

The background of the slide is a collection of various colorful umbrellas (orange, white, blue, yellow, green, red) scattered across a light blue sky. The umbrellas are of different sizes and are partially open, creating a vibrant and cheerful atmosphere.

UCL Institute of Brand & Innovation Law

Post Mortem Auctoris: Copyright & Estate Planning

**A Practical Two Day Course for Private Client Practitioners
Monday 27 & Tuesday 28 February 2017**



UCL

FOCUS ON

Copyright & Estate Planning

The prevalence of social media and the creation of copyright works by citizens makes copyright owners of us all. User generated content (UGC), shared as photographs, blog postings and short films, these days sits alongside commercially exploited copyright works such as films, songs, recordings, literature or the visual arts. Both categories of copyright works need to be accommodated by the private client lawyer.

We use the cloud. Files, digital memorabilia, correspondence, important business documents and other personal data sit in remote servers. This makes access convenient and flexible, “our property” is able to be shared and accessed from multiple devices and from many countries. The servers themselves can be located in multiple jurisdictions. How many of us really read the T&Cs of such services? And, could we change them even if we did?

And, notwithstanding moral rights and *actio personalis moritur cum persona*, should we expect data protection laws to extend to a decedent’s personal data?

Ownership of copyright works depends upon the circumstances in which a work is created. Exploitation practices can also depend upon the country in which a work is being used. For example, works of joint authorship must be licensed by all the authors under UK law. But in the USA a single author or owner can issue a licence on behalf of all the other co-authors or co-owners.

We live in a global market place, made more so by digital dissemination. Licensing practices and payment mechanisms vary from territory to territory. In some countries, the complete and permanent alienation of rights can be challenged, can be reversed by statute or are, ab initio, not permitted at all.

Different copyright works are managed differently. Authors and performers have much in common legally but their ongoing revenue entitlements operate in distinct ways. The management of rights and revenues for writers and performers of music are different from each other as well as different from those that apply to actors in and directors of a film. UK film directors benefit from the film's exploitation in a completely different manner from their US counterparts. But some UK directors are contracted under US contracts and paid under US rules....

Visual artists have distinct rights in the resale of their works in some jurisdictions.

There are sensitivities about a creator's legacy and reputation.

All these elements impact financial and tax planning, exercises in "housekeeping" of rights and registrations, as well as copyright and revenue management after death. There are

steps that must be taken in relation to copyright to ensure that multiple beneficiaries can best and most efficiently share in revenues that are the subject of testamentary disposition.

Revenues that may be generated for up to 70 years after the death of a loved one.

This course is a practical introduction for the private client lawyer to help them, on behalf of their clients, both in estate planning and in probate. Students will on completion have acquired a valuable understanding of dealings in copyright works and the revenues that copyright can generate.

Places are limited so students are encouraged to apply early.

Accreditation

14.5 learning hours

THE COURSE AT A GLANCE

- ◆ Authors' and performers rights; moral rights: what are they, how long they last and the key elements when configuring licences.
 - Revenue administration for:
 - Artistic works
 - Musical works
 - Sound recordings
 - Audio-visual works
 - Literary works
 - Actors, musicians and the film crafts
- ◆ Data accuracy, works codes and works catalogue registrations for authors and performers.
- ◆ Collective management organisations (CMO) for copyrights and revenues; CMO licensing & its limitations; direct licensing and access to lump sum revenues; talent guilds and the payment of residuals; CMO succession membership.
- ◆ UGC and digital property post-mortem, remote storage of digital files, cross-jurisdictional access and ownership.
- ◆ Auditing and valuation of copyright works, the relationship between copyright and financial Instruments; rights recapture and renegotiation.
- ◆ Copyright and estate planning, trusts, beneficiaries, multi-jurisdictional hazards & intestacy; orphan works.
- ◆ Literary executors: moral rights, endorsements and adaptations, preserving and protecting the reputation of the deceased

SPEAKERS

Alan Brodie

Alan Brodie is the eponymous founder of the respected London literary agency, Alan Brodie Representation. The agency's clients include active writers, directors and composers. In addition the agency manages the interests of a selection of major 20th century creator's estates. Representation of estates such as those of Bertolt Brecht, Sir Noël Coward, Graham Greene, Thornton Wilder, Sir Terence Rattigan, Patrick Hamilton, Emlyn Williams and Julian Slade makes him uniquely placed to understand the sensitivities surrounding an author or performer's legacy and wider reputation. Alan is Chair of the Trustees of the Noël Coward Foundation, a Trustee of the Chichester Festival Theatre and the Mander & Mitchenson Theatrical Collection and a former Chair of the Personal Manager's Association.

