E

WIPO

ACMC/1/2
ORIGINAL: English
DATE: December 8, 1998

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

ADVISORY COMMITTEE ON MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS IN GLOBAL INFORMATION NETWORKS

First Session
Geneva, December 14 and 15, 1998

THE DEVELOPMENT OF THE PROJECT TOWARD A J-CIS (JAPAN COPYRIGHT INFORMATION SERVICE) CENTER: A STUDY ON A NATIONAL COPYRIGHT MANAGEMENT DATABASE SYSTEM

by
Ms. Mikiko Sawanishi,
Deputy Director,
International Copyright Division,
Japan Copyright Office (JCO),
Tokyo

Part I New Challenges of Copyright Systems in the Information Society

1. Introduction

1.1 In order to cope with the impact on copyright systems brought about by recent developments of digitalization and networking, tremendous efforts have been made at both the national and international levels. At the international level, the so-called "Internet Treaties" (i.e. the two new WIPO treaties: the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) were adopted in December 1996. At the national level, many countries including Japan have been making efforts to incorporate the new framework established by the new WIPO treaties into their national legislation.[1]

1.2 As indicated in Chart I-1, the Japan Copyright Office (JCO) [2]has been developing various new policies and measures on copyright and neighboring rights systems with a view to coping with the advancement of information and communication technologies. The development of digital technologies and networking has brought about the emergence of new ways or forms of exploitation of copyrighted works. Such new ways or forms include: emergence of multimedia works which are composed of various types (text, sound, moving images, etc.) of works; dissemination and exploitation of copyrighted works in networked environments including the Internet; and emergence of new "copyright businesses" utilizing digital technologies and networking.

1.3 In the above context, two challenges or issues emerged: 1) the issue of possible new "rights" and "protection"; and 2) the issue of "rights clearance systems". For the latter issue, new systems of contracts should be improved and developed for the newly emerging digitized and networked environments.

1.4 This study focuses on the latter issue, i.e. the issue of new systems for copyright management. First, in Part I, the traditional systems for rights management and clearance are discussed, and some new attempts to develop such systems in Japan will be presented. In Part II, Japan's on-going project to establish a new system to

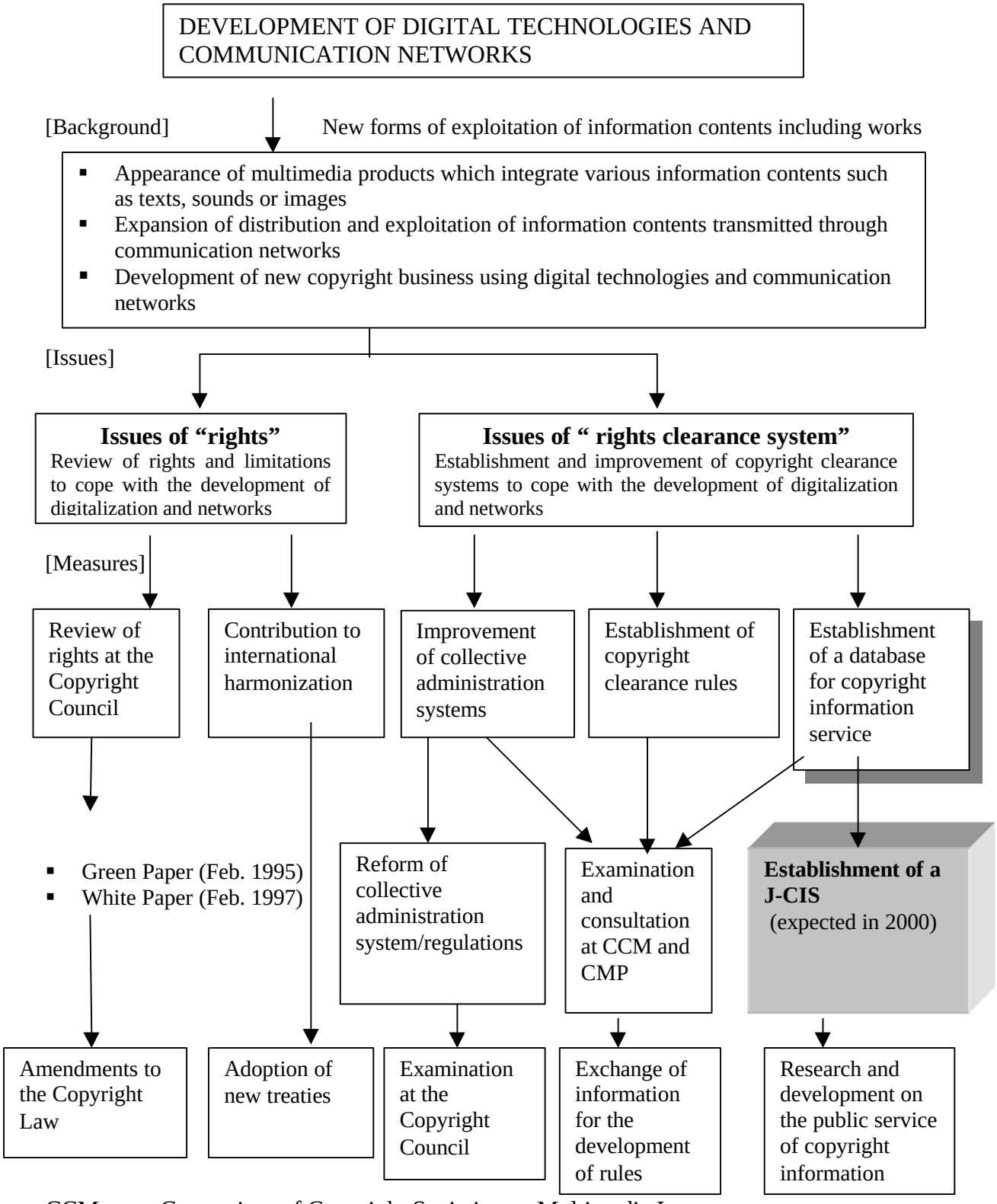
---

[1] The United States adopted a bill (H.R.2281) to implement the WIPO treaties ("Digital Millennium Copyright Act") on 28 October 1998. The European Commission (EC) published its draft directive on harmonization of copyright and related rights in 1997. Japan has been preparing for the amendments of the Copyright law and is aiming to implement the WCT by mid 1999.

[2] As of 1 July 1998, the institutional arrangements related to copyright in Japan were changed. The former Copyright Division of the Agency for Cultural Affairs was upgraded to the Japan Copyright Office, headed by a Director-General, and with two divisions, the Copyright Division and the International Copyright Division. The Multimedia Copyright Office is attached to the Copyright Division. (*See the end of this Chapter)

[Chart I-1]

Framework of Copyright Policies to Cope with the Development of Digitalization and Networks and the Position of the J-CIS Project



CCM: Consortium of Copyright Societies on Multimedia Issues
CMP: Consortium of Multimedia Producers
J-CIS: Japan Copyright Information Service Center

networked copyright management system (J-CIS project) will be delineated. Special attention is paid to the development of the project up to the present in order to show the process of conceptualization and experiments. Finally, in Part III, some issues and challenges for the establishment of an electronic copyright management system at the global level will be discussed as well as possible roles of the World Intellectual Property Organization (WIPO) in it. Further issues to be overcome in order to facilitate right clearance in networked environments will also be discussed briefly.

2. Traditional and New Approaches to Rights Management/Clearance Systems

1.5 Works of authorship are intangible assets. A work is copied and distributed and it becomes quite often difficult to transact "copyrights" by finding the rights owner. In other words, although there is a "market" of works, as there are "demand" and "supply", there has been no "market place" in which "sellers" (rights owners) and "buyers" (users) meet face-to-face to negotiate and transact "copyrights".

1.6 Of course, it is still possible for an individual user to find the rights owner of a specific work and meet with him or her to negotiate. Conversely, it is also possible for an individual rights owner to have a contract with a possible user directly and individually. In principle, rights clearance is to be conducted between a rights owner and the user directly. However, the lack of an institutionalized "market place" makes transaction cost for such an act extremely high. Therefore, there has been a significant limitation in realizing the direct transaction of copyrights between users and right owners. As a natural consequence, alternative mechanisms have been created, namely the collective administration of copyright.

A. Traditional Approach : Collective Administration

1.7 Collective administration systems carried out by collective societies have been created and developed to create "virtual market places" in a number of countries. In Japan there are several collective societies in various fields of works, performance and phonograms.[3] For example, authors of music or lyrics entrust their rights to a

---

[3] Organizations which are carrying out collective administration are as follows:

1. **Organizations with a license under the Law on Intermediary Business concerning Copyright** (Law No.67 of April 5, 1939)
- Japanese Society for Rights of Authors, Composers and Publishers (JASRAC)
- Japan Federation for the Protection of Copyright on Literary Works (Nihon Bungei Chosaluken Hogo Domei)
- Writers Guild of Japan (Nihon Kyakuhonka Renmei)
- Writers Guild of Japan (Nihon Scenario Sakka Kyokai)

2. Associations designated under the Copyright Law (Art.30(2), 95(1), 95(2)3, 97(1), 97bis(3))
- Society for the Administration of Remuneration for Audio Home Recording (SARAH)
- Japan Council of Performers' Organizations (Geiden-kyo)
- Recording Industry Association of Japan (RIAJ)

3. Other major associations
- Music Publishers Association of Japan (MPA)
- Federation of Music Producers Japan (FMP)
- The Japan Art, Photograph and Graphic Design Copyright Organization (APG-Japan)

[Footnote continued on next page]

collective society (JASRAC), then obtain royalty payments for the exploitation of their works, through the collective society. Since it has been extremely difficult and costly for individual rights owners to monitor all exploitations of their works, the collective society provides an efficient and effective way to obtain payment.

