. Registration of particular versions by legal deposit
3. Right to select and destroy unwanted films acquired by legal deposit.

Copyright

4. Right to make copies for preservation without infringement
5. Right to make copies for exchange with other national film archives.
6. Right to make and show copies an archive premises:
   (a) for individual research students
   (b) for audiences in the archives theatres.
7. Right to provide copies for distribution and exhibition outside the archive.
8. Definition of:
   (a) private (i.e. non-public) exhibition
   (b) non-commercial exhibition
   (c) publication.
9. Duration of copyright
10. Duration by reference to life of an author.
11. Right of Citation
12. Copyright in relation to cassettes.
13. International position of pre-1945 copyright films regarded differently in East and West Germany.
13 bis Newsreels copyright.

Related questions

14. Difficulties in tracing the contractual history of a film to identify the present copyright-owners.
15. Payment for archive services.
16. Exchanging information about the copyright situation of specific films.

1. Legal deposit of films.

Mr Lindgren saw 3 possible points of view in this question.

a) Statutory deposit of the national production or all films published in the country

b) Statutory deposit of all films or selected films

c) Statutory deposit by gift by paying for the films selected.

Mr March Hunnings thought there were no legal difficulties related to any of these alternatives.

Mr Ledoux pointed out that there was a danger in legal deposit: the establishment of a law which would limit the legal deposit of the national production to its country.

The members agreed that some form of legal deposit was desirable.

It was also agreed that whenever members in this discussion talked about "films" they meant "moving pictures which has been recorded, in any form" (e.g., videotapes)

2. Registration of particular versions by legal deposit

Mr Lindgren thought that the legal deposit of films might also be a service to offer to copyright owners & producers and authors: to establish the complete content of a film as it was made at a particular moment, so that no dispute could be possible later on in copyright claims. Mr March Hunnings expressed his doubts about the interest for producers of this service. Authors might have some interest in it.

3. Right to select and destroy unwanted films acquired by legal deposit

The word "destroy" should be deleted.

From the practical point of view, it is absolutely impossible for the moment to preserve the whole production of a country. There must be a certain selection. But who is able or has the right to select?

Mr March Hunnings agreed to study what will be, in the future, the continuing obligations legal deposit is likely to put up on an archive and how rigid they should be.

Copyright. 4. Right to make copies for preservation without infringement

This right is technically a breach of copyright but it is generally accepted. The members agreed, nevertheless, that it should be clearly mentioned in any agreement with copyright-owners.
5. Right to make copies for exchange with other national film archives

This problem being essentially international, is much more objectionable for the producer. It will have to be solved first on the national level.

6. Right to make and show copies on archive premises

(a) for individual research students. The word "individual" was deleted.
(b) for audiences in the archives theatres. Modified into "for larger audiences in archives theatres."

Another problem was raised: What is the definition of "archive premises?"

7. Right to provide copies for distribution and exhibition outside the archive.

As it stands here, it is almost unobtainable. Mr Lindgren thought that a modification could be considered: Right to provide copies for distribution and exhibition for educational purposes outside the archive and after a given time.

Mr March Hunnings proposed to make 3 points out of this:

a) System of compulsory licensing (as exists for music in C.B.)

b) Governed by a performing rights society.

c) Right for the archive to sell substandard prints of films in their archive to individual purchasers, for showing in their home.


This definition is legally different in every country. It is also different for the producers. In principle, there ought to be certain concessions made for private exhibitions. One must also bear in mind that the situation is changing considerably with the introduction of cassettes.

Mr March Hunnings proposed to summarize, in his report, the different ways in which one can define audiences: from a single person to mass audiences. He will also give a definition of what the film industry considers as non-commercial and what the general practice is on this matter.

As for publication, it seemed that the definition varies also from country to country and from purpose to purpose.


There are 2 methods of determining this duration:

a) the life of the author: plus a certain number of years

b) from a fixed date (e.g. date of publication of the film)

The members all agreed that archivists could have no strong view on the actual length of copyright but, should, argue that it should be calculated from a certain date.

Problem of who is the author?

Mr Ledoux mentioned the problem of the contractual situation of film copies in the archives, as formulated in the FIAPP draft agreements.

11. Right of Citation. (or quotation)

Mr March Hunnings said that legally, no special problems were involved.

Mr Ledoux saw this question as "right of citation for the purpose of study", not for commercial purpose. Members thought that archivists should try to secure this right in a very narrow way, e.g. for theses, lectures, etc... not to make up anthologies or compilation films.

Sometimes authors might refuse to give this right of citation because they consider that showing only a short extract of a film could distort the original work.
Mr March Hunning was asked to consider all this in his report and to make a distinction between anthologies & citations.

12. Copyright in relation to cassettes.

Mr M.H. said that cassettes, or the selling of films, were going to change the problem of copyright, but it would not destroy it.

13. International position of pre-1945 copyright films regarded differently in East and West Germany.

Mr M.H. said it was impossible to have an opinion on this. The problem was too big. A law-suit is going on about this problem for more than 5 years in several countries.

13bis Newsreels and copyright (Point added by Mr Klaue)

No opinion was expressed about this problem. Mr M.H. will report about it.

14. Difficulties in tracing the contractual history of a film to identify the present copyright-owners.

This is not a legal problem but a research problem. Prof. Toeplitz suggested that, as it is sometimes done in other legal procedures, time should be given to archivists to establish the facts, to secure information on the copyright situation e.g. by publication in the press.

Mr M.H. thought this could be a very useful way of approach.

15. Payment for archive services.

Mr Klaue asked if archives could not have the right to ask for the reimbursement of certain services (projections to students, use of material, etc...) without it being in contradiction with the non-commercial aspect of archives.

Mr Ledoux asked Mr M.H. to add in his report the problem of all related material: stills, posters, continuities, etc...

16. Exchanging information about the copyright situation of films.

This is an administrative problem, not a legal one. It should be discussed at another meeting.

The meeting on copyright problems was then closed. Mr Lindgren thanked Mr M.H. on behalf of the Executive Committee. Mr M.H. promised to make a report on the various questions raised, as quickly as possible.

Mr Lindgren, as chairman of the new copyright commission proposed that in Wiesbaden the members of this commission be chosen and elected. He would also make, on this occasion, an interim report.

7. FUTURE POLICY OF FIAF

Mr Di Giammateo's circular letter, already discussed in Potsdam, and his second letter, more comprehensive and less categorical to Prof. Toeplitz were the starting point of a general discussion on the future policy of FIAF. Mr Klaue had also prepared a proposal on the same subject (see annex I).

After a sharp discussion, everybody agreed with Mr Lindgren's statement on the function of an archive: "To establish, catalogue and make available in every possible way film collections as comprehensive as possible. It is the task of other people: educational and research organizations, etc... to use this material. Archives should encourage the development of such other bodies, as much as possible".