At the meeting of the Working Party on Intellectual Property (Copyright) on 15 January 1993, the United Kingdom delegation offered to prepare a text on the subject of cinematographic and audiovisual works.

Delegations will find in the Annex wording prepared by the United Kingdom delegation which would introduce the so-called "Swiss Approach" to authorship into the text of the Directive.

The underlined sections indicate alternative or additional wording compared with the draft amended proposal circulated in the Working Party on 15 January.

The United Kingdom delegation emphasises that this non-paper is put forward purely to facilitate the discussion and does not prejudice its position in subsequent negotiations.
Draft Council Directive harmonising the term of protection of copyright and certain related rights

Article 1

DURATION OF AUTHOR’S RIGHTS

2. In the case of a work of joint authorship other than a cinematographic or audiovisual work, the term referred to in paragraph 1 shall be calculated from the death of the last surviving author.

Article 1 bis

CINEMATOGRAPHIC AND AUDIOVISUAL WORKS

1. The principal director of a cinematographic or audiovisual work shall be considered as its author or one of its authors. Member States may provide for others to be considered as its co-authors.

2. In the case of a cinematographic or audiovisual work considered under the laws of a Member State to be a work of joint authorship, the rights of the authors shall expire [50] [70] years after the death of its principal director.

3. The Member States may provide, without prejudice to Article 2, paragraph 6 of Directive 92/100/EEC, that when a contract concerning the production of a cinematographic or audiovisual work is concluded, individually or collectively, the author or authors of the work shall be presumed, subject to contractual clauses to the contrary, to have authorised the exploitation of their work.