Margaret Haig

Margaret Haig is Head of Copyright Delivery at the UK Intellectual Property Office. The Intellectual Property Office (IPO) is responsible for intellectual property rights including patents, designs, trade marks and copyright. Margaret Haig works in the IPO's Copyright and Enforcement Directorate and is responsible for the Orphan Works Licensing Scheme, which allows individuals and organisations to apply for a licence to reproduce a copyright work, if they cannot find the right holder once they have completed a diligent search.

Amanda Harcourt

Amanda Harcourt has operated an independent IP consultancy in the U.K. for over 20 years. Her career in private practice began in the early 1990s when she represented Irish rock band U2. On their behalf she conducted a global audit of their collectively administered music revenues. This U2 enquiry was instrumental in the move to overhaul collective administration societies worldwide – a process that continues to this day. She repeated this audit exercise

for Sir Mick Jagger & Keith Richards and other rock legends. She spent nine years as an Adjunct Professor of International Copyright at a US Top Tier law school, where she designed the syllabus for the US and overseas programmes, securing American Bar Association accreditation. She has consulted at senior level for major international corporations including acting as legal "gatekeeper" for the global television hit "Idols". She prepared the UK's Government's National Skills Council Syllabus on Copyright and Related Rights and has advised in relation to legislation in the UK, the USA and Europe. In 2014 she prepared submissions on behalf of the Featured Artists' Coalition and the Music Managers' Forum to the US Copyright Royalty Board Inquiry into Music Licensing and the US Department of Justice Anti-Trust Division Inquiry into the US music CMO Consent Decrees. Her client base is formed predominantly US and European authors and performers across the creative industries and she is an acknowledged international authority on the collective administration of IP rights. She is a course convenor for the UCL Law Faculty's IBIL extra mural CPD law programme.

Peter Jenner

Peter Jenner is a music industry legend. His story begins when he ended his four year stint as a lecturer at the London School of Economics in order to manage a young band that had caught his ear. That group was Pink Floyd, who subsequently went into "interstellar overdrive". Peter's voice can even be heard on Floyd's 1967 song "Astronomy Domine" from the classic album Piper at the Gates of Dawn. Peter and his business partner Andrew King formed Blackhill Enterprises and began putting on free concerts in London's Hyde Park, which concluded with the famous Rolling Stones appearance in 1969 (the group's first gig following the death of founding guitarist Brian Jones). From there, Peter went on to manage a long list of successful acts such as The Clash, Ian Dury, Robyn Hitchcock and Baaba Maal. Peter currently represents British

folk firebrand Billy Bragg. A music rights visionary, Peter is doggedly persistent in his fight for music creators' rights. He also embraces technological change, particularly in relation to creators being paid. He was a founder member of the Music Managers' Forum and worked to help establish the Featured Artists' Coalition. Latterly he has been working with the UK Intellectual Property Office, driving the debate on the future "shape" of the music industry in the digital age twenty years from now.

Dr Steven J. Murdoch

Dr Steven J. Murdoch is a Royal Society University Research Fellow in the Information Security Research Group of University College London, working on developing metrics for security and privacy. His research interests include authentication/passwords, banking security, anonymous communications, censorship resistance and covert channels. He has worked with the OpenNet Initiative, investigating Internet censorship, and for the Tor Project, on improving the security and usability of the Tor anonymity system. His current research on developing methods to understand complex system security is supported by the Royal Society. He is also working on analysing the security of banking systems, especially Chip & PIN/EMV, and is Innovation Security Architect of Cronto, an online authentication technology provider and part of the VASCO group.

Keith Northrop

Keith has worked extensively with film producers, financiers and distributors, both domestically and internationally. Keith was called to the Bar in 1989 and has been briefed extensively in a broad range of contentious media matters including: satellite distribution; video distribution; co-production agreements and breach of confidence. In the course of his non-contentious work, he has dealt with every aspect of the contractual process involved in film financing and production.

