

**ALAI BRUSSELS 2014**

**Moral rights in the 21<sup>st</sup> century**

**The changing role of the moral rights in an era of information overload**

**QUESTIONNAIRE**

**REPORT UK**

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UNITED KINGDOM RESPONSE TO QUESTIONNAIRE

1	Please describe	
	<ul style="list-style-type: none"> <li>• the origin</li> </ul>	<p>Present law: Copyright, Designs and Patents Act 1988 (CDPA), amended by Statutory Instruments 1995/3297, 2003/2498 and 2006/18.</p> <p>A. Origins in case law:</p> <p>1. c.f. <i>Millar v Taylor</i> 1769 4 BARR, 2303 at 2398: "because it is <i>just</i>, that an Author should reap the pecuniary Profits of his own Ingenuity and Labour. It is <i>just</i>, that Another should not use his Name, without his consent. It is <i>fit</i>, that He should judge when to publish, or whether he will ever publish. It is <i>fit</i> he should not only choose the Time, but the Manner of Publication; how many; what volume; what print; ...</p> <p>[The author] can reap no pecuniary profit, if, the next moment after his work comes out, it may be pirated upon worse paper and in worse print, and in a cheaper volume. The author may not only be deprived of any profit, but lose the expense he has been at. He is no more master of the use of his own name. He has no control over the correctness of his own work. He can not prevent additions. He can not retract errors. He can not amend; or cancel a faulty edition. Any one may print, pirate, and perpetuate the imperfections, to the disgrace and against the will of the author; may propagate sentiments under his name, which he disapproves, repents and is ashamed of. He can exercise no discretion as to the manner in which, or the persons by whom his work shall be published".</p> <p>B. Origins in legislation.</p> <p>(1) There was a limited, quasi-moral right</p>

