

COPYRIGHT

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

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

We are highly-regarded for our knowledge and experience concerning the liability of internet service providers, and we have advised and represented many different types of artist on the protection of their copyrights or neighboring rights, whether those rights be managed individually or collectively. In addition, we have substantial experience in litigating copyright disputes in various industries and have 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 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.

Helping You Obtain the Best Deal

Even the most experienced clients do not always know (and may not want to know) how, or under what conditions, they can exploit their creativity. We help our clients by providing them with to-the-point advice on all copyright issues in transactions, such as legal opinions on originality or concurrence with design right protection; advice on the drafting of a copyright assignment deed; and advice concerning the

termination of an exclusive audiovisual production agreement or artist management deal. We also have significant experience with negotiating and renegotiating the tariffs applied by owners of audio/visual content and by collecting societies for the use of their repertoire.

“Highly regarded team with broad expertise in IP matters. [...] Also advises on copyright licence agreements and the enforcement of trade mark and design IP rights.” Chambers Europe, 2015

Litigation Proficiency

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 pre-eminent experience in high-profile court actions concerning counterfeit, the infringement of copyright-protected content, neighboring rights, unregistered designs, and personality rights (image, name and voice) in various industries including the fashion sector, the advertising industry and the cable network sector.

We are one of Belgium’s leading practices with regard to pre-trial discovery proceedings and the gathering of evidence of intellectual property right infringements.

Our Team

“The team’s well-rounded offering is highlighted by sources: ‘They have an interesting mix of telecoms and media combined with a strong IP and regulatory practice.’” Chambers Europe, 2017

“Crowell & Moring has ‘excellent knowledge of the media industry’ [...] Jan-Diederik Lindemans and Thomas De Meese ‘put things in perspective’.” Legal 500 EMEA, 2017.

Representative Matters

- Represented a cable operator in high-profile litigation against most of the Belgian collecting

societies concerning simulcasting, cable broadcasting and “All Rights Included” contracts.

- Participated 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.
- Represented a publisher in a copyright case against an author relating to the interpretation and performance of a publishing agreement.
- Advised artists, publishers and distributors on the online and offline exploitation and distribution of works.
- Defended a shoe manufacturer against copyright claims by a competitor in relation to a collection of orthopedic shoes.
- Assisted an HR consultant in a copyright dispute regarding the use of academic materials.
- Advised advertising agencies on the options for protecting their works.
- Assisted a television broadcaster in a copyright dispute with a service provider in relation to a musical television production.
- Represented an internet service provider in proceedings against a collecting society in a landmark case on the distribution of works over the internet.

- Advised various clients on copyright claims relating to the use of photographs and music on the internet.
- Assisted 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 CJEU with respect to the scope of filtering obligations.
- Defended a client against allegations of infringement of copyright in databases and the *sui generis* retraction right.
- Advised the heirs of a famous novelist on how best to structure the novelist’s copyright portfolio.
- Advised libraries on the digitization of works.
- Negotiated new tariffs with collecting societies on behalf of musical event organizers, theatre companies, broadcasters, and cable operators.
- Enforced copyrights on behalf of various fashion designers and distributors.
- Advised and litigated on the protection and use of voice recognition software.
- Advised a designer of lighting fixtures on a global counterfeiting strategy.
- Defended a fashion designer against allegations of copyright infringement.

CONTACTS



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