

•  
•  
•  
•  
•  
•  
•  
•  
•  
•

# Intellectual Property and E-Commerce

WIPO-WASME SPECIAL PROGRAM ON PRACTICAL  
IP ISSUES

Geneva, October 6 to 9, 2003

ARTURO ANCONA

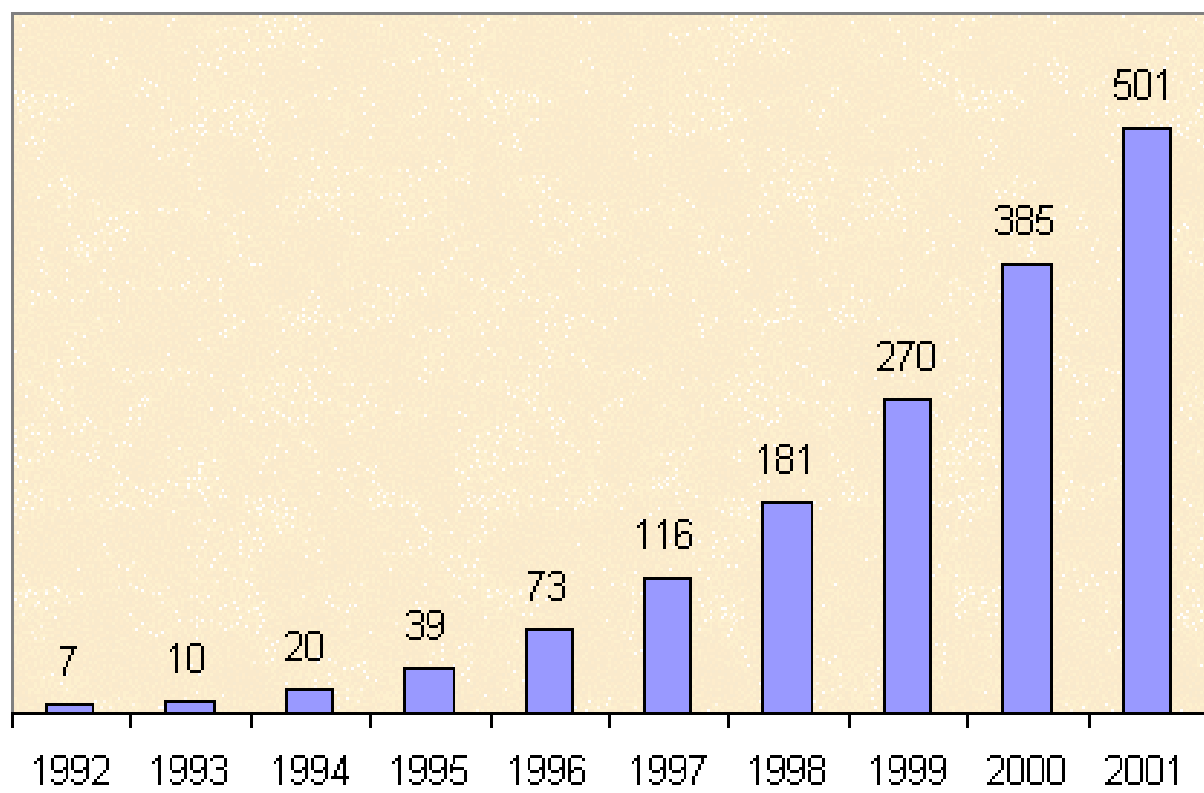
Copyright E-commerce, Technology and Management  
Division