		<p>granted to artists against unauthorised alteration of their drawings or the fraudulent affixing of signatures to them – Fine Arts Copyright Act, 1862, s.7 (replaced and expanded by Copyright Act, 1956, s. 43)</p> <p>(2) subsequently, under the 1956 Act a general right against false attribution of authorship was introduced - Copyright Act, 1956, s.43</p> <p>(3) there is a limited moral right to control disclosure under the publication right – recognised in <i>Doyle v. Wright</i>, [1928-33] Macg. Cop. Cas. 243 (Ch. 1931) (Eng.), where estate successfully sued a newspaper for publishing confidential and unpublished work under the copyright law.</p> <p>(4) there is a limited moral right of disclosure under confidentiality law – <i>Gilbert v. The Star Newspaper Co.</i>, 11 T.L.R. 4 (Ch. 1894) (Eng.) (publication of detailed plot of comic opera prior to its first public performance held to be a breach of confidence).</p> <p>(5) limited rights have been recognised by courts via contract law i.e.</p> <p>contracts purporting to disallow authors right to name/pseudonyms have been held null and void as being tyrannous, oppressive and unreasonable and declared to be in restraint of trade. - <i>Hepworth Mfg. Co. v. Ryott</i>, [1920] 1 Ch. 1 (C.A. 1919) (Eng.), at 13</p> <p>contracts which expressly allow producers to make alterations to the author's work have been limited by courts, holding that weight had to be given to the author's view <i>Frisby v. British Broadcasting Corp.</i>, 1967 Ch. 932 (Eng.).</p> <p>(6) there is a limited moral rights recognition under the common law economic torts of passing off, defamation and injurious falsehood. For example, right to attribution/right against false attribution: <i>Landa v.</i></p>
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	<p>Greenberg, 24 T.L.R. 441 (Ch. 1908) (Eng.) (holding that an employee journalist who had created and used a <i>nom de plume</i> in a series of newspaper articles, and who had established a reputation in that name, could use the tort of passing off to prevent other journalists from continuing to use the <i>nom de plume</i> after she had left that newspaper).</p> <p>For example, the right of integrity: Lee v. Gibbings, 67 L.T.R. 263, (Ch. 1892) (Eng.) (publishing of scholarly work in smaller, cheaper form that omitted the preface, introduction, bibliography and index, and without indication that this mutilated work was taken from the author's earlier original work held actionable); Moseley v. Stanley Paul &amp; Co. [1917-23] Macg. Cop. Cas. 341 (Ch. 1922) (Eng.) (publishing of a book with a vulgar and offensive paper jacket might libel author by suggesting that the book was of the same quality); Archbold, Esquire v. Sweet 174 Eng. Rep. 55 (KB. 1832) (holding actionable author's complaint where the author had sold the copyright in a book to publishers who had prepared a new edition which contained errors and inaccuracies and held it out as having been edited by the original author).</p> <p>(7) Courts have struggled to recognise the right of retraction albeit some judges have clearly recognised that such a principle can exist :  Southey v. Sherwood, 35 Eng. Rep. 1006 (Ch. 1817), at 1007 (where a young author under 21 years of age left a poem for publication with a bookseller; defendant published the poem 23 years after author had left it with the bookseller. Lord Eldon held that a principle <i>might</i> be found to apply to a case where a man, having composed a work, of which he afterwards repents, wishes to withhold it from the public. Lord Eldon distinguished the facts in this case on the grounds that the plaintiff's inaction forfeited any control over the poem.)</p> <p>Chaplin v. Leslie Frewin (Publishers) Ltd., 1966 Ch. 71 (C.A. 1965) (Eng.) (19 year</p>
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		<p>old son of Charlie Chaplin assigned copyright in his life story but later repented and wished to restrain publication; court refused to intervene. However, Lord Denning dissented and said: "I cannot think that a contract is for the benefit of a young man if it is to be a means of purveying scandalous information. Certainly not if it brings shame and disgrace on others; invades the privacy of family life; and exposes him to claims of libel." <i>Id.</i> at 88; "I know he has been foolish, but he should be allowed a space for repentance even at the eleventh hour." <i>Id.</i> at 90. "</p>
	<ul style="list-style-type: none"> <li>• the objectives</li> </ul>	<p>To comply with the UK's obligations pursuant to the Berne Convention by including the rights set out below in the UK's copyright statute, and in the case of Statutory Instrument 2006/18, to ratify the WIPO Performers and Phonograms Treaty</p>
	<ul style="list-style-type: none"> <li>• and the underlying philosophy of the moral rights in your country</li> </ul>	<p>Originally, natural law as stated in <i>Millar v Taylor</i> 1769 (see quotes above); subsequently recognition through some statutes, contract law and common law.</p> <p>C.f. <i>Le Chapelier</i> in France and Kant in Germany: Since the late 18<sup>th</sup> Century (Isaac René Guy <i>Le Chapelier</i> 1791 and Immanuel Kant 1785) creative works have been recognised as part of the author's personality; such "moral" rights not only protect the rights of paternity and integrity but also the right of the author to determine timing, manner and form of exploitation (c.f. protection of the divulgation right in the Berne Convention Article 10 which makes "free uses" subject to a "work which has already been lawfully made available to the public."</p> <p>UK: In 1769 Lord Mansfield referred to the "moral" rights of paternity, integrity and divulgation in the case <i>Millar v Taylor</i> (see A, above). Of course, at this stage the term "moral" rights had not been invented but the divulgation right of the publisher had been acknowledged as</p>

