

UK: Films included in a broadcast

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High Court Chancery Division, 3 February 2012, Football Association Premier League v QC Leisure. Further to a referral to the ECJ on, inter alia, the meaning of "communication to the public" under art. 3 of the Directive 2001/29 (Case C-403/83), the High Court ruled that the showing of broadcasts (football matches) via television screens and speakers in public houses infringes the right to communicate to the public those broadcasts. However, sec. 72 of the CDPA states unambiguously that the act of showing in public of a broadcast does not infringe the copyrights in the films included in it.

"78. In my judgment s.72(1)(c) means what it says. The showing or playing of a broadcast in a public house to members of the public who have not paid for admission does not infringe any copyright in any film included in the broadcast."

For the full text of the judgment, click [here](#).

(Stavroula Karapapa & Maurizio Borghi, Brunel University).

A full summary of this case will added to the Kluwer IP Cases Database (www.KluwerIPCases.com).