

Introduction before Topic 9

WILLEM GROSHEIDE

University of Utrecht
Utrecht, Netherlands

Thank you very much, Mister López, on behalf of all of us. As I have said, this “Budapest Manifesto” had been prepared by Luis Cobos, President of FILAE, the Ibero-Latin-American federation of performers’ rights associations. They all share this manifesto and I may say this is a firm stand for the position of performers. I hope that we will have time for discussion and then everybody is invited to come back to this Manifesto.

Now, we come to Theme 9 on aural performances. As we know, performers in particularly that area had not much benefit from what I call the first technological revolution that took part at the end of the 19th century. We all know that, before the advance of mechanical instruments, live performances of music were the occasion where performers in music earned their money from. With the advance of mechanical instruments, they lost that position, a real need to protect them appeared. It took quite some time before we allowed performers to enter the community of rights owners. This was, at least partly due to all sorts of rather strange arguments, such as a performer is not a creator, and what he does is only giving an execution of something that has been created. Rather bizarre perspective of the performer. That kind of reasoning was behind for not letting the performers to achieve an appropriate legal position.

They are now in a rather similar situation as being in what I call for this moment the second technological revolution, the digital revolution. They seem – even more than the creators we discussed two days before – in a position that they do not benefit as we would like them to see to benefit from this wonderful digital world that is surrounding us.

We have three experts from different parties of the world who will introduce certain aspects of the position of the oral performers at this particular moment. I said already, it seems to be a feminine thing to deal with this. But care-taking, isn’t that something feminine? And care-taking is what we should do for these performers. We will start with Professor Fabienne Brison. She is a professor at, at least, two Brussels universities, the Free University and the Catholic University. She will give you the more or less general picture, the international legal framework for the protection of performers. Then, we will be more specific and Paloma López will continue telling us how Spain is wrestling with the implementation of the InfoSoc Directive. Miss López is representing AIE, the performers’ rights society of Spain. Then finally, Professor Ysolde Gendreau of the University of Montréal will take the floor.