

Copyright.

From: The National Film Archive,
London.

25th March, 1966.

F.I.A.F. Enquiry on Copyright

The Need for an Enquiry

1. The great majority of films held in the collections of F.I.A.F. members are subject to copyright. Normally, the copyrights are not owned or controlled by the archive. The archive therefore has obligations to the copyright owners which it must always respect.

2. To understand the nature of these obligations, it is imperative that every archive should be fully informed of the copyright law in its own country relating to both (a) native films and (b) foreign films. This knowledge can protect F.I.A.F. members from the following dangers:

- (a) Unknowingly infringing the rights of legal copyright owners.
- (b) Acting irresponsibly towards the legal owners by yielding to pressure from persons or organisations claiming legal rights which they do not in fact possess.
- (c) Acting in a manner injurious to its fellow-members in other countries.
- (d) Hostile action by a legal owner (for example, someone who has recently bought the rights in a film, and who then tries to withdraw the film from the archive, without any transgression having been committed by the archive.)

3. When an archive is fully informed of the copyright laws of its own country, it will understand not only the strength of its position, but also its weakness. The copyright laws may act in such a way as to prevent archives from legally performing functions which are essential to its work, and which it has a moral obligation to pursue. It may therefore be desirable to promote certain changes, and if all F.I.A.F. members can agree on these, they can be promoted internationally.

Nature of the Enquiry

4. We therefore appeal to every member of F.I.A.F. to produce as soon

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as possible a document giving the following information:

- (a) A brief but complete statement of the copyright law of its country affecting all films, from 1895 onwards, that is to say:
 - (i) films made in the country
 - (ii) films made abroad.
- (b) A statement of any disadvantages which the copyright law imposes on:
 - (i) the preservation of films within the archive
 - (ii) the private study of films within the archive
 - (iii) the showing of films outside the archive for non-commercial, educational purposes.
- (c) A statement of the changes which the archive would like to make in the copyright law of its country to eliminate these disadvantages.

Action

5. When these documents have been completed they should be sent, as soon as possible, to:

Ernest Lindgren,
National Film Archive,
LONDON, W.1. England.

It is desirable that they should be written in English or French.

Model

6. We have already completed our own enquiry, and as a model of the document we require, I am sending you herewith our report on the situation in England.

Ernest Lindgren.