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ALL THE WORLD'S A STAGE: PROTECTING PERFORMERS' RIGHTS IN A BORDERLESS ENTERTAINMENT BUSINESS

Abstract:

In the 21st century of sweeping and effortless consumer access to artist performances -- via YouTube, social media, and other digital dissemination methods -- the goal of protecting performers has become both more crucial than in the past and considerably more difficult. The digital landscape has plunged us into an essentially borderless world, where someone in Italy can download a YouTube performance from Japan and do what they wish with it -- without the performer's knowledge. While there are myriad legal schemes addressing this phenomenon both on the international and domestic levels -- for instance, the Rome Convention and the US Copyright Law's music video anti-trafficking provision -- this paper will examine whether such legal protections should be reinforced or perhaps relaxed, based on the notion that current laws have failed to keep pace with the vigorous and rapid expansion of consumer access via digital means.

Keywords:

Copyright, Berne Convention, Rome Convention, Trademark, Publicity, Brand, Bootlegging, Performers