1.8 On the users' side, this is more convenient since they only have to pay a certain amount of royalties to collective societies and do not have to obtain authorization from authors of the work individually after looking for and finding them as well as negotiating with them. It is easy for them to find out to whom they have to talk in the case of seeking authorization in terms of exclusive rights. On behalf of individual authors/right owners, collective societies negotiate and contract with various users and comprehensively charge standardized scales of royalty for the exploitation of works of the members' clients. Royalties collected from users would be distributed, after deducting the administrative expenses of the collective society.

B. New Approach : On-line System for Individual Contact/Contract

1.9 Obviously, collective administration systems have certain limitations and shortcomings. First, it is impossible to reflect the actual situation with perfect accuracy of the exploitation of works in distributing royalties collected. Second, it is stated that standardized royalties do not reflect the strengths of different authors in the market. Some popular artists in Japan argue that they would like to reserve certain rights without entrusting them to collective societies, though under the current contractual systems of collective societies, this is not allowed. This means that the "market mechanism" among various actors in the market does not function well under collective administration systems. However, thanks to new information technologies, it has become possible to form another "virtual market place" by making use of such networks as the Internet. One proposal might be to establish a database to which a number of rights owners can register the information on their works for access from the users' side. It is also possible for a rights owner to make a Homepage on a web site exclusively for his/her works while registering them with such a database.

1.10 As to the above-mentioned database system, it is also possible to envisage the following two phases of development for on-line information systems: Phase I in which only the supply of information is carried out (i.e., the contracts should be made through face-to-face negotiation); and Phase II in which contracts and payments can be made through the network on an on-line basis. The completion of Phase would lead toward the possibility of the transaction of both "copyrights" and "copyrighted works" at the same time by electronic commerce.

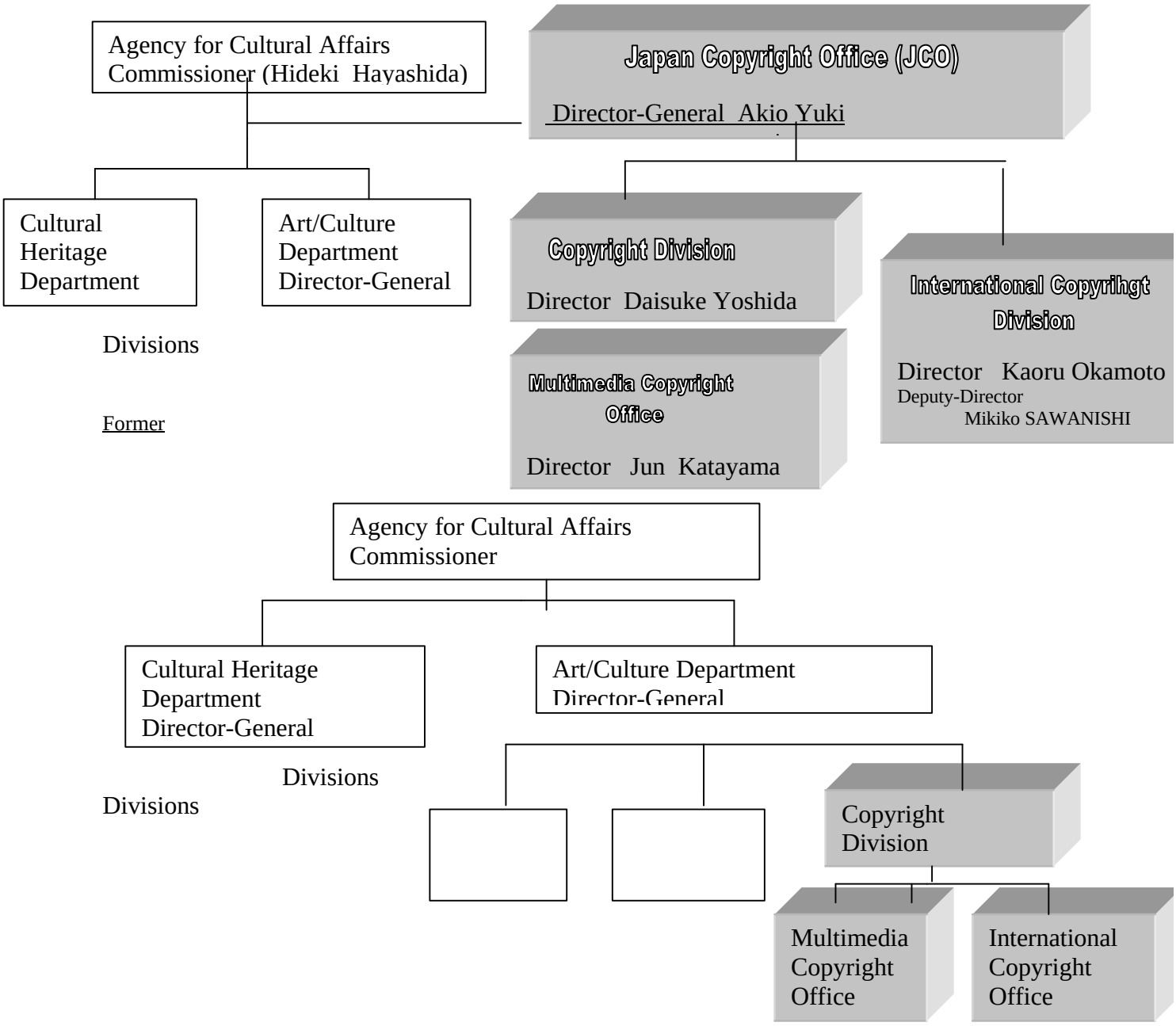
[Footnote continued from previous page]

- All Japan Federation of Copyright for Photographers (including : Japan Artists Association; All Japan Federation of Copyrights for Photographers;
- Japan Reprographic Rights Center; Japan Graphic Designers Association (JAGDA))
- Japan Book Publishers Association (JBPA)
- Japan Federation for the Protection of Copyright on Literary Works

1.11 The development of such a copyright management database will provide both users and right owners with merits and advantages. Users can easily identify the authors and other rights owners. This will encourage them to use more copyrighted works since it could minimize transaction cost and the risk of copyright infringement. This is also advantageous for copyright owners because they can promote their works and provide terms and conditions of exploitation without heavy costs. Further, it would enable the revitalization of less-utilized market for copyrighted works, such as photographs or computer graphics. Thanks to recent technological developments, this win-win policy has become feasible. Establishing and further developing copyright information databases and effective search systems will be a key for this direct rights management to be made possible in the near future.

---

* Enhancement of Copyright Function in Japan and ***Creation of the Japan Copyright Office (JCO)***



PART II A CASE STUDY: Development of the project toward a Japan Copyright Information Service (J-CIS) Center

1. What is J-CIS ?

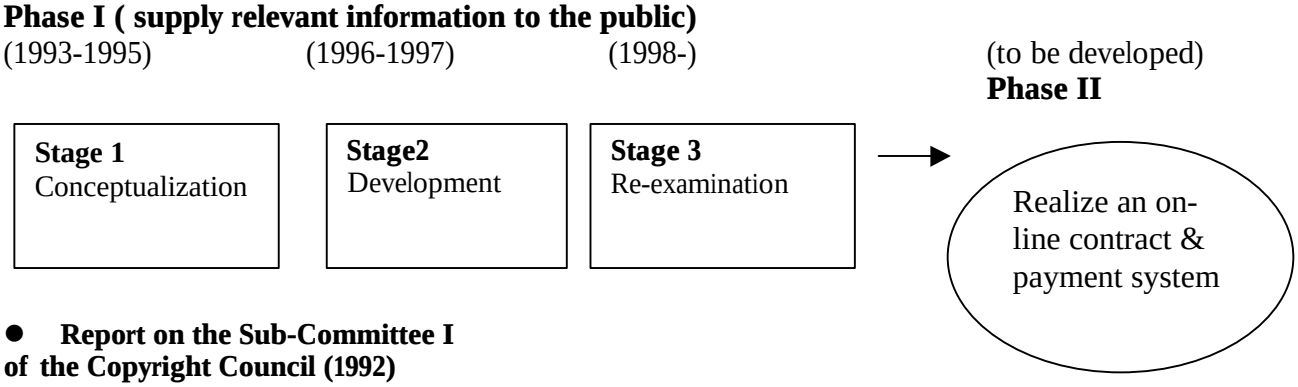
1.1 Currently, the Japan Copyright Office (JCO) of the Agency for Cultural Affairs of the Government of Japan has been continuing its efforts to establish a Japan Copyright Information Service (J-CIS) Center by the year 2000, which will be a comprehensive database system of information concerning copyright management. The Copyright Council, which was an advisory body to the Commissioner for Cultural Affairs, proposed the J-CIS project in 1993 and its development was initiated by the Japan Copyright Office (JCO) in 1995.