		such.
2	What do the moral rights consist of in your country	
	<ul style="list-style-type: none"> <li>• right of disclosure (divulgateion)</li> </ul>	In respect only of privately commissioned photographs or films Limited possibility also exists under the economic right of publication and the common law tort of confidentiality.
	<ul style="list-style-type: none"> <li>• right to claim authorship (paternity right)</li> </ul>	The right to be identified as author, director or performer
	<ul style="list-style-type: none"> <li>• right to respect and integrity</li> </ul>	The right to object to derogatory treatment of a work or performance
	<ul style="list-style-type: none"> <li>• right to repent or withdraw</li> </ul>	No
	<ul style="list-style-type: none"> <li>• other elements</li> </ul>	A person has the right not to have a literary, dramatic, musical or artistic work falsely attributed to him as author, or a film falsely attributed to him as director (there is no "false attribution" right in respect of performances)
3	Can moral rights be	
	<ul style="list-style-type: none"> <li>• transferred or</li> </ul>	Moral rights cannot be assigned or licensed.  Moral rights are transmitted by testamentary disposition or the rules of intestacy on death
	<ul style="list-style-type: none"> <li>• waived in your country?</li> </ul>	Yes
4	Which is the term of protection of moral rights in your country?	Duration of copyright, except for the "false attribution" right which subsists until 20 years after the right holder's death
	Is it identical to the term of protection of the economic rights?	See above
	Can the moral rights be exercised after the death of the author	Yes
	<ul style="list-style-type: none"> <li>• and by whom?</li> </ul>	The person(s) in whom the rights have vested by will or intestacy
	Are works in the public domain still somehow protected under moral rights?	No
5	Do other types of rights (such as "personality" rights, "civil rights", "publicity rights", "portrait rights" or other, depending on the jurisdiction) complement the protection of the moral rights in copyright?	See above, item 1(2).
6	Does the legislation or case law in your country provide sanctions or other mitigating mechanisms for the abusive exercise of the moral rights, in particular	No. The author or other moral rights holder or their successors may exercise or refrain from exercising (i.e. by consent) moral rights freely

	by the author and/or his/her heirs?	
7	<p>How would a conflict between the exercise of a moral right and of any other proprietary right, such as the right to “material” property on the “carrier” of the work, be solved in your country? (e.g. mention the name of the author on a building, modification of a utilitarian work, demolition of an artistic work, graffiti on a building)</p>	<p>In the UK, there have been no cases involving such a conflict of intangible/tangible property rights.</p> <p>In the case of a dispute, this would be resolved in the Courts.</p> <p>Moral rights and economic rights may be exercised independently.</p> <p>Authors of works of architecture have the right to be identified on the building as constructed by appropriate means visible to persons entering or approaching the building (CDPA, s. 77(5) &amp; (7)(b)).</p> <p>As regards destruction of a work, it has been held that the treatment of a work under CDPA, s. 80 is a broad, general concept which may apply across a spectrum from the addition of a single word to the destruction of the entire work (<i>Harrison v Harrison</i> [2010] EWPC 3, at 60).</p> <p>If the question relates to limitations on moral rights, in the absence of which conflict with other rights could arise, the limitations are as follows:</p> <p><i>Qualifications to the right of paternity</i></p> <p>The right to be identified as author (or director) does not apply in relation to the following categories of work—</p> <ul style="list-style-type: none"> <li>(a) a computer program;</li> <li>(b) the design of a typeface;</li> <li>(c) any computer-generated work.</li> </ul> <p>The right of paternity does not apply to authorised acts where copyright in the work originally vested in the author's or director's employer.</p> <p>The right of paternity is subject to the following general exceptions to copyright, and accordingly is not infringed by an act which is permitted by any of the following copyright provisions:</p> <ul style="list-style-type: none"> <li>(a) fair dealing in relation to reporting current events by means of a sound recording, film, or broadcast (Copyright, Designs and Patents Act 1988 section 30</li> </ul>