⋮

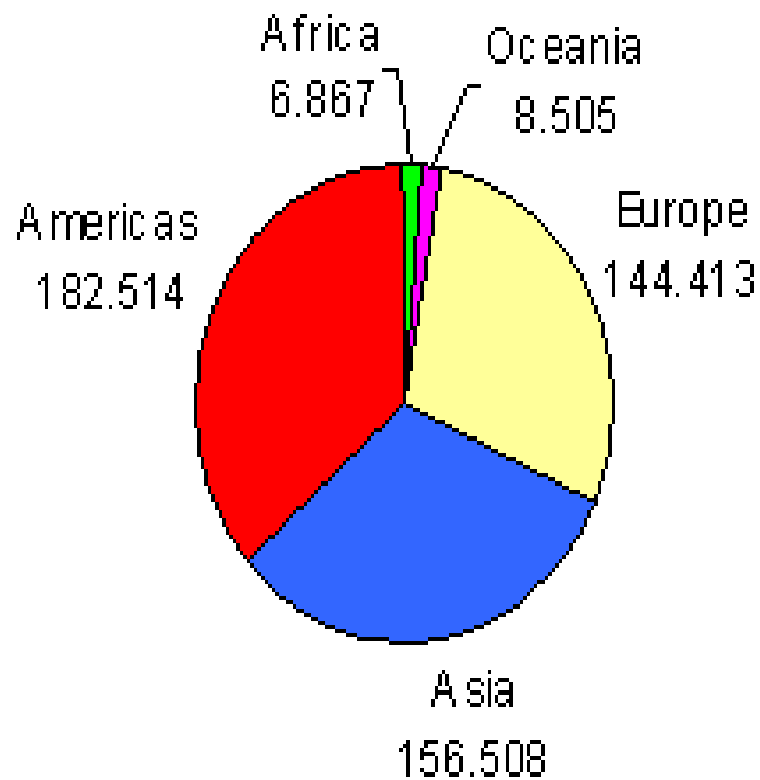
# “Intellectual Property & E-Commerce”