1.2 The purpose of the J-CIS is to establish a comprehensive database system to cover almost all categories of works, performances, phonograms etc., in cooperation with a number of relevant associations and organizations. (see footnote 3 of Part I) The database system is expected to function as a tool to provide information on works, performances and phonograms with a view to minimizing transaction costs.

1.3 As indicated in Chart II-1 below, the J-CIS project is to have two phases: Phase I – only to supply relevant information to the public through networks for direct contact and contract; and Phase II - to realize an on-line contract and payment system. So far, the establishment of Phase-I is being undertaken, and Phase II is a challenge for the near future.

[Chart II-1]

The development process of the J-CIS Project



- **Report on the Sub-Committee I of the Copyright Council (1992)**
- **The First Report of the Multimedia Sub-Committee (1993)**
- **1996 Report on Study and Research (1996)**
- **Model Database (1997)**
- **Data-entry system development (1997)**

1.4 The development of Phase I of the J-CIS project can be explained in the following three stages: Stage 1: conceptualization in 1993 - 1995, in which the initiation of the project was discussed and officially proposed; Stage 2: development stage in 1996-1998, in which two provisional studies were completed in October 1996 and March 1998, respectively, together with the production of a "model database", and the development of a data-entry system; and Stage 3: re-examination stage from 1998.

2. Stage 1: Conceptualization of the J-CIS (1993-1995)

A. Pre - initiation of the project- "Report" of the Sub-committee I of the Copyright Council in 1992

2.1 In March 1992, the Sub-Committee I of the Copyright Council, which was virtually made up of the steering body of the entire Council, published a "Conclusion", which summarized various issues facing the copyright system in Japan and clarified the direction and provided schedules for future discussions. In this report, emerging issues, such as "multimedia", which were developing rapidly in the light of the advancement of digital technologies, were taken up. The report stated as follows:

"Report of Sub-Committee of the Copyright Council" (Excerpt)

(1) Background

In recent years, the development of digital technologies has brought "electronic publishing" which is a means of communication utilizing various recording media (CD-ROM, etc.) and other communication media, which are mixed with a variety of contents, (called "multimedia"), namely audiovisual works, literary works, sound recordings and computer programs. By the rapid development of such media, various ways of utilization/exploitation of copyrighted works, such as storage, modification, transmission, display or cinematgraphic presentation, have been developed. In order to maintain the balance between the protection of rights of authors and the smooth utilization of works, it is important to clarify the relationship between such new media and already existing rights as well as the limitation on such exclusive rights. Thus, examination should urgently begin as to whether possible reform of the copyright system to provide adequate protection of copyright is necessary.

(2) Issues to be considered

a. Ways of protection of multimedia products;
b. The relationship between utilization of copyrighted works as contents to be utilized for making multimedia products and copyright, moral rights and neighboring rights protection;
c. The relationship between utilization of copyrighted works and limitations on the exclusive rights.
d. Possible new rights clearance systems to cope with the development of multimedia

Therefore, it is recommended that a new sub-committee be established within the Copyright Council to consider the above-mentioned issues.

2.2 As discussed in (2) d. above, a recommendation was made that possible new ways of rights clearance system is considered to cope with the development of multimedia. It is important to note that in Japan, the needs of establishing the copyright clearance system was initiated in order for multimedia producers to minimize their costs to find the copyright owners for rights clearance. Since multimedia products have various types of contents, such as music, computer graphics, and other audiovisual works, it always took additional time and money to clear the copyright of each content in order to make one packaged multimedia product. If such costs could be minimized, the producers could make multimedia products more easily and at lower cost.

2.3 The above report also recommended establishing a separate, independent sub-committee. Thus, the Copyright Council decided to establish a "Multimedia Sub-committee" in March 1992. The Multimedia Sub-Committee commenced its consideration on various issues concerning not only multimedia but also the development of digitalization and networks at large in June 1993.

B. The First Report of the Multimedia Sub-committee on Rights Clearance for Multimedia in 1993

2.4 The Multimedia Sub-Committee considered various issues and published a report entitled "FIRST REPORT" on rights clearance system of the contents utilized in multimedia products" in November 1993. Although the starting point of the Japanese rights clearance system was intended specifically for the benefit of multimedia producers, this was altered at a later stage and targeted to all copyrighted works.

2.5 The above "FIRST REPORT" contained two discussions, namely 1) the discussion from the side of users (i.e., multimedia producers this time) side and 2) the discussion form the side of authors/rights owners of the contents. In the first discussion, the following concerns of multimedia producers were shown in terms of right clearance systems[4].

- It is anticipated that the issue of rights clearance of all contents, particularly music, cinematographic works and photographs, utilized in multimedia products will be a serious problem;

- The most serious problem concerning rights clearance is that the royalty fee and its scale are not yet clearly determined;

- It would be possible to cause serious moral rights problems as a producer may modify contents;

- Therefore, in reality, producers utilize only works for which rights are easily cleared or there is no need for clearance. Producers may also create original contents in order to avoid rights clearance problems;

[4] P.13 of the FIRST REPORT on right clearance system of the contents utilized in multimedia products" in November 1993, the Agency for Cultural Affairs, the Government of Japan

- Producers are aware of the necessity and usefulness of the establishment of an organization for collective right clearance. They also think that it is desirable if such organization is operated by the third sector (e.g., a collaboration between the private and the public sectors); and

- Producers consider that the rights of multimedia products should be enhanced but should not harm smooth distribution or dissemination of products.

2.6 The second discussion was from the user's viewpoint. In this discussion, concerns of right owners of contents, namely music, songs, photographs, pictorial works, broadcasting programs, and publishing, were examined. A survey for this discussion was conducted by asking questions of various associations of authors. The following concerns were identified in each field of work:[5]

- Music – The right clearance of music and lyrics is administered collectively by JASRAC (Japan Society for Rights of Authors, Composers and Publishers). Because there is no standardized scale of royalty fees, terms and conditions for the utilization of works for multimedia are to be determined on a case by case basis.

- Screenplays- the Writers Guild of Japan administers the rights of screenplay, including rights of reproduction, performance, broadcasting, and wire transmission. The Guild has not yet considered whether it is necessary to have a new system of rights clearance specifically designed for multimedia. The Writers Guild stated that it was difficult to administer moral rights collectively; thus, the exploitation of screenplays must be authorized in each case by the author. It is undesirable for authors to utilize their works with substantial modification.

- Photograph – Although there is the All Japan Federation of Copyrights for Photographers, established in 1971, this association has not yet started collective rights administration. On the other hand, from the beginning of 1990, so-called "Photo Agents" have emerged, which have been entrusted by authors with high quality copies of photographs and to lend such works to users for reproduction. It is considered that each author should principally conduct rights clearance, but alternatively it is also useful to consider as an alternative ways to administer rights collectively.

- Pictorial works- The Japan Artists' Association is conducting collective rights administration with a limited scope, i.e. utilization for broadcasting programs. Most artists feel uncomfortable to entrust their rights to any collective society since the terms and conditions have not yet been determined clearly. It was shown that they had a strong concern against users modifying their works.

- Broadcasting programs – Even if a broadcasting organization intends to use the broadcasting program, which was created by it, for other than broadcasting or re-broadcasting purposes, it is extremely difficult. Since the use of broadcasting programs is limited only to broadcasting, it is necessary to conduct new rights clearance if such program is intended to be used for anything other than broadcasting. Under the current situation, the transaction costs for such rights clearance, in terms of time, effort and money, are extensively high and the rules for clearance have not yet been established. Therefore, it is desirable if authors' associations

[5] P.16-18, Ibid

establish such rules, from the application of use to the payment of royalty fees. On the other hand, as the rights owner of the broadcasting program, the broadcasting organizations feel insecure about ways of utilization of such programs by other parties.

- Publishing – Publishers often own copyright as authors for their compiled works such as encyclopedias and dictionaries. They may also have publication rights established by contract with the author (e.g. partial transfer of reproduction right) and at times are entrusted with the rights of authors. However, the terms and conditions for use of publications for multimedia are not standardized yet. Publishers also consider that it is necessary to establish new protections specifically addressed to publishers.

2.7 Based on the concerns indicated above, the Sub-committee recommended establishing: 1) adequate "rules" for rights clearance and 2) an effective rights clearance system. The report also recommended the establishment of the Japan Copyright Information Service Center (J-CIS) as a part of an effective rights management system[6].