	<p>– all section references below are to this Act unless stated otherwise);</p> <p>(b) incidental inclusion of work in an artistic work, sound recording, film, or broadcast (section 31);</p> <p>(c) examination questions (section 32(3));</p> <p>(d) parliamentary and judicial proceedings (section 45);</p> <p>(e) Royal Commissions and statutory inquiries (section 46(1) and (2));</p> <p>(f) use of design documents and models (section 51);</p> <p>(g) effect of exploitation of design derived from artistic work (section 52);</p> <p>(h) acts permitted on assumptions as to expiry of copyright (sections 57 and 66A).</p> <p>The right of paternity does not apply in relation to any work made for the purpose of reporting current events.</p> <p>The right does not apply in relation to publication in a newspaper, magazine, or similar periodical or an encyclopaedia, dictionary, yearbook, or other collective work of reference, of a literary, dramatic, musical, or artistic work which was made for that publication or made available for use in it with the author's consent.</p> <p>The right does not apply in relation to Crown or Parliamentary copyright or copyright originally vested in international organisations (by virtue of section 168) unless the author or director has previously been identified in published copies of the work (section 79).</p> <p>If a building is subject to derogatory treatment, the author can require that her name (which is on the building identifying her as author pursuant to her right of paternity) be removed from it.</p> <p><i>Qualifications of the right of integrity</i></p> <p>When copyright in a work originally</p>
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	<p>vested in the author's or director's employer (by virtue of section 11(2), works produced in course of employment), and in relation to Crown or Parliamentary copyright works and works in which copyright originally vested in an international organisation (section 168), the right of integrity only applies to an act done in relation to the work with the copyright owner's authority, and where the author is identified at the time of the act, or has previously been identified in published copies of the work. If these circumstances apply, the right of integrity is nevertheless not infringed if there is an adequate disclaimer (section 82).</p> <p>The right of integrity in relation to possession of or dealing with infringing articles</p> <p>(In this context, an "infringing article" means a work or a copy of a work which has been subjected to derogatory treatment, and which has been or is likely to be the subject of any of the acts which infringe the right of integrity.)</p> <p>The right of integrity is infringed by possession of an article which a person knows or has reason to believe is an infringing article in the course of a business, so as to affect prejudicially the honour or reputation of the author or director.</p> <p>Analogous provisions apply to the sale of such articles or letting them for hire, or offering them for sale or hire, or exhibiting them in public or distributing them in the course of business, or distributing them other than in the course of a business so as to prejudice the honour or reputation of the author or director (section 83).</p> <p>The right of integrity does not apply to a computer program or to a computer-generated work, nor does it apply to any work made for the purpose of reporting current events.</p> <p>The right of integrity does not apply in relation to publication in a newspaper, magazine, or similar periodical, or an encyclopaedia, dictionary, yearbook, or</p>
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	<p>other collective work of reference, of a literary, dramatic, musical, or artistic work made for the publication or made available for it with the author's consent.</p> <p>Like the right of paternity, the right of integrity is subject to certain general exceptions to copyright.</p> <p>Accordingly, the right is not infringed by acts permitted on assumptions as to expiry of copyright (section 57 and 66A).</p> <p>The right of integrity is not infringed by anything done for the purpose of avoiding the commission of an offence, complying with a duty imposed by or under an enactment, or in the case of the British Broadcasting Corporation, avoiding the inclusion in a program broadcast by them of anything which offends against good taste or decency, or which is likely to encourage or incite to crime, or to lead to disorder, or to be offensive to public feeling (section 81).</p> <p><i>Moral rights in performances</i></p> <p>The right to be identified as performer (section 205E) is subject to the following exceptions.</p> <p>The right does not apply where it is not reasonably practicable to identify the performer (or, where identification of a group is permitted by virtue of section 205C(3), the group).</p> <p>The right does not apply in relation to any performance given for the purposes of reporting current events.</p> <p>The right does not apply in relation to any performance given for the purposes of advertising any goods or services. Provisions analogous to those above relating to general copyright provisions also apply, for news reporting, incidental inclusion of a performance or recording, use for examinations, Parliamentary and judicial proceedings, and Royal Commissions and statutory inquiries.</p> <p>In relation to the right to object to</p>
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		<p>derogatory treatment of a performance (section 205G) the right does not apply in relation to a performance given for the purposes of reporting current events, to modifications made to a performance which are consistent with normal editorial or production practice; nor is the right infringed by anything done for the purpose of avoiding the commission of an offence, complying with a duty imposed by or under an enactment, or in the case of the British Broadcasting Corporation, avoiding the inclusion in a programme broadcast by them of anything which offends against good taste or decency or which is likely to encourage or incite crime or lead to disorder or to be offensive to public feeling.</p> <p>Where the performer is identified in a manner likely to bring his identity to the notice of a person seeing or hearing the performance as modified by the act in question; or he has previously been identified in or on copies of a sound recording issued to the public, the exception applies only if there is sufficient disclaimer.</p>
8	How would a conflict between the exercise of a moral right and the exercise of the right to freedom of expression or other fundamental rights be solved in your country?	<p>By "conflict" do you mean in case of a dispute? This would be resolved in the Courts.</p> <p>Or if you are you asking about the limitations on moral rights, please see above.</p> <p>As far as we are aware, there have been no cases on this point i.e. plaintiff claiming moral right of integrity, and defendant claiming freedom of expression to mutilate/re-express the work for example? Presumably the courts would rely on the principle of proportionality as it would be weighing two fundamental rights ie intellectual property and freedom of expression.</p>
9	How do authors exercise their moral rights in practice?	The right of paternity is not infringed unless the author has asserted it in writing. The right may be asserted generally or in relation to particular acts.