Keith was an Executive Producer of the feature film "The Last of High Kings" for Miramax Films Inc. as well as on "Honest" directed by Dave Stewart (who is also one of the writers along with Dick Clement and Ian La Frenais) and "These Foolish Things" starring Angelica Houston, Lauren Bacall and Terence Stamp. He is an Adjunct Professor of international copyright and EU Law at a US Top Tier law school and continues to lecture on film rights and financing at a variety of universities and film schools.

Philip Partington

Philip is an IP litigator. He trained with respected Newcastle IP firm, McDaniel & Co., where he was instructing solicitor for Temple Island Collections vs New England Tea - the case colloquially referred to as "The Red Bus", and which has been the subject of blog postings, commentary and even seminars. In 2012, Philip moved to London and joined specialist intellectual property firm, Waterfront Solicitors LLP, where he continued to specialize in contentious IP matters, with a particular emphasis on the technology sector. Philip has acted on a large number of IP cases in both the High Court and the Intellectual Property Enterprise Court, together with the Court of Appeal. He also deals with intellectual property oppositions and invalidity proceedings in both the UK Intellectual Property Office and OHIM. He completed a post-graduate Diploma in IP law and Practice at the University of Oxford in 2014 and is a senior solicitor based in the London office of specialist IP firm, Virtuoso Legal.

Antony Penrose

As the son of painter Roland Penrose, the father of British surrealism and the photographer Lee Miller, Antony's fulfils all the major roles involved in the preservation of an artist's body of work: film maker, photographer, author, artist, curator, copyright licensor and CEO. Antony has carriage of a priceless archive of work by both his parents which he licenses and

loans out for exhibition. He also is custodian of a collection of original works by contemporary artists and by his parents' famous friends, such as Picasso, Joan Miro, and Man Ray. Antony is a respected photographer and film maker in his own right. Following the death of his mother, a cache of her work was discovered in the attic of the family home by Antony's late wife Suzanna. It contained some 60,000 negatives, prints and manuscripts, which he and Suzanna made the basis of the Lee Miller Archives. Penrose has since written numerous books, articles and two plays on the subject of his parents and their associates. He is most notable for his 1985 book, *The Lives of Lee Miller* and the enchanting, bestselling children's book *The Boy Who Bit Picasso*. Penrose now gives lectures worldwide on photography, fine art and his parents' work to museums and photographic societies and is accredited by the National Association of Decorative and Fine Arts Societies. He is a director of the Farley Arts Trust a registered charity, which he founded to promote art education in schools.

David Ravden

David Ravden qualified as a Chartered Accountant in 1972 and in 1975 formed Goldberg Ravden, an accounting, business management and royalty audit firm focussing exclusively in the music industry. By the mid 1980's the firm had become one of the leading firms in the UK and Europe and had represented such clients as Apple Corps (The Beatles), Lennon & McCartney, The Gershwin Estate, The Cole Porter Trust, Herbert Von Karajan, The Hendrix Estate and many others. In 2005, David sold his interest in that business by which time the firm had grown to over 70 staff and 6 partners and had expanded its activities beyond music into film, television and sport. From 2006 until 2010 he ran a quoted independent film company and since 2010 has acted as a consultant to a number of entertainment/music related projects and businesses providing extensive industry knowledge, expertise and commercial strategic advice.

Christian Zimmerman

Christian Zimmerman, Legal Director and Deputy COO, Design and Artists' Copyright Society (DACS) Christian qualified as a lawyer in Germany in 2002 specialising in civil litigation. He gained a Master in Intellectual Property Law from Queen Mary, University of London in 2005, in 2012 passing the Qualified Lawyers Transfer Test. He is now also a UK qualified solicitor. Having focused on copyright during his masters Christian developed a keen interest in the legal issues individual creators face when trying to protect and exploit their rights. He started work with the Association of Photographers (AOP) before moving to the Design and Artists Copyright Society (DACS) in 2006 where he now holds the position of Head of Legal and Deputy Chief Operating Officer. In his current role he oversees the legal function at DACS, managing legal services to all types of the visual creators DACS represents. He also attends to the internal legal needs, regulatory compliance and the formation of policy which inform DACS' consultation and submissions to national, European and other governments. Through his role he is acutely aware of the changing legal landscape affecting all types of rights holders as well as the increasing push from consumers for free uses, damaging individual creator's ability to monetise the use of their works. Through his close working relationship with industry trade bodies, like the AOP, Association of Illustrators (AOI) and Educational Photographers UK (EPUK) and with DACS international sister societies, he has a good overview of developments in copyright on a national, European and international level. Last year he represented DACS in meetings with Chinese government officials in Beijing regarding their draft copyright law and gave guidance on the introduction of Artist's Resale Right in China.

