

Recent developments in the United Kingdom

1. A new review

The (new) government has announced yet another review on intellectual property laws. The 'Hargreaves Review' led by Ian Hargreaves is set up as an independent review into IP and growth. The aim is to review how the intellectual property system can better drive growth and innovation. Enforcement issues will come up, as will no doubt the debate on private copying, format-shifting and fair use (dealing). The review is expected to report in April 2011.

2. Cases

* *Crosstown Music Co 1 v Rive Droite Music Co Ltd* [2010] EWCA Civ 1222, [2011] FSR 5.

In this case the Court of Appeal decided that the subject matter limitation on its jurisdiction over foreign copyright which resulted from its *Lucasfilm* decision does not extend to the issue of the ownership of copyright. In this case the ownership issue turned around a contractual assignment governed by English law. It can be argued though that this decision is in reality incompatible with the *Lucasfilm* decision, as an ownership decision pre-supposes taking a position on existence and scope, which are areas that are excluded from the jurisdiction of the court by *Lucasfilm*. One should also add that *Lucasfilm v Ainsworth* ([2009] EWCA Civ 1328) will be heard on appeal before the Supreme Court (previously the House of Lords) in March 2011.

* *Football Dataco v Britten Pools and others* [2010] EWCA Civ 1380.

This case turned around lists of football fixtures and the question whether there can be database copyright in such lists. Alternatively, the question was raised whether the absence of copyright under the terms of the Database Directive also stops national copyright from granting another form of copyright (e.g. a compilation that is not a database). These questions were referred to the Court of Justice of the European Union.