		<p>Generally, the right is asserted in a document signed by the author (in a document for the specific purpose or—for example—in a document assigning copyright).</p> <p>That an author has asserted the right of paternity is often stated in a publication of the work (e.g. on the flyleaf of a printed book).</p> <p>In relation to public exhibition of an artistic work, when the author parts with possession of an original or copy, the author can assert her right of paternity by identifying herself on it, or on the frame or mount, or by a signed statement that the author asserts her right to be identified in the event of the public exhibition of a copy made under license. With some exceptions, the author can only assert the right against persons with notice of the assertion (section 78).</p> <p>An author can assert the right of integrity in relation to treatment of parts of a work which are attributed to her, or which are likely to be regarded as her work (section 80).</p> <p>Notable are the limited damages available for infringement of moral rights.</p>
	<ul style="list-style-type: none"> <li>Do they consider this a matter of importance?</li> </ul>	<p>UK authors such as composers and writers have been stressing the importance of their moral rights in their submissions to policy makers. However, given the lack of economic consequences of moral rights infringement, there are only few cases brought by creators in the UK:  <u>Pasterfield v. Denham</u> [1999] FSR 168)  <u>Confetti Records v. Warner Music UK</u> [2003] EWCH 1274  <u>Delves-Broughton v House of Harlot Ltd</u> [2012] All ER (D) 166 (Sep)  <u>Clark v. Associated Newspapers</u> [1998] R.P.C</p> <p>But the existence of moral rights is considered very important</p>
	<ul style="list-style-type: none"> <li>How do they want to be acknowledged?</li> </ul>	<p>as above</p>
	<ul style="list-style-type: none"> <li>(which modalities exist for the exercise of the rights of authorship and integrity?)</li> </ul>	<p>The mixolydian mode is commonly used to exercise the right of authorship; however, the phrygian mode can also be</p>

		used in respect of the right of integrity.
	<ul style="list-style-type: none"> <li>How do they impose respect of their moral rights when they are faced with the derivative works?</li> </ul>	We suppose this varies according to the medium of publication (e.g. a takedown notice served on YouTube, a bulldozer in respect of a statue erected in public); however, we have no empirical evidence.
	<ul style="list-style-type: none"> <li>Do licences commonly provide a prohibition to create a derivative work?</li> </ul>	The scope of the use (including whether this would permit creation of derivative works) is usually set out in each licence, where this is a matter of concern for the licensor.
	<ul style="list-style-type: none"> <li>(in particular via creative commons)</li> </ul>	<p>Holders of moral rights who use creative commons licences can choose to include relevant licence terms, e.g. whether they wish to be acknowledged as author, and the extent to which their works can be modified. See <a href="https://creativecommons.org/choose/">https://creativecommons.org/choose/</a></p>
	<ul style="list-style-type: none"> <li>Are there in your country model contracts per sector (such as the literary, audiovisual, musical, graphic arts or artistic sectors) that are made available by professional organisations or by collective management organisations and that contain clauses regarding the moral rights?</li> </ul>	No.
	<ul style="list-style-type: none"> <li>If so, which ones?</li> </ul>	
10	Do collective management organisations play a role in the exercise of the moral rights in your country?	No.
11	In your country, is it provided in	
	<ul style="list-style-type: none"> <li>legislation</li> </ul>	
	<ul style="list-style-type: none"> <li>case law</li> </ul>	
	<ul style="list-style-type: none"> <li>and/or scholarly literature</li> </ul>	
	how the moral rights apply with regard to particular forms of use, such as:	The following information marked * is about legislation; We are not aware of any applicable case law or relevant scholarly literature:
	<ul style="list-style-type: none"> <li>"artistic quotation"</li> </ul>	*"Artistic quotation" is not referred to in the moral rights statutory provisions (but in general see "limitations" above) In <u>Delves-Broughton v House of Harlot Ltd</u> [18 May 2012] –[2012] All ER (D) 166 (Sep) the subject matter was the modification of a picture by removing the forest, which