2.8 For the establishment of adequate contractual rules for rights clearance, the report stated that the following considerations should be incorporated: 1) the extent of authorization by contract should be clarified; 2) the relationship of the authorization of exclusive rights with the provisions concerning the limitation of exclusive rights in case of private copying has to be clarified; 3) the relationship of the authorization of exclusive rights with moral rights has to be clarified; and 4) consultation between multimedia producers and collective societies must be conducted. [7]

2.9 For **the establishment of an effective rights management system**, the report stated that the following considerations must be incorporated: 1) it is important to provide information on availability or existence of copyright as the prior condition for clearance; 2) It is important to upgrade the current collective administration system of copyrights with the following basic principles:

a) right clearance has to be conducted by individual rights owners;
b) collective administration should be limited to special cases in which the individual rights clearance is extremely difficult;
c) the collective administration should be conducted voluntarily;
d) it is hard to administer moral rights collectively.

Further, the report pointed out that at first it is important to identify which types of utilization/exploitation of works do not fit into individual rights clearance and thus, should be administered collectively.[8]

2.10 For the establishment of an effective rights management system, the Sub-Committee recommended the establishment of a copyright information service center (later called the J-CIS) that will integrate information on copyrights administered by respective collective societies and that will provide such information to users. The major role of the J-CIS was to administer and manage such information centrally and to provide an integrated search system. For that purpose, the report advised that first, pre-existing

[6] P. 38, the First Report of the Multimedia Sub-committee of the Copyright Council, Agency for Cultural Affairs, November, 1993
[7] P.31-33, Ibid
[8] P.34-35, Ibid

databases of collective societies have to be established and developed. At that time, except as to lyrics and music, the situation of the establishment of databases by collective societies was quite unsatisfactory. In the field of audiovisual works, since several rights were contained in such a work, there was no existing organization, which could collect the rights information of all fields of works. Second, items of information to be entered into the database have to be identified and standardized in the light of the needs of users. Further, the contents and structure of the system for the provision of information have to be designed in order to accommodate the needs of users. In so doing, the protection of the privacy of right owners also has to be considered[9].

2.11 It must be noted that the report suggested that it may not be feasible to establish one single database, which contain all rights of all categories of works. Because it was considered that the nature of the work and ways of utilization/exploitation differ in each category of the works. The intent and nature of collective societies are also different. It would be difficult to establish one single database for all works.

2.12 This was the first official proposal to establish a new centralized system to administer databases of rights management information, which would later develop into the J-CIS project.

Stage 2: Development of the J-CIS (1996-1998)

A. "1996 Report on Study and Research on Development of a Database of Copyright Management Information toward the realization of a Japan Copyright Information Services (J-CIS) Center"

2.13 In response to the proposal made by the First Report of the Multimedia Sub-Committee in 1993, the Japan Copyright Office (JCO) of the Agency for Cultural Affairs launched its study and development in 1996 toward the establishment of the Japan Copyright Information Service (J-CIS) Center. For the first year, the JCO carried out a survey on the situation of the collecting and provision of rights management information administered by collective societies, and other associations of authors/rights owners.

2.14 In this context, two other surveys were conducted on 1) the needs of users on copyright management information to be provided by the J-CIS Center; and 2) the technical aspects of a possible networked on-line system for the collection and supply of information.

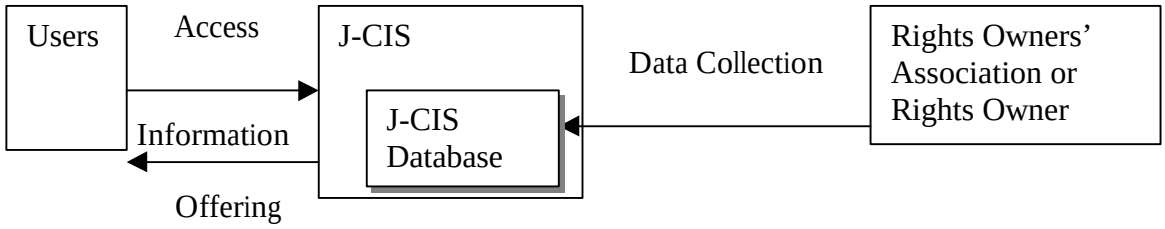
(System structure configuration)

[9] P.35-37, Ibid

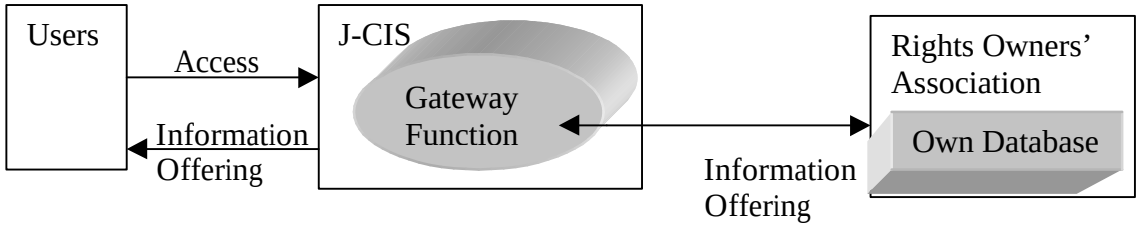
2.15 As a result of this survey, the following three types of systems, namely, a) a centralized system, b) a decentralized system, and c) a parallel system were proposed as alternatives for the basic structure of the J-CIS system[10].

[Chart II-2]

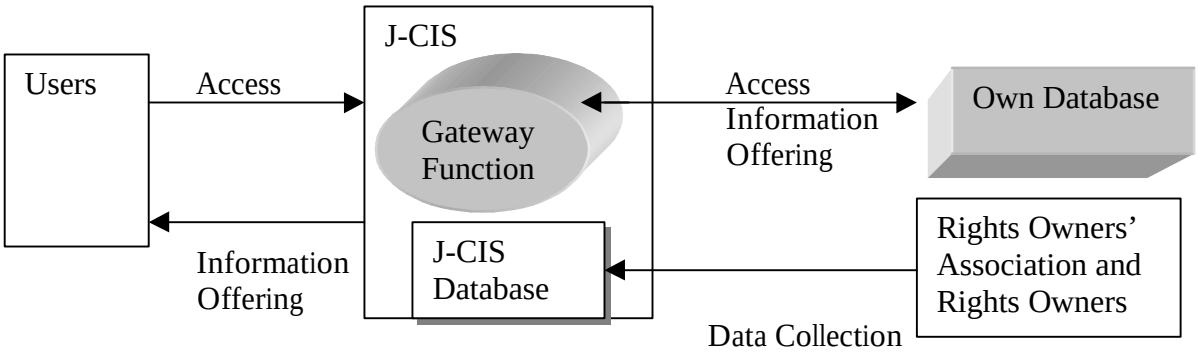
a) **Centralized System** – The J-CIS itself will have its own database of all types of works.



b) **Decentralized system**- each collective society or organization will establish its own database to be linked by the J-CIS as a "gateway".



c) **Parallel System** – a decentralized system (for societies and organizations, which can afford to establish databases) and a centralized system (for small societies and organizations, which can not establish databases,) will be combined.



[10] P. 3-4 , "Report on Study and Research on Development of a Database of Copyright Management Information toward the realization of a Japan Copyright Information Services (J-CIS) Center" , October 1996, the Copyright Division of the Agency for Cultural Affairs

2.16 Although the First Report of the Multimedia Sub-committee in 1993 was silent about the type of system configuration, this report of the 1995 survey concluded that the "parallel" system (c) would be the most desirable in the light of the diversified situations of collective societies and other organizations. Some organizations had already established their own computer-readable databases or had the capacity to construct such a database, while others never had any such database nor the capacity to establish one. It has to be noted that although the report recommended the parallel system, it reiterated that as a basic principle it would be better for J-CIS if each society/organization would construct its own database.

(Items of Information to be contained)

2.17 Although information sought by users were varied, from basic information, such as the title of the work and the name of the rights owner, to more complicated information such as the media and/or occasion in which the work was used or communicated, it was obvious to all users that , at least, the confirmation of the existence of the copyright and the name of its owners were absolutely necessary. Also it was requested to have one common one-stop gateway to access all necessary information for rights clearance, including terms and conditions, and moral rights. The survey also identified that there was no complete database on copyright management information, which contained all the necessary information for rights clearance, administered by any collective society or organization although some organizations had extensive information databases, if not in a computer-readable form. Other organizations were in the process of collecting and constructing rights management information.

2.14 The following list shows the items of information, which were requested by the users' side (multimedia producers) identified by the survey[11]. The J-CIS has been developed to respond to all these needs.

[11] P.7, Ibid

(Information on works)
- Title of work
- Outline or summary of work
- Availability of identification code

(Information on copyright)
- Name of author and contact point
- Name and address of the present copyright owner

(Information on neighboring rights)
- Name and address of the present neighboring rights owners

(Information on communication media)
- Name and type of media by which work was published or opened to the public including the date

(Information on terms and conditions of exploitation of works)
- Forms of exploitation of works which can be authorized
- Royalty or other fees of each form of exploitation
- Contact point for negotiation

(Information of term of protection)
- Term of protection

(Information on reference/access to work)
- Ways to obtain a part or the whole of a work
- Ways to reference/access a work (an original or a copy)

(System for Searching)

2.18 In addition to the information items listed above, the study suggested that the search system be flexible in terms of possible ways (e.g., keywords) for searching in order to accommodate different needs of users who seek information.

