

Private Client eNews – 08 June 2007

Are you experienced?

Administering an estate can be potentially tricky at the best of times. Administering an estate where the deceased was a musician or other performer introduces an exponential multiplier of trickiness, to put it, at best, clumsily.

Not only do you need to keep abreast of legislation whilst administering the estate but also for the 80 years following death where changes in the law may retrospectively protect the deceased's rights and interests even where the deceased died before the enactment of that legislation.

In a recent case there was an appeal against a decision on exactly this point in relation to performances by Jimi Hendrix in the UK, Sweden and the US and the retrospective intention behind the Copyright, Designs and Patents Act 1988 ('the Act').

The appellant submitted, additionally, that both Sweden and the US were not a 'qualifying country' under the Act at the time of the performance and so at the very least these two performances were not protected.

Before the Act no country was a 'qualifying country' save for the UK and the then existing members of the EEC. If the country had to be a qualifying country at the date of the performance the relevant section of the Act would be denied any effect for *all* other countries. Resultantly the UK would be in breach of the Agreement on Trade-Related Aspects of Intellectual Property Rights. This was also a submission which the Lord Justices had difficulty accepting.

Like I said, potentially damn tricky.

If you have any queries you can phone or email Glenn Smyth or Rod Smith on glennsmyth@boltburdon.co.uk or rodsmith@boltburdon.co.uk or phone 020 7288 4700. Our full range of services includes Financial Planning, Trusts Wills & Probate, Property, Matrimonial and Family Law, Commercial Law, Commercial Dispute Resolution, Debt Collection, Compensation Claim Litigation. Visit our web site at www.boltburdon.co.uk. To stop receiving this bulletin, reply stating 'unsubscribe'