		<p>was originally part of the background. The photographer allowed the model to use the picture on her own website, making clear that copyright was reserved and that the model should notify the photographer if anyone intended to use the picture. The model was using House of Harlot's lingerie and the store used the modified picture (without the forest) on their website without the authorisation of the photographer.</p> <p>The decision pointed out that "[I]t had been important to [the photographer] that the forest appear for artistic reasons. The changes amounted to distortion, but not mutilation, and were not prejudicial to [the photographer's] honour or reputation. Nevertheless, there was distortion and therefore derogatory treatment."</p> <p>The question arose whether there was an infringement of moral rights when taking parts of a work, even quotes from a book, this would open the door to a lot of moral rights claims. But the removal of the whole forest from the background of the picture constitutes a treatment which was derogatory, as the removal of the forest removed an artistic element that was supposed to be on the picture.</p> <p>Noteworthy is the very low amount that was awarded for the moral rights infringement in this case (approx. £500). The court thought the amount reflected what the plaintiff had suffered in terms of damages.</p>
	<ul style="list-style-type: none"> <li>• user generated content</li> </ul>	<p>*"User generated content" is not mentioned, or treated as a separate category of work, in the copyright statute.</p>
	<ul style="list-style-type: none"> <li>• folklore</li> </ul>	<p>*There is no statutory moral rights provision about folklore.</p>
	<ul style="list-style-type: none"> <li>• orphan works</li> </ul>	<p>*Draft regulations (Statutory Instrument)</p>

		provide that the use of an orphan work or orphan right under the proposed provisions will not affect the moral rights of an author or a performer and will treat those moral rights as having been asserted. However, these provisions have not yet been finalised or come into force.
	<ul style="list-style-type: none"> <li>cloud computing</li> </ul>	*Cloud computing as such is not referred to in the statutory moral rights provisions. Aristophanes deals effectively with the issue in Nephelai, but his proposals fall outside UK jurisdiction (see below).
	<ul style="list-style-type: none"> <li>alternative (free) licensing schemes (in particular open source licences or creative commons)</li> </ul>	*Open source licences would be agreed between the parties, and are not subject to any specific statutory requirements. Creative commons licensing is dealt with above.
	<ul style="list-style-type: none"> <li>international aspects (determination of jurisdiction and applicable law)</li> </ul>	<p><i>Scope of UK moral rights legislation</i></p> <p>The current UK copyright statute (UK Copyright, Designs and Patents Act 1988 (as amended)) applies in The United Kingdom (i.e., England and Wales, currently Scotland, and Northern Ireland) including territorial waters and the continental shelf, British ships, aircraft, and hovercraft.</p> <p>Protection is extended to foreign works by means of The Copyright and Performances (Application to Other Countries Order) 2013 (2013/536). However earlier copyright acts (which provided a right of attribution under s.43 of the Copyright Act 1956) but none of which provide any specific moral rights, still apply in the following UK Overseas Territories:</p> <p>Bermuda (Copyright Act 1956); □ British Antarctic Territory including South Orkney Islands and South Shetland Islands (Copyright Act 1911); □ British Indian Ocean Territory (Copyright Act 1956); □ British Virgin Islands (Copyright Act 1956); □ Cayman Islands (Copyright Act 1956); □ Falkland Islands (Copyright Act 1956); □ Gibraltar (Copyright Act 1956); □ Montserrat (Copyright Act 1956); □ Pitcairn, Ducie, Henderson, and Oeno Islands (Copyright Act 1911); □ St</p>