2.19 For example, some users already have specific works in mind and would like to obtain the specific information on that work, such as the author's name and terms and conditions for specific type of use. Others may have a more abstract idea about the work that they are seeking. For example, he or she may think, "I would like to use a visual image of mountains" or "I would like to use the song utilized in the TV program broadcasted by ABC a couple of weeks ago." With a view to responding to such diversified needs from users, information items must be arranged and operated systematically within the database so that one can search for necessary information from a variety of different aspects.

(Types of works to be covered)

2.20 The survey also identified the fields of works for which users wish the supply of copyright management information as follows[12]:

- Photographic 64.4%
- Cinematographer 64.4
- Music 61.0
- Arts 40.7
- Literary works 39.0
- Maps 35.6
- Performance 30.5
- Computer programs 28.8
- Phonorecords 27.1

2.21 Therefore, the survey suggested that in particular, such "visual" work as photograph works, cinematographic works, as well as musical works, were considered as priority fields of works for centralized supply of copyright management information. Also, works of maps and computer programs, which did not have any collective society in Japan, were in high demand for a centralized information system. Users also suggested that a one-stop gateway cover all information on all types of works.

(Issues to be overcome at the conceptual stage)

2.22 It is worthwhile to note that the following concerns were presented by both users and rights holders[13]:

- Firstly, it would be necessary to develop "cooperation of all members (authors) of relevant societies and organizations. It will be inevitable for a society to be provided with all necessary information by all its members."

- Secondly, there was the issue of the extent of information to be collected and provided. This issue related to the issue of privacy. Some authors did not want to make public certain types of information. Some authors preferred to release information to fellow members of the society, but not to outsiders. Furthermore, there were other issues such as "how to collect the information of outsiders (who were not members of the society) or "how to collect information concerning works which already are in the public domain".

- Thirdly, there was the issue of how to obtain information concerning the media or occasions in which works were used. It would be an advantage to users if they could obtain information concerning copyright in which works were made available in different communication media. However, it has to be noted that broadcasting organizations or publishers, who should provide relevant information, would not have any specific benefit or incentive to do so. On the other hand, it might become a burden for each member of the society to provide such information individually.

---

[12] P. 9 Ibid, The survey was conducted by sending questionnaires to producers of multimedia. 59 producers and producing companies were responded. The percentage are indicated the ration against the total umber of respondents.

[13] P.10-11, Ibid

- Fourthly, there was the issue of time, effort, and money, i.e., "costs" to establish databases. It would be a serious issue to collect information in the light of the number of members in each society and/or societies themselves.

- Finally, there was the issue of the establishment of databases based on the same format. The societies, which did not have their own databases, would construct databases from the outset. Even for the societies, which had their own databases, it would be necessary to conform them to connect them to the J-CIS.

2.23 Taking into account the above considerations, the project was continued. The report of 1996 also thoroughly discussed the technical aspects of the future J-CIS system in detail. However, the present study will not discuss the issue partly because the content of the report in these aspects was highly technical, and partly because there has been considerable technological change and development between 1996 and now.

B. Model Database (CD-ROM) in 1997

2.24 Based on the outcome of the above-mentioned report of 1996, the JCO took the further step to develop a model database (in a CD-ROM form) as a "prototype" in cooperation with some author's societies and organizations. The model database was constructed and distributed in 1997. (See II-3)

(Purpose of the model database development)

2.25 The development of the model database as a prototype had two purposes. Firstly, it was made to show people what the envisaged database system would look like; how individual users could use it; how it would function for which purposes; etc. The establishment of the J-CIS Center called for the cooperation of a number of people; however, few of them had a clear and concrete image of the system. Therefore, partly to persuade the people who were relatively reluctant and/or skeptical, it was needed to demonstrate the functions and benefits of the system. This was one of the reasons why the model database was made in a CD-ROM form and distributed to a number of relevant people and organizations.

2.26 Secondly, as it would be in any case necessary for individual societies or organizations (for a decentralized system), the J-CIS Center itself (for a centralized system) or both the J-CIS and the relevant societies or organizations (for a parallel system) to construct databases by collecting and inputting information, the JCO thought that it would be a good idea to construct a prototype database experimentally with a view to having experiences for further development.

(Categories of Works for the Model Database)

2.27 As to categories of works of information which would be collected, the JCO selected the following three categories.

- pictorial works
- photographic works

- graphic works

2.28 These were selected partly because the report in 1996 had indicated that the needs for copyright management information were high in the field of "visual" works, and partly because the societies and organizations in these areas were lagging behind in terms of the development of databases, compared to other fields, such as musical works.

(Items of information stored)

2.29 Items of information were also selected based on the report in 1996, in other words, by responding to the needs of the users (mainly multimedia producers). They were :

- field ("pictorial work", "photographic work" or "graphic design")
- title
- characteristics ("key words" to describe the work)
- name of author
- name of rights owner
- communication media (the media by which the work was first published and /or opened to the public, e.g., specific name, volume, date, etc. of newspaper, journal, broadcasting program, exhibition, web site, etc.)
- term of protection
- royalty (for each specific way of exploitation)

2.30 Among the above items, "communication media" presented the most difficulties. The demand for this item was very strong among users (multimedia producers) because most of them said they had seen the work in a journal a few weeks ago or that they had listened to something a broadcasting program a couple of months ago, for their use in multimedia. As it was virtually impossible to collect the information on all such publishing or communication to the public, the model database limited this information to only the media/occasion for the "first" publishing and /or communication to the public.

2.31 Also, the item "royalty" (h) was left empty of actual information in the model database. This item was included, anticipating Phase II of the J-CIS project in the future, in which a networked and on-line contract/payment system will be established. However, at this stage, no relevant author is ready or prepared for such a practice, and therefore, the data in the database were replaced by some symbols chosen at random just for the simulation of data searching.(See II-12)

(Construction of the model database)

2.32 Data to be inputted in the model database were collected by relevant societies and organizations of the above three categories of works for four months from November 1996 to February 1997. Each of these societies and organizations asked their member authors for cooperation and the members submitted relevant information to the societies and organizations in terms of their works published during the period.

2.33 The number of works, the information on which was collected and inputted in the model database, was over 3000. The data were collected by the societies and organizations based on the common format and framework, which had been established by the JCO. The data of all 3000 works were submitted to the JCO, and then sent to a

commissioned company called NTT DATA for construction of the model database. (This means that digitalization and data entry were not carried out by participating societies/organizations but by NTT DATA).

2.34 Contracts for copyright clearance to make and use the model database among all cooperating authors, the societies/organizations, the JCO and NTT DATA, were also developed and carefully prepared.

(Function of the model database: how to search for necessary information)

2.35 Data of the 3000 works in the model database can be searched by inputting "key words" on the search screen (See II-4) Key words can be inputted for the following items, which correspond to the items of information stored for each work.

(a) field ("pictorial work", "photographic work" or "graphic design")
(b) title
(c) characteristics ("key words" to describe the work)
(d) name of author
(e) name of rights owner
(f) communication media (the media by which the work was first published and /or opened to the public, e.g. specific name, volume, date, etc. of newspaper, journal, broadcasting program, exhibition, web site, etc.)
(g) term of protection
(h) royalty (for each of specific ways of exploitation)

2.36 The following ways of searching are examples of possible search methods. Also, for the convenience of users, the "key words" can be inputted just by choosing proper words among the displayed ones (by "clicking")

Search 1

- (a) "pictorial work" of (c) mountain or lake of (d) "Mr. AAA" [searching for specific works]

Search 2

- (a) photographic work of (c) woman which was in (f) journal "BBB" [searching for specific works]

Search 3

- any (a) picture, photo or graphic design of (c) "car" under (h) "*** yen" as royalty; [searching for works]

Search 4

- any (a) graphic design which is (b) entitled "DDD"; [searching for the author and the right owner(s)]
- **Search 5**
- any (a) "pictorial work" of (d) Ms. EEE under (h) "*** yen" as royalty; [searching for specific works]

[For technical reasons, illustrations are not reproduced here.]

2.37 After the searching process which due to the CD-ROM format takes some 30 seconds (because, at this stage, the model database is not yet in the computer memory but in a CD-ROM, and therefore, the data should be extracted each time from the CD-ROM), the number of relevant works is indicated. If the number is too big, it is of course possible to change the set of keywords to narrow down the selected works. (See II-5, II-6)

2.38 If the number is satisfactory to the searcher , the list of the works can be displayed (See II-7) Display of samples of all works is also possible. (See II-8) To obtain detailed information on one of the works, it is possible to access the pages either from the "list" or the "samples" by clicking on one of them.

