

4.Sending newsletter via email. (以電子郵件發送電子報)

日本	澳洲		美國	加拿大	
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we think that the activity to send newsletter via the e-mail to the public falls into "public transmission" under our copyright law. However, we think that neither "broadcast", "cablecast" nor "interactive transmission" cover the activity.	<p>Newsletters are literary works and their authors have the exclusive rights of public transmission in our law.</p> <p>Please be advised that if any copyright material is transmitted through telecommunication system using Internet Protocol, it is regarded as interactive transmission under our copyright law.</p> <p>Even If you receive unsolicited or undesired</p>	Generally sending newsletters by email would also be a communication to the public.	<p>if this is the transmission of a literary and artistic works by email to the public then it is again an exercise of the communication rights.</p> <p>In nearly all cases there may be reproduction rights - which may or may not be licensable.</p>	This would generally be governed by Sections 106(1) and 106(3) regarding reproduction and distribution of copies.	<p>Whether or not newsletters contain sound recordings of musical works, the transmission of a newsletter containing any copyright work would constitute a "communication to the public by telecommunication" if that transmission were sent to the public (point to multi-point) rather than as a "one to one" or "point to point" communication. e.g. you to me.</p> <p>It should be noted that</p>

	<p>emails,since you access the server using Internet Protocol to receive such messages,that could be recognized as interactive transmission. However the issue is whether it is "public transmission" or not. "Public" is understood to mean "unspecific persons" and also to include "specific but many persons"as stipulated in Article 2-(5) of our law. For example, whenyoufind an interesting web news article, copy it and send it toyour friend via email, it cannot be regarded "public transmission." If you send out such newsto</p>				<p>under Canadian law, all "streams" or "streaming" are transmissions and those streams may be "communications to the public by telecommunication". Th is applies to most kinds internet transmissions that are intended to be received by (transmitted to) the public <u>including</u> downloads of copyright works (even if the download is not heard "simultaneously" with its transmission). Note: the reproduction right may also be implicated (i.e. exploited) in communications other than downloads. For your information, Canada is in the process of enacting new</p>
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	<p>many people (difficult to say how many), it could be regarded as "public transmission." If some one operates any newsletter sending service via email, it involves authors' public transmission right even if there are a small number of subscribers, because their newsletters are to be transmitted to unspecific persons for business purpose.</p>				<p>Copyright laws. One of these laws will be the "making available right" that is provided for in the WIPO treaties. This new right will be expressly provided for the performers and performances of sound recordings and it will be clarified for authors of works.</p>
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