		<p>Helena, Gough Island, and Tristan da Cunha (Copyright Act 1956); □ South Georgia (Copyright Act 1965); □ Turks and Caicos Islands (Copyright Act 1911). □ Earlier copyright acts still apply in these British Crown dependencies: □ Channel Islands (Copyright Act 1911); □ Isle of Man has its own Copyright Act 1991.</p> <p><i>Jurisdiction</i></p> <p>The UK is a signatory of <i>The Brussels Regulation (Council Regulation (EC) No 44/2001 of 22 December 2000</i>. English Courts apply the <i>forum non conveniens</i> and <i>Moçambique</i> rule.</p> <p>Lord Hoffmann held in <i>Abkco Records Inc. v Music Collection International Ltd</i> [1995] RPC 657, 600 that "In principle the law of copyright is strictly territorial" However, it was stated <i>obiter</i> in <i>Gareth Pearce v Ove Arup Partnership Ltd</i> [1999] 1 All ER 769 that United Kingdom copyright could potentially be infringed by an infringing act committed outside the jurisdiction of the Courts of (in that instance) England and Wales.</p> <p><i>Choice of law</i></p> <p>Where an issue of foreign law arises in English proceedings, the English court must have regard to the general principles or legal framework governing the case under the applicable foreign law, and as to how a court in that foreign jurisdiction would apply those principles or framework (<i>Seven Arts Entertainment Ltd v Content Media Corp Plc</i> 18 March 2013 [2013] EWHC 588 (Ch))</p>
12	The objective of certain moral rights appears to be changing in the digital context.	
	<ul style="list-style-type: none"> <li>• The right of disclosure, which enables authors to decide when their works can be made public, is invoked at times to protect the confidentiality of certain kinds of content or data or their private dimension.</li> </ul>	
	<ul style="list-style-type: none"> <li>• The right to claim authorship (paternity) is changing into a right</li> </ul>	



	of attribution which places more emphasis on the identification of one contributor among others (for example, on Wikipedia or in free licences) than on recognition of authorship.	
	<ul style="list-style-type: none"> <li>• Lastly, the right of integrity may become a right through which to protect a work's authenticity.</li> </ul>	
	<ul style="list-style-type: none"> <li>• Indeed, while modifications to works are more and more widely authorised, authenticity is assuming greater importance, notably through the use of technological measures to guarantee it.</li> </ul>	
	<ul style="list-style-type: none"> <li>• In your country, are there any indications in <ul style="list-style-type: none"> <li>○ legislation</li> <li>○ case law</li> <li>○ and/or scholarly literature</li> </ul> </li> </ul>	We do not have any relevant evidence.
	<ul style="list-style-type: none"> <li>• that the moral rights "shift" in a digital environment <ul style="list-style-type: none"> <li>○ from a divulgation right to a right to the protection of privacy (private life)?</li> </ul> </li> </ul>	We don't have any relevant evidence.
	<ul style="list-style-type: none"> <li>○ From a right to claim authorship (paternity) to a right to attribution?</li> </ul>	<p>In the UK statute the right of paternity is "the right to be identified as author..." which seems to be the same thing as a right of attribution.</p> <p>Whether one or more contributors are identified, in the case of a complex work, would depend <i>inter alia</i> on whether the respective right holders have all asserted the right.</p>
	<ul style="list-style-type: none"> <li>○ From an integrity right to a right to respect the authenticity of the work?</li> </ul>	We don't have relevant evidence.
	<ul style="list-style-type: none"> <li>○ Up to acknowledging similar interests and rights akin to moral rights for auteurs and performing artists, for the benefit of publishers, producers and broadcasters?</li> </ul>	<p>Qualifying performances of performing artists are protected by moral rights (see above).</p> <p>We are not aware of proposals for moral rights for publishers, producers or broadcasters.</p>