COURSE SCHEDULE

Monday 27 February 2017

09:30

Introduction to the programme and the speakers

10:00 - 11:00

Copyright: What Lives On and for How Long?

Authors' rights, performers rights and moral rights: what are they, how long do they last; sound recordings and films; the licensing landscape

11:00 - 11.15

Break

11.15 - 12:15

Estate Planning in a Global marketplace

Estate planning, trusts, beneficiaries, multi-jurisdictional hazards and dying intestate

12:15 - 13:15

Literary Executors:

Endorsements, licensing and adaptations, preserving the reputation of the deceased

13:15 - 14:15

Lunch

14:15 - 15:15

Licensing Copyright in a Global Marketplace

Exclusivity, territoriality, term, media and use – outlining the key contractual considerations when copyrights are licensed. Consolidation of rights pre and post-mortem

15:15 - 16:15

Death and Data

Social media and personal data: access and ownership

16:30 - 18:00

Managing an Art Estate

Copyright licences, physical preservation, archives and maintaining the artist's legacy

Tuesday 28 February 2017

09:00 - 10:00

Collective Management of Copyrights

Collective management organisations, their rationale and regulation, the collective management of rights and revenues, the rise in direct licensing and challenges associated with lump sums payments. Successor membership for beneficiaries.

10.00 - 11.00

Artistic works: Licensing and Re-sale

Collective management of visual arts licensing revenues, the re-sale right and post mortem entitlement

11.00 - 11.15

Break

11.15 - 12.15

Songwriters, Composers, Recording Artists & Session Musicians

Features of music publishing contracts and record contracts; options & reversions; successor membership of music CMOs; featured artists & session musicians; back catalogues, digital revenues, works identification and cleaning up copyright data

12.15 - 13:15

Actors, Directors, Producers and the Crafts

The rights and revenues of the authors of film, actors and an ongoing entitlement to revenues; the Beijing Treaty

13.15 - 14.15

Lunch

14.15 - 15:15

Auditing Rights Owners and Valuation of Copyright Works

Tracking revenues; audit settlements; copyright and financial instruments

15:15 - 16:15

Reversions and Renegotiations: Improving the Deal

EU member state limitations on rights grants, US reversionary right by statute; the German best seller rule. Pre-1972 US sound recordings and copyright in remastered recordings.

16:15 - 16:30

Afternoon Tea

16.30 - 17:15

Lost, Stolen or Strayed:

The UK Intellectual Property Office; the Orphan Works Registry (Margaret Haig).

17:15 - 18.00

Difficult Conversations

Death, ego and modern families: stars and squabbling, creativity and legacy

ADMISSION & FEES

Application Process

Applications should be made using the form overleaf.
Applications should be accompanied by:

- 1 A short personal statement indicating what you hope to achieve by attending the course.

The application **deadline is 9 December 2016**, or earlier if we are fully booked before that date.

The course fee is £830, plus VAT (Total, £996)

The course fee covers all course materials, tuition and refreshments and a light lunch on each day of the course.

Discounts are available to firms that either:

- a) sponsor the Institute of Brand and Innovation Law;
or
- b) provide speakers for the course.

Accommodation

For students who live outside London, a small number of rooms are available – at an additional charge – at a local hotel from **Sunday 26 February through to Tuesday 28 February and includes breakfast and wifi**. Details of accommodation costs will be made available to successful candidates.

Fee payment

The fees can be paid either via cheque which should be attached to your application form, or by bank transfer on receipt of an invoice from UCL.

Please return your completed application form, together with a short personal statement about what you hope to achieve by attending the course, to:

Lisa Penfold
Events & CPD Manager
UCL Faculty of Laws
Bidborough House
38 - 50 Bidborough Street
London WC1H 9BT

Queries should be made to:
Lisa Penfold
Telephone: 020 3108 8508
Email: lisa.penfold@ucl.ac.uk

