

COPYRIGHT

OUR TEAM

We have a long-standing and highly-regarded copyright practice, with extensive experience in helping clients with copyright generation, exploitation and enforcement in various industry sectors.

We assist clients in negotiating agreements of all types, ranging from simple license agreements with contractors or employees, through to complex broadcasting agreements with film producers and cable re-transmission and digital television agreements with collecting societies and broadcasters.

Our team is highly-regarded for its experience in relation to the liability of internet service providers and has advised and represented all types of artists on the protection of their copyrights or neighboring rights, whether those rights are managed individually or collectively. In addition, the team has substantial experience in litigating copyright disputes and has represented publishers, artists, producers, advertising agencies and distributors at all levels, up to and including the Court of Justice of the European Union.

CRITICAL AND CREATIVE ADVICE

We recognize that there is little benefit in developing licensing or enforcement strategies for works that are likely to be found unprotectable in litigation. Our copyright lawyers can call on their extensive know-how and (in court) experience to assess the validity and value of copyrights or neighboring rights and, if required, propose alternative ways to protect the creative efforts of our clients. That is why clients consider our team *"Outstanding at thinking outside the box"* (according to Chambers EMEA 2013).

HELPING YOU TO OBTAIN THE BEST DEAL

Even the most experienced clients do not always know (or want to know) how or under what conditions they can exploit their creativity.

We help our clients by providing them with on point advice on all copyright issues in transactions, ranging from legal opinions on originality or concurrence with design right protection, to advice on the drafting of a copyright assignment deed or termination of an exclusive audiovisual production agreement or artist management deal. Also of note is our experience with (re-) negotiating the tariffs applied by owners of audio/visual content and by collecting societies for the use of their repertoire.

PROFICIENT AND EFFICIENT LITIGATION

Although the vast majority of our lawyers are experienced litigators, their first objective is to help businesses to prevent and resolve disputes quickly and successfully, preferably out of court.

However, it is not always possible to avoid litigation. Our team has developed preeminent experience in high-profile court actions concerning counterfeit, the (non)infringement of copyright protected content, neighboring rights, unregistered designs and personality rights (image, name and voice) in various industries ranging from the fashion sector to the advertising industry and cable network sector.

With regard to pre-trial discovery proceedings and the gathering of evidence of intellectual property right infringements, we are one of Belgium's leading practices.

REPRESENTATIVE MATTERS

- Representing a cable operator in high profile litigation against most of the Belgian collecting societies concerning the consequences of simulcasting, cable broadcasting and "All Rights Included" contracts;
- Participating in the consultation process launched by the European Commission with regard to the review of the EU copyright rules, including the drafting of a position paper, on behalf of a European industry association;

- Representing a publisher in a copyright case against an author relating to the interpretation and performance of a publishing agreement;
- Advising artists, publishers and distributors on the online and offline exploitation and distribution of works;
- Defending a shoe manufacturer against copyright claims by a competitor in relation to a collection of orthopedic shoes;
- Assisting an HR consultant in a copyright dispute with a competitor regarding the use of academic materials;
- Advising advertising agencies on the options for protecting their works;
- Assisting a television broadcaster in a copyright dispute with a service provider in relation to a musical television production;
- Representing an internet service provider against a collecting society in a landmark case on the distribution of works over the internet;
- Advising various clients on copyright claims relating to the use of photographs and music on the internet;
- Assisting a Belgian Internet access provider in litigation against collecting society SABAM, for third party liability for downloading copyright protected music files, including a referral for preliminary ruling before the EU Court of Justice with respect to the scope of filtering obligations (ECJ, November 22, 2011, Case 70/10);
- Defending a client against allegations of infringement of copyright in databases and the sui generis retraction right;
- Advising the heirs of a famous novelist on how to best structure the novelist's copyright portfolio;
- Advising libraries on the digitization of works;
- Advising and drafting contracts regarding famous characters;
- Negotiating new tariffs with collecting societies on behalf of musical event organizers, theatre companies, broadcasters, and cable operators;
- Enforcing copyrights on behalf of various fashion designers and distributors; and,
- Advising and litigating on the protection and use of voice recognition software.



Kristof Roox

Partner
Rue Joseph Stevens 7 B-
1000 Brussels - Belgium
Phone: **+32.2.282.18.43**
krcox@crowell.com



Thomas De Meese

Partner
Rue Joseph Stevens 7 B-
1000 Brussels - Belgium
Phone: **+32.2.282.18.42**
tdemeese@crowell.com



Flip Petillion

Partner
Rue Joseph Stevens 7 B-
1000 Brussels - Belgium
Phone: **+32.2.214.28.86**
fpetillion@crowell.com



Jan-Diederik Lindemans

Partner
Rue Joseph Stevens 7 B-
1000 Brussels - Belgium
Phone: **+32.2.282.18.32**
jlindemans@crowell.com



Christian Dekoninck

Counsel
Rue Joseph Stevens 7 B-
1000 Brussels - Belgium
Phone: **+32.2.214.28.71**
cdekoninck@crowell.com