2.39 Information on an individual/specific work is displayed on the following four screens;

- **Information on the specific work (II-9)**
- **Information on the right owner (II-10 (a) and (b))**
- **Information on the reference and contact point (II-11)**
- **Information on terms and conditions for exploitation (II-12)**

2.40 In the case of the model database construction in 1997, NTT DATA, making use of the information on paper submitted by the participating societies and organizations, carried out data entry. However, in the future J-CIS center system, data entry will be done by each society /organization. Therefore, the development of an effective system for data entry, which can be used by non-experts in such societies/organizations, was conceived as a crucial factor for the whole system.

C. "**1998 Report on research and study on effective ways of collecting copyright management information and entering data toward the establishment of J-CIS "**

2.41 Based on the experiences in developing and constructing the model database, research and development focusing on input and administration of data was conducted in 1997

for the establishment of a much larger and full-fledged database of J-CIS in the year 2000. In this activity, the relevant societies and organizations conducted experimental data entry in order to examine the function and operation of the software for data entry, as well as of the scanner for digitalization and storage of images.

2.42 With a view to conducting the experimental data entry, first, societies and organizations collected information concerning copyrighted works by filling questionnaires in paper form. Such information contains the title of works, the characteristics of works, the name of the author, and the term of protection of "Pictorial works" "Photographic works" and "Graphics designs". Information on the following number of works were collected:

- Pictorial works – 840
- Photographic works – 1213
- Graphic designs – 1162

2.43 Second, data entry was conducted by respective associations/societies based on information provided by members. Time consumed for data entry was: for word data – 10 to 15 works per hour, while images were more time consuming : less than 10 works per hour. As for the operating environment of J-CIS, the basic operating system was Windows 95 or Mac/OS and the application software used was Microsoft Excel Version 5 (Excel 97).

2.44 Third, the experimental data entry software to be used by each association and society was developed. The project was again commissioned to a private company (NTT DATA). A working group composed of representatives of NTT DATA, copyright organizations (i.e., All Japan Federation of Copyrights for Photographers, The Japan Art, Photographs and Graphic Design Copyright Organization, The Japan Artist Federation) and the JCO was formed to discuss:

1)items of information to be entered ; and 2) the functions of the experimental data entry software.

2.45 5In the process of constructing the experimental data entry software, the following concerns were raised by both users and right owners[14]:

As for **"Information collection"**

- It would be difficult to obtain a mutual understanding among all members of relevant associations for the importance of the data collection.
- It would be also difficult to obtain authorization by rights owners to transmit works (samples) through the Internet because of the fear of unauthorized use.
- For graphic designs, it would be necessary to obtain the authorization not only from the authors but also from the client because of contracts.
- It would be useful to collect information and digitize works since many works tend to disappear after the author's death.

[14] P.9-11, "Report on research and study on effective ways of collecting copyright management information and entering data toward the establishment of J-CIS ", March 1998, The Copyright Division of the Agency for Cultural Affairs.

As for "**Data entry"**

- It would be cumbersome to enter data such as the name of author and address, which is common, repeatedly. It would be, therefore, desirable to have a system in which the data already entered do not have to be re-entered.
- It would be more efficient if authors can enter relevant data by themselves.
- It could save time if there will be two different formats, one that is title-based and the other which is author-based, since it would not require repeated entry of identical information.
- If it is possible to enter data by adjusting images one by one, a good quality of image can be achieved.
- It would be necessary to standardize the size and type of image of the contents.
- It is desirable to have one display on which both the image and the data of the work can be displayed together.
- It would be worth considering the establishment of a data entry system by e-mail considering the development of networks in near future.
- It would be easiest to enter images by flathead scanner.

As for **Keywords for searching**

- It would be better to prepare a standardized list of key words to search for relevant works/information.
- One has to consider the possibility of establishing an objective standard of key words for the convenience of third parties to access the database.

As for the Quality of Images and Screen

- 300 dpi is enough in order for users to recognize the image of works.
- It is important to consider the design of display screens and buttons.

As for **Security of Information**

- It would be necessary to provide security devices using electronic watermark for rights owners willing to provide their works without any fear.

2.46 This outcome of the discussion was included in the above-mentioned report, which was published in 1998.

Stage 3: Re-examination of the J-CIS project (1998-) - Change of Strategy from "Parallel System" to "Decentralized System"-

3.1 After the above mentioned study on data entry through fiscal year 1998, the JCO , in cooperation with a study group composed of representatives of right owners and users, has been re-examining the overall concept of the J-CIS

3.2 Based on the experiences in developing and constructing the model database, during the fiscal year 1998, the JCO of the Agency for Cultural Affairs, in cooperation with a study group of collective administration jointly established by Consortium of Copyright Societies on Multimedia Issues (CCM) and Consortium of Multimedia Producers (CMP) has been re-examining the overall concept of J-CIS.

3.2 One of the most significant outcomes of this re-examination was the change in the basic system configuration from a "parallel system" to a "decentralized (but integrated) system". (III-1)

3.3 The reason for this change was that it might be unfair to give financial and other assistance only to the societies and organizations which are either not willing to establish such a database or too weak to do it by themselves. It was also considered that giving financial and other assistance might cause a "free-rider" problem for the organizations, which are willing to prepare and make efforts to develop their databases because other organizations would obtain assistance from the Government.

3.4 The system would first develop in each organization with two servers (one for a home page and the other for a database), and also with one personal computer and a workstation for security purposes. Each organization would be responsible for the establishment, operation and administration of its database. Both users and right owners' organizations would share the necessary costs and it would be up to the decision of each right owners' organization whether any fee will be charged for the access to its database. Governmental funding would be used only for developing a comprehensive data research system within the J-CIS Center itself.

3.5 The whole system of the J-CIS will be operated by the following process (III-2);

1) Users access the J-CIS Center's comprehensive search system site through the Internet (Step 1)

2) Users search for copyright management data by inputting key words for one or more search items (e.g. category of work, title of work, characteristics of work and name of author, etc.) (Step 2)

3) The J-CIS Center will link with databases constructed and administered by member organizations. (Step 3)

4) The J-CIS Center shows the overview of all related information extracted from one or more databases on its comprehensive search system display page. (Step 4)

5) Users select the specific work(s) from among the search results.

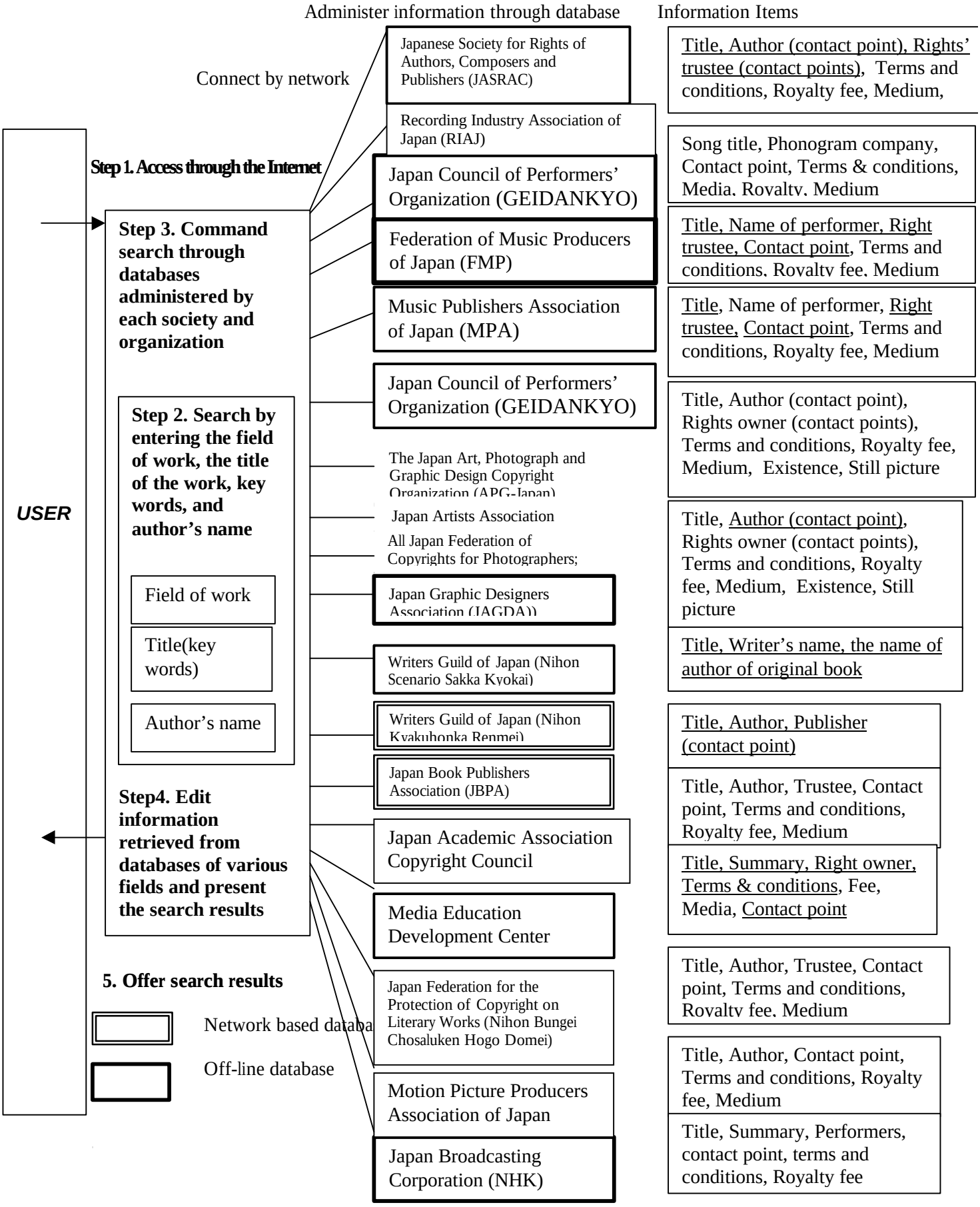
6) The J-CIS Center's comprehensive search system will search for the work in the relevant database.