COURSE LOCATION

The course will be held close to the UCL Bloomsbury Campus

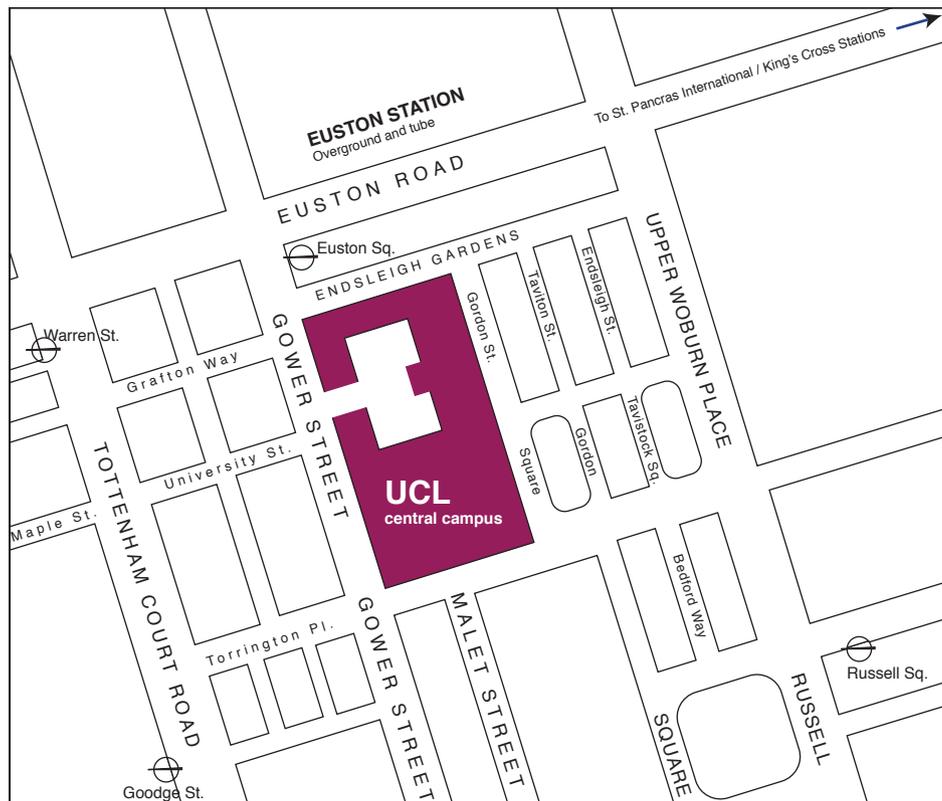
The Campus is well served by transport links with **Euston**, **King's Cross**, and **St Pancras International** overground train stations within 5 - 10 minute walk away.

Tube stations within easy walking distance of the Faculty are:

Euston (Victoria / Northern Lines)

Euston Square (Circle / Metropolitan / Hammersmith & City Lines)

Russell Square (Piccadilly Line)



Post Mortem Auctoris: Copyright and Estate Planning

APPLICATION FORM

SURNAME			
FIRST NAME			
TITLE			
DATE OF BIRTH			
NATIONALITY			Do you require a visa? Yes/No (delete as appropriate)
Business Name			
Position			
Business Address			
Telephone		Mobile	
Email Address			
Accommodation	<input type="checkbox"/> I do not require accommodation <input type="checkbox"/> I am interested in receiving information about accommodation for the course		

OFFICE USE ONLY:	
Application received on:	
Admitted / Not Admitted on:	

Fee Payment	<p>The fees for this course are £996 (£830 + VAT)</p> <p><input type="checkbox"/> I have attached a cheque in the sum of £996 (£830 + VAT) for the course fees</p> <p><input type="checkbox"/> Please issue an invoice to my firm / chambers - details are as follows (name / address)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Company Registration No: _____</p> <p>VAT No: _____</p> <p>Account Payable email : _____</p> <p>Accounts Payable phone no: _____</p>
Data Protection	<p><input type="checkbox"/> I agree to UCL processing personal data contained on this form or any other data which UCL may obtain from me or other people or organisations while I am applying for admission. I agree to the processing of such data for any purpose connected with my studies or my health and safety while on UCL premises, or for any other legitimate purpose.</p>
	<p><input type="checkbox"/> To the best of my knowledge, the information on this application is accurate and complete.</p>
Signature	
Date	

Have you included with your application form:

- cheque for fees (or indicated to whom we should send an invoice above)
- personal statement

Please return this form to:

Lisa Penfold Events & CPD Manager
 UCL Faculty of Laws, Bidborough House
 38 - 50 Bidborough Street, London WC1H 9BT

You can also email a scanned copy of this form along with your personal statement to:

lisa.penfold@ucl.ac.uk

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