### Internet Users in the world (millions)

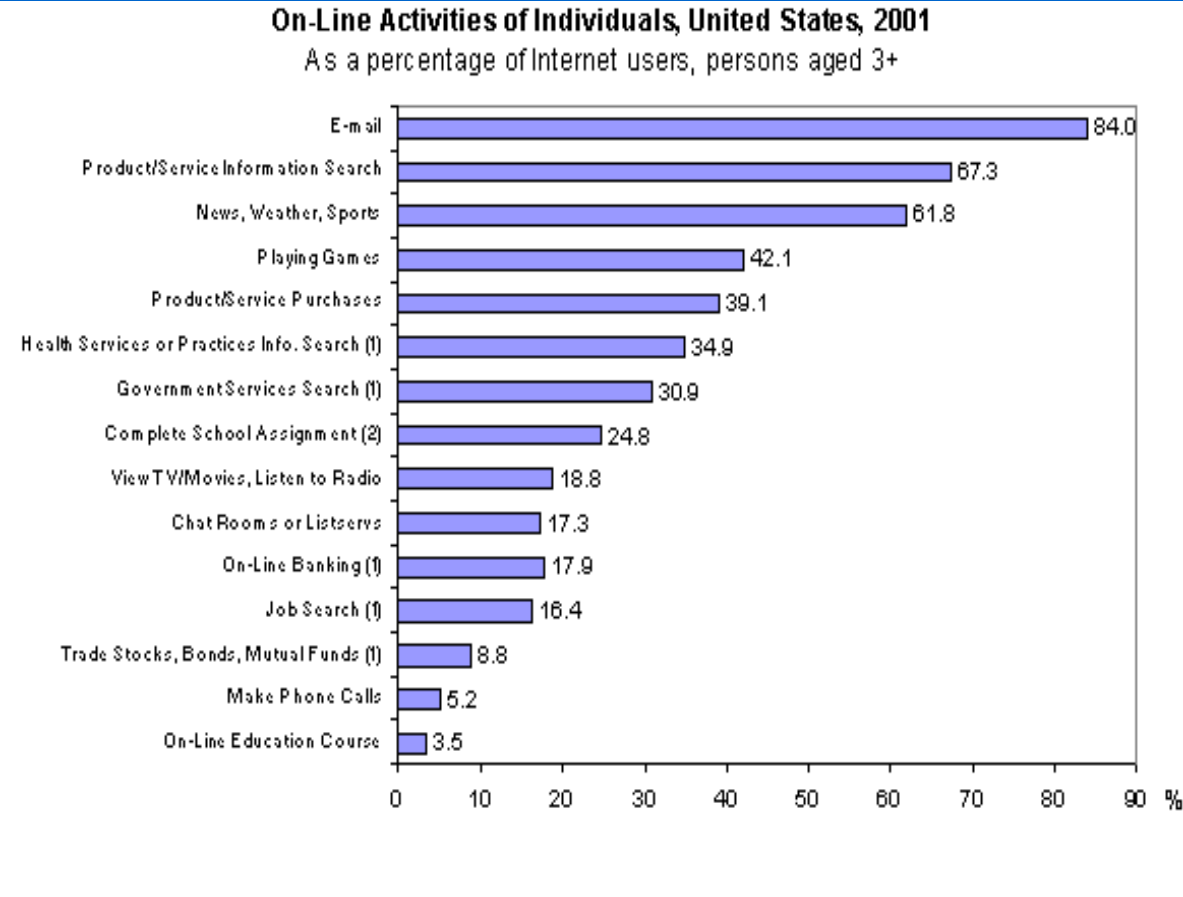


Source: World Telecommunication Development Report, ITU, March 2002

Geographical Distribution of On Line Population  
(millions)



Source: World Telecommunication Indicators, ITU, March 2002



Source: OECD "Information technology Outlook-ITC and the information Economy "

Figure 9 at p. 197. Copyright OECD, 2002



•

# Challenges posed by the digital technologies to IP

F perfect copies, instant, infinite copies

F distributed globally with a click, morphable

F online piracy (growing as bandwidth increases)

7 ongoing battle

7 file-sharing creates increasing urgency

7 music piracy costs the industry US\$4.3 billion a year-----40% of all C.Ds sold in 2002 were pirated copies

7 , the film industry is next...

F jurisdiction

7 IP law is territorial

7 Internet is everywhere and nowhere

7 how to defend and enforce IP rights in virtual space?



⋮

# Responses to Challenges Posed by Digital Technologies

- WIPO “Internet Treaties” : WIPO Copyright treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) entered into force on March 6, 2002, and May 20, 2002, respectively
- Continuous work due to Further technological developments
- Support to National legislation



- 
- 
- 

## Legal adjustments in response to digital technologies under the WCT/WPPT

- F Legal control over storage and transmission of works in digital systems
- F Rights to prevent circumvention of copy- and access-controls (encryption, watermarking)
- F Rights to prevent tampering with rights management information (digital identifiers + licensing terms expressed as metadata & associated with content)

## Implementation of the WCT & the WPPT

- Japan: Amendments to the Copyright Law
- United States of America: Title I of the Digital Millennium Copyright Act (DMCA), “WIPO Copyright and Performances and Phonograms Treaties Implementation Act of 1998”
- European Directive 2001/29/EC on the harmonization of certain aspects of copyright and related rights in the information society

•  
•  
•

## Remaining Issues

- Protection of Audiovisual Performances
- Protection of Broadcasting Organizations
- Protection of Non-Original Databases

- 
- 
- 

## Jurisdiction and applicable law

- Complexity of the issues
- WIPO's initiatives
- WIPO Arbitration Center
  - time & cost savings
  - autonomy
  - neutral procedures
  - specialized expertise
  - confidentiality
  - single procedure
- ADVISORY COMMITTEE ON ENFORCEMENT



# Proposed Future Work of the WIPO Standing Committee on Copyright and Related Rights

- DRM
- Exceptions and Limitations
- Visually Impaired
- voluntary copyright recordal systems
- implementation of the WCT and WPPT
- economics of copyright
- collective management of copyright and related rights

- 
- 
- 

# WIPO Digital Agenda



- 
- 
- 

*Thank you!*

Visit the WIPO website at:

<http://www.wipo.int/copyright>