

Broadcasters' Rights in the Digital Era: Copyright Concerns on Live Streaming

by M. SAKTHIVEL. Leiden/Boston: Brill Nijhoff, 2020. xiv+258 pp. Hardcover: €153.00; eBook (pdf): €153.00. doi: 10.1163/9789004419155

Subhash C. ROY

Chanakya National Law University, Patna, India

This book discusses the emergence and development of copyright law up to live streaming and the challenging issue of copyright owners' and/or authors' rights in digital 4G (P2P) transmissions.

The introductory line – “the origin and development of copyright law is closely associated with technological advancement” – raises the issues of socio-economic development of broadcasting industries, 4G peer to peer (P2P), and the right to rebroadcasting to computer networks and streaming. Sakthivel then examines whether “Indian laws” are adequate to protect the interest of broadcasting organisations in the context of 4G technology, the 2012 amendments to the Indian Copyright Act 1957, the WIPO Copyright Treaty (WCT), the WIPO Performance and Phonographs Treaty (WPPT), and the Rome Convention 1961.

The second chapter deals with technological advancement in communications to the public, from radio diffusion to streaming, discussing the historical development of terrestrial TV broadcasting, P2P file transfer technology, streaming technology, Internet Protocol Television (IPTV), web/internet TV, mobile streaming, and Long-Term Evolution (LTE) mobile transmissions. The question is posed as to whether all these technologies can be termed as “broadcasting” for the purpose of conferring neighbouring rights on broadcasters under the copyright regimes.

The third chapter deals with the socio-economic dimensions of the communication of public works in the light of the new challenges of 4G (P2P) technology. The penetration of TV into households and economic issues are illustrated through charts and data.

As the issues of IPTV and the internet primarily concern the content of digital broadcasting, Sakthivel then discusses the legal aspects in the fifth chapter by comparing domestic copyright legislation with international copyright systems, with regard to the author's right to exploit. The evolution of authors' rights are discussed with the emerging broadcasting challenges and the conflict between an author's public performance rights in his/her musical work and the broadcasting of the same. The fifth chapter also deals with copyright protection in “live streaming” in the US, the UK and the EU, and Sakthivel rightly indicates the judicial ratio and that such technological advancements would form part of authors' rights under the Copyright Act 1909. Whereas the EU Directive 2001/29/EC complied with the international obligations under the WIPO Copyright Treaty (WCT) and the WIPO Performers and Phonograms Treaty (WPPT), with an objective to harmonise the copyright laws in the EU and “consolidate” the exclusive rights of the copyrights holders in the digital era, the EU has protected broadcasters' rights under “infosoc” (information society) directives. Similarly, the UK has complied with EU Directive 2001/29/EC by amending the Copyrights, Design and Patents Act 1988.

The sixth chapter deals with the evolution of broadcasting rights dating back to 1923, while the seventh chapter concludes with the author expressing concern that “live

streaming” has only been recognised by judicial interpretation at a later stage synonymous to transmission. Hence, copyrighted work and broadcasters’ rights shall be at stake in the 5G digital era. The discussion concerning authors’ rights as opposed to broadcasters’ rights in the digital era is the crux of this book – which is well-researched and worthy reading for scholars.

Competing interests. the author declares none.

doi:10.1017/S2044251322000285

Forgotten Diplomacy: The Modern Remaking of Dutch-Chinese Relations, 1927–1950

by Vincent K. L. CHANG. Leiden, Boston: Brill Nijhoff, 2020. xix + 563 pp. Hardback: €153.00; E-Book: €153.00. doi: 10.1163/9789004410923_002

SHI Yanan and Otto SPIJKERS

School of Law, Wuhan University, People’s Republic of China

This book tells the story of two states departing from opposite stations, slowly but steadily approaching each other, meeting in the middle, and then continuing their journey in opposite directions. At the start of this journey, the Netherlands still perceived itself as a colonial imperialist power, while China was a semi-colonial state. The former is now one of Europe’s smaller nations, whilst China has transformed into an Asian giant and an emerging global superpower.

The book focuses on their relationship from 1927 to 1950, when the Netherlands formally recognized the communist People’s Republic of China (PRC). This period is divided into three parts, namely, the pre-war (1927–1936), the war (1937–1945), and the post-war years (1945–1950). These parts are respectively designated as periods of “readjustment”, “realignment”, and “reset”. Each period is situated first within (global) history, with China’s war with Japan and the decolonization of Indonesia as the two most important underlying global events. Then follows a discussion about Chinese-Dutch diplomatic relations. The third part focuses on particular people or events to illustrate the depths and characteristics of the diplomatic, cultural, economic, and political ties between the two states. A helpful appendix to the book provides a chronology of the major events. Of note are the shared importance of water management and the frequent exchanges of expertise and experience on this issue between the two states.

As international lawyers, we usually assume that the facts will be just as crystal clear as black letter law. This book is solid proof of, if not of our ignorance, then at least our innocence towards the abrogation of Dutch extraterritorial rights in China, the recognition of the PRC, the conclusion of a new bilateral treaty, etc. For all these events, the author links the relevant law, the factual context, and the behaviour and motivations of the people concerned in this meticulous study. What we cannot learn from the traditional international law textbook are the psychological elements behind state behaviour, and the hard facts of policy, law, and decision-making. All the personal, collective, and national