7) The detailed information concerning the selected work(s) will be presented on the J-CIS Center's comprehensive search system display. (Step 5.)

8) Finally, users may contact right owners directly by phone, mail, e-mail etc. for rights clearance.

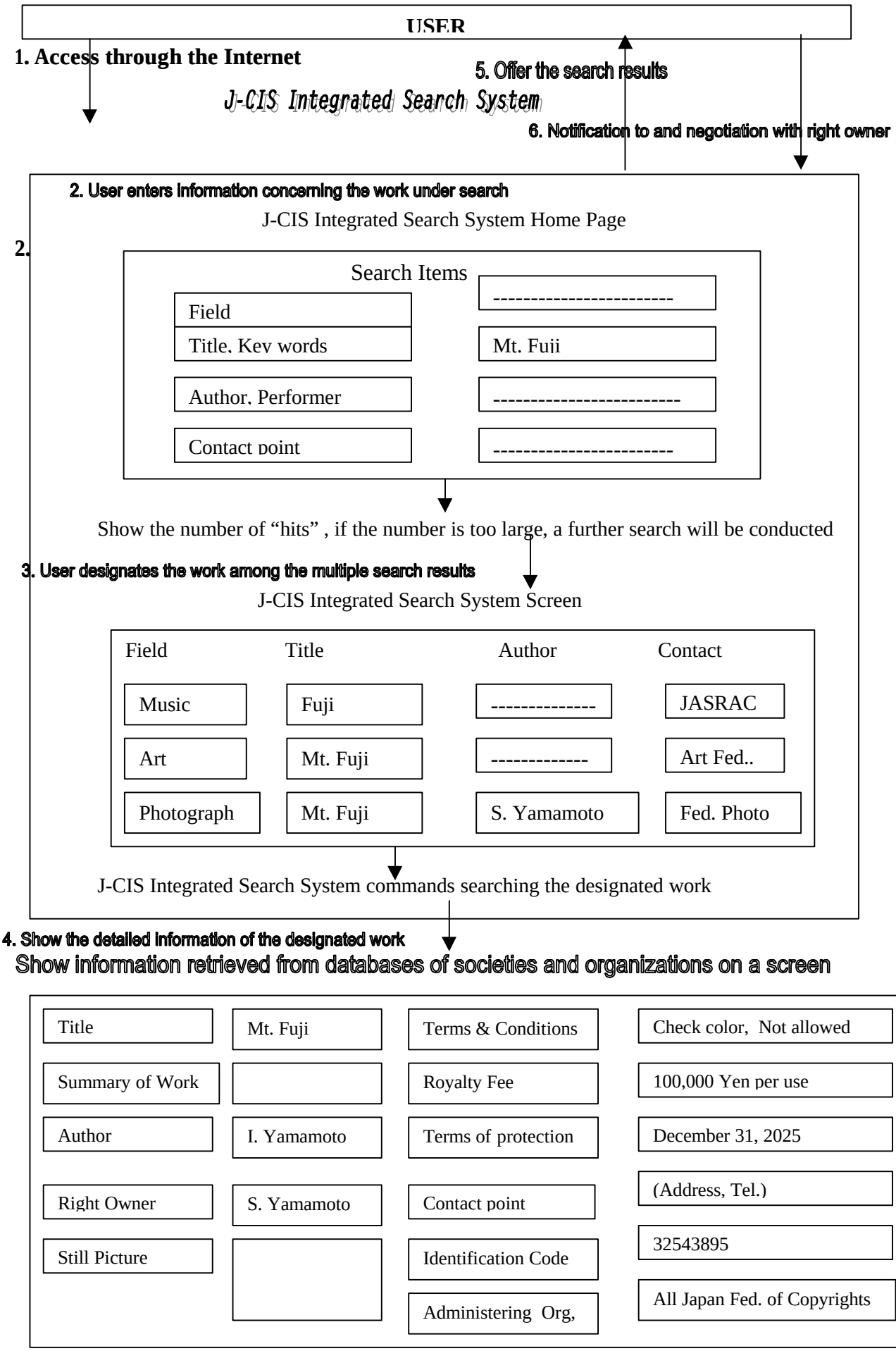
3.6 Thus, the most urgent task for the J-CIS project at this stage is to develop a ground design of the decentralized/integrated model search system. The second task is to develop an "on-line" system through the Internet.

[Chart III-1] - **The Concept of J-CIS (Japan Copyright Information Service) Center as of November 1998**



[Chart III-2]

Information Flow of J-CIS



4. Challenges for Future Development

4.1 The development of J-CIS is currently in Phase I. As soon as the database is prepared and the comprehensive/integrated search system is developed, the J-CIS will move on to Phase II, in which rights clearance and payment of royalty fees could also be done "on-line".

4.2 For these purposes, the J-CIS project must be in line with the development of general electronic commerce. The legal issues concerning electronic commerce , such as intellectual property rights taxation, liability, user protection, contract law, international private law and electronic commerce should also be considered. The security of electronic payment must be ensured.

4.3 Furthermore, in order to connect with other foreign databases to be a part of a global information network, the language problem must be solved. The J-CIS is currently operated only in Japanese. It is difficult for users who do not have proficiency in Japanese to utilize the database. An automatic translation system or other forms to translate languages need to be introduced.

PART III Creating a Global Information Network of Copyright Information Databases and WIPO's Role in it

1. Issues for further development of an information system toward the realization of rights clearance

3.1 The Japanese case indicated in the previous section has taught us important lessons in order to a database and information system to be more practical and useful. One big issue, which Japan will face in the next phase of the project, is how to utilize the current information provision system for on-line rights clearance. For that purpose, at least the following issues have to be solved:

A. Flexibility Issue

3.2 Many rights owners wish to promote their works through an electronic copyright information management system such as the J-CIS. They wish to authorize the use of their works if the conditions of both users and right owners can be met through an on-line rights clearance system. However, in such a case, they would like to have highest flexibility.

3.3 For example, rights owners would like to set different fees for different users. They would like to charge more to profit-making companies but less to non-profit organizations. Moreover, they may sometimes wish to refuse to give authorization to particular users or particular cases even if royalties are to be paid promptly. It is crucial for rights owners to maintain control of the authorization of the exclusive rights of works.

3.4 In order to accommodate such demands of right owners, the system should be flexible and allow rights owners to use the system on an interactive basis. Users need to identify themselves to the authors and inform them of their intended purposes for use of the works so that the rights owner may have a choice as to whether they would authorize the use or not. The search system should provide multiple screens so that each user could be differentiated depending on the ways of exploitation and their status.

Security Issue

3.5 Many rights owners also demonstrated concerns regarding security issues very strongly. Particularly, through the Internet, once their work is transmitted, the work is no longer within their control. There is the fear that works might be utilized beyond the scope of their authorization. In particular, copies of visual works, which are increasingly digitized such as photographs or graphic designs, can be easily made which are identical to the original. Thus, an adequate copy protection system must be developed and equipped for the work to be transmitted. Also adequate measures for circumvention of such technological measures have to be established and enforced by government.

3.6 If users and rights owners wish to complete their transactions through the Internet, a royalty will have to be paid in electronic form. This is related to the issue of more general electronic commerce. Unless the security issue is cleared, no one will be willing to give his or her credit card number over a network. Electronic signatures or other measures to secure the security of the transaction have to be developed.

2. Considerations to link databases globally

3.7 Concurrently with the J-CIS, several projects of the Electronic Copyright Management System (ECMS) have been developing in various areas of the world. The ESPRIT (European Strategic Program of Research and Development in Information Technology) project, which is supported by the European Commission (DG-III and Directorate-General), is worth noting[15]. Under the ESPRIT projects, projects such as COPICAT (ESPRIT project 8195), COPYSMART (ESPRIT project 20517) and IMPRIMATUR (ESPRIT project 20676) are specifically related to copyright information management.

