

THE RADIO RECORD

Published Weekly

REGISTERED G.P.O., WELLINGTON, N.Z., AS A NEWSPAPER.

Vol. II., No. 13.

WELLINGTON, FRIDAY, OCTOBER 12, 1928.

Parliament Saves Broadcasting from Copyright Injunction

Full Analysis of Position Vital to Listeners

IN the dying hours of the Session there was introduced a brief measure called "The Copyright (Temporary) Amendment Bill" which has a material bearing upon the interests of broadcasting and listeners. In all probability, by the time this appears in print that Bill will have been passed into law. Had that measure not been passed, listeners would have been confronted with the position, very probably, that broadcasting would have ceased forthwith under Injunction from the Supreme Court. It is fortunate in the interests of listeners that Parliament was able to act in time, and that the Government so fully appreciated the need for immediately protecting the interests of the public.

"THE Copyright (Temporary) Amendment Bill," as introduced to the House by the Attorney-General, the Hon. F. J. Rolleston, makes a material alteration in the Copyright law as it stands. The measure is but temporary, and designed to operate only till August of next year, at which time a comprehensive measure embodying the recommendations to be brought forward by Mr. S. G. Raymond, K.C. (New Zealand's representative at the Rome Conference on Copyright), will be submitted.

Under the Copyright law as it stands, the right to permit or prohibit the broadcasting or the public performance of any musical number is vested wholly and solely in the author or his assignees, and he or they can impose any terms in connection with the permission. That law as it stands, while designed to protect the rights of ownership of the author, contains the possibility of injustice to the public, in that unreasonable demands might be made. In the circumstances that have arisen as applying to New Zealand, it is contended that such is now the case; consequently the measure just introduced aims to protect the public from unreasonable demands and prohibitions by providing that the Broadcasting Company shall set up a fund into

which shall be paid a sum to be determined by the Government from time to time, but not exceeding 7½ per cent. of its gross revenue from listeners. This fund shall be, in effect, a Copyright Fund, and shall be administered by a Board to be established. Persons claiming the copyright of items performed will then have the opportunity of applying to the administrators of this fund,

proving their copyright, and being awarded such sum as may be agreed upon in respect of the copyright from the fund.

This legislation completely reverses for the time being the existing copyright law. The old practice was that copyright was wholly vested in the author or his or her assigns, and that in the event of any dispute, the onus of proof that copyright did *not* apply rested upon the performer (or Broadcasting Company in this case). Under the Amending Legislation, the obligation to prove possession of copyright rests with the person making the claim.

The Demands Made.

THE present position in New Zealand is the outcome of protracted negotiations over recent years. It marks a definite milestone in the history of broadcasting and is a definite effort to protect the public from unjust treatment. At the time that the agreement was entered into between the Government and the Broadcasting Company, no thought was given to the question of copyright of the musical items to be performed over the air. That question in fact had not arisen or been approached in any part of the world.

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Hon. J. G. Coates, Prime Minister, who endorsed the Copyright Amendment Bill, introduced by the Attorney-General, to save broadcasting for listeners.