3.8 Some countries are considering developing the similar project. For example, Hong Kong has decided to conduct a study on establishing the rights management database. A seminar concerning the right management database jointly organized by the Intellectual Property Department of the Government of the Hong Kong Special Administrative Region and the Hong Kong Productivity Council was held on 4 June 1998. About sixty representatives from the computer software, music, film and book publishing industries together with legal professionals and experts from Hong Kong, Mainland China and overseas attended the seminar. Hong Kong Special Administrative Region Government will soon engage a consultant to conduct the study on this issue and the result of the study will be released in the second half of 1999.

3.9 Other profit and non-profit organizations have also invented other information systems for rights clearance. For example, for phonograms, IFPI (The International Federation of Phonogram Industries) administers the International Standard Recording Code (ISRC) for phonograms and several phonogram producing companies started their own pilot project of the on-line rights clearance as well as the on-line sales of contents through the Internet.

3.10 Since copyrighted works may be transmitted form one country to another almost instantly through the Internet, transactions in copyrighted work and copyrights themselves would take place globally. Thus it is important to all parties, both users and rights owners to have a global

[15] For the detail of projects, see "Electronic Management and Trading of Intellectual Property" European Commission, update: June 1998

information network concerning copyright management information. Therefore, it is worth considering linking different databases of various countries. For that purpose, the following considerations must be noted.

A. Certain standardization of items of information contained in the database

3.11 In order to promote the linkage among different databases and to facilitate the smooth search for data, standardization of items of copyright information is needed. As the J-CIS projects identified standardized information items for each field of work, such standardized items of information and a certain order of information listed will benefit the global networking of such a database.

3.12 As J-CIS project identified information necessary to be contained in the database, several information systems and database also identified items of information. For an example, as indicated the above, ISRC for phonogram and the International Standard Book Number (ISBN) and the International Standard Serial Number (ISSN) for books were developed and widely used in the respective fields as an identification code of works. Information contained in this established code is examples of standardized items of information needed for the database.

B. Integrated Data Search System among various copyright information databases

3.13 As the J-CIS project also suggested, once various databases of copyright information are connected through the Internet, an integrated and comprehensive data search system has to be developed. Interoperability is a key element in that context. Serious attention must be paid to the different definitions of copyrighted works among countries and the different contractual customs if it is desired that such global database be a medium for "on-line" rights clearance. Needless to say, flexibility issues in system design and security issues as to data as well as system protection have to be addressed.

C. How to overcome language barriers

3.14 Language is also important consideration for a global network. The interface should ideally be designed on a multilingual basis. Automatic translation could be provided in order to serve users of different tongues.

3. WIPO's role in this project

3.15 As an international organization, which has primary responsibility for world intellectual property administration, WIPO is expected and will be able to play a significant role in developing a global information network of copyright and other intellectual properties. This issue is related to WIPO's role in harmonizing and coordinating various types of rights management information which have been and will developed by national authorities or private parties and will need to standardization efforts. In this context, which role, if any, may or should WIPO play in this field ?

A. Standardization of Items of Information

3.16 The new WIPO "Internet Treaties" – the "WIPO Copyright Treaty" (WCT) and the "WIPO Phonograms and Performances Treaty" - contain provisions concerning rights management

information. (Article 12 of WCT and Article 19 of WPPT)[16]. These provisions were intended primarily to protect the rights of copyright owners. However, such rights management information is also expected to utilize for electronic rights clearance in the near future.

3.17 In order to comply with these provisions of the new treaties, many countries are trying to provide adequate and effective legal remedies against acts to remove, or alter rights management information or to distribute, import for distribution, broadcast or communicate to the public works or copies of works of which electronic rights management information has been removed or altered without authority. In this connection, many countries are trying to identify a definition of rights management information in their national legislation and in some cases, standardization efforts of such rights management information in various categories of works may be facilitated.

3.18 In Article 12 (2) of WCT, the definition of right management information is provided as " information which identifies the work, the author of the work, the owner of any right in the work, or information about the terms and conditions of use of the work, and any numbers or codes that represent such information, when any of these items of information is attached to a copy of a work or appears in connection with the communication of a work to the public." Although the right management information defined in WCT as well as WPPT must be attached to a copy of a work, a fixed performances or a phonogram and appear in connection with the communication of a work to the public, items of information to be included as indicated in the provision are similar to those to be included in copyright management database. If the contents and information of copyright could be transmitted together in electronic form, such information can be identified as "right management information".

3.19 Therefore, considering the future development of rights management information and its possibility to be utilized for a rights clearance system, WIPO should initiate studies and research in order to contribute to certain standardization of right management information and to utilize it for the establishment of a global link of copyright management databases.

B. Becoming a Global Linkage Point

3.20 WIPO has the capability and resources to be a global linkage point for a copyright information database. WIPO ought to play the key role in assisting each country or area to establish and further develop such database. WIPO also could play a centralized role in developing an integrated and comprehensive search system of databases, which would be

---

[16] Article 11 of WCT
(2) As used in this Article, "rights management information" means information which identifies the work, the author of the work, the owner of any right in the work, or information about the terms and conditions of use of the work, and any of numbers or codes that represent such information, when any of these items of information is attached to a copy of a work or appears in connection with the communication of a work to the public.
Article 19 of WPPT
(2) As used in this Article, "rights management information" means information which identifies the performer, the performance of the performer, the producer of phonogram, the phonogram , the owner of any right in the performance or phonogram, or information about terms and conditions of use of the performance or phonogram, and any numbers or codes that represent such information, when any of these items of information is attached to a copy of a fixed performance or a phonogram or appears in connection with the communication or making available of a fixed performance or a phonogram to the public.

connected globally through the Internet. This would facilitate the dissemination and use of works and would contribute to the further development of intellectual creations at a global level.

3.21 Furthermore, WIPO is an organization whose responsibility is Intellectual property in general, not only copyright and neighboring rights, but patent, trademark and industrial design and databases thereof. Interconnectability and interoperability between copyright databases and other IP databases could be pursued globally. The WIPO's role in this area is crucially important and needs to be strengthened.

4. Conclusion

4.1 This study was intended to summarize the basic issues concerning rights management database systems and to present one example - the Japan Copyright Information Service Center (J-CIS) - which materialized the concepts of such a database even on an experimental basis. Many countries that are considering conducting a similar project could learn from Japan's experience and can save time and efforts to realize there own system. The J-CIS project has identified a number of key issues and lessons for other projects.

4.2 First, careful need assessments and research are necessary. The J-CIS was initiated by the JCO upon the recommendation of the Multimedia Sub-Committee of the Copyright Council. In recommending the project, the Committee conducted needs assessments of both users and rights owners, and concerns of both parties were identified. Needs assessments were useful particularly because of the different situations for each field of works. The need assessments also identified concerns of users and right owners. Major concerns of two parties identified by the assessments are; users preferred a simple system with a standardized royalty fee and a flexible search system while rights owners in various fields of works wanted to keep control over their works as much as possible; (they also wanted to have flexibility in terms and conditions, and to differentiate users, types of exploitation); The moral rights issue was also identified as important to both users and right owners since digitized works can be easily modified. Right owners required security to protect their work from modifications to which they did not give consent. Further research on system structure, items of information to be included in the database, systems for searching and the types of works for which a database was necessary was also useful. The information could be utilized for constructing an experimental database.

4.3 Thirdly, experiments are useful in order to assess the feasibility of the project. Two experiments – a model database and development of data entry software had two impacts; one was to identify problems to be overcome toward the establishment of the full system; two was to show various rights owners associations which had the primary responsibility to develop and maintain databases a prototype of the system in order to encourage them to initiate their own database creation.

4.4 Fourthly, after conducting several experiments and research, re-examination of the concept and the system structure of the project might be effective. In the J-CIS project, after five years from its initiation, the whole project was re-examined. First, it was envisaged in 1995 that a parallel system, in which in principle right owners' associations would establish their own database and the J-CIS would do so for associations which were not capable to do so, would be the most desirable system. However, in 1998 after re-examining the system structure, this concept was changed. Instead, a decentralized system where each collective society would

establish its own database to be linked with the J-CIS system and searched with the J-CIS's integrated search system elected. One reason for this was because it was considered that it might be unfair to give financial and other assistance only to these societies and organizations which are either not willing to establish such a database or too weak to do it by themselves. The J-CIS is expected to complete Phase I - only to supply relevant information to the public through networks for direct contact or contract- by the year 2000 and will move on Phase II – to realize an on-line contract and payment system. Various issues must be overcome and continuous developments and feedback are necessary to move forward.

4.5 Finally, a global network of various copyright management databases administered by countries, profit or non-profit organizations would be beneficial to users and right owners at the global level. Several issues, such as the standardization of items of information, security issues and language barriers must be considered. In this connection, the WIPO's initiative on this matter would be beneficial to all member states, as well users and right owners. WIPO could play major role in this matter, by organizing meetings, conducting studies and disseminating the results of meetings/studies. Such efforts would facilitate efforts to establish such a database on both national and international levels. WIPO could be a possible global linkage point by offering an integrated search system.

[End of the document]