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Copyright

- Literary and artistic works
 - Books, pamphlets, computer programs
 - Musical works, with or without wordsWorks of art, architecture
 - Dramatic and musico-dramatic works
 - Databases
 - Maps, plans, charts
 - Audiovisual works

Basic rights

- Reproduction
- Distribution of copies
- Rental of copies
- Performance
- Broadcasting
- n Communication to the public/Making the work available
- Moral rights

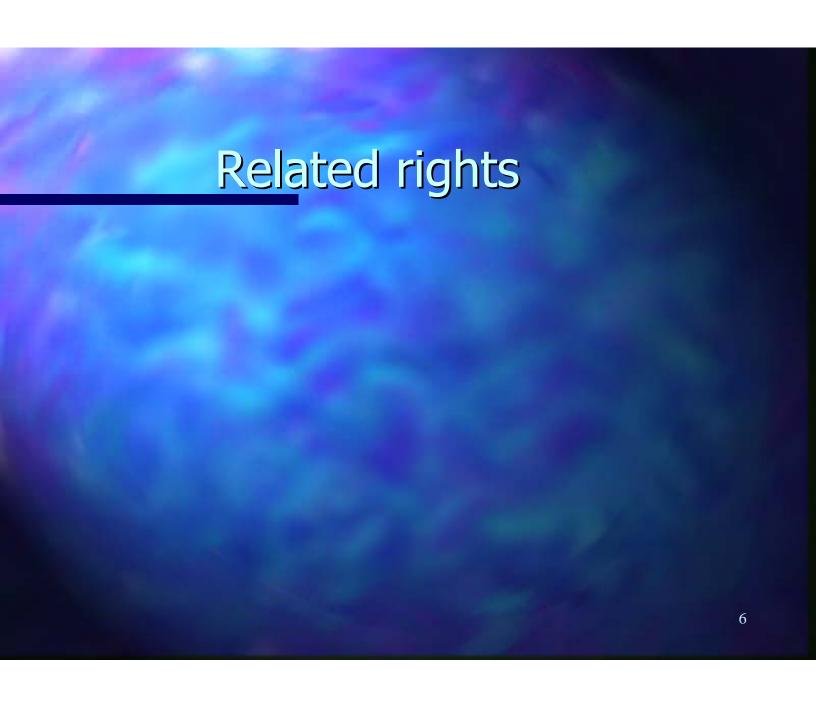
How to limit copyright?

- Excluding certain categories of works
 official texts of legislative, administrative and
 legal nature, news of the day, mere items of press
 information
 - Permitting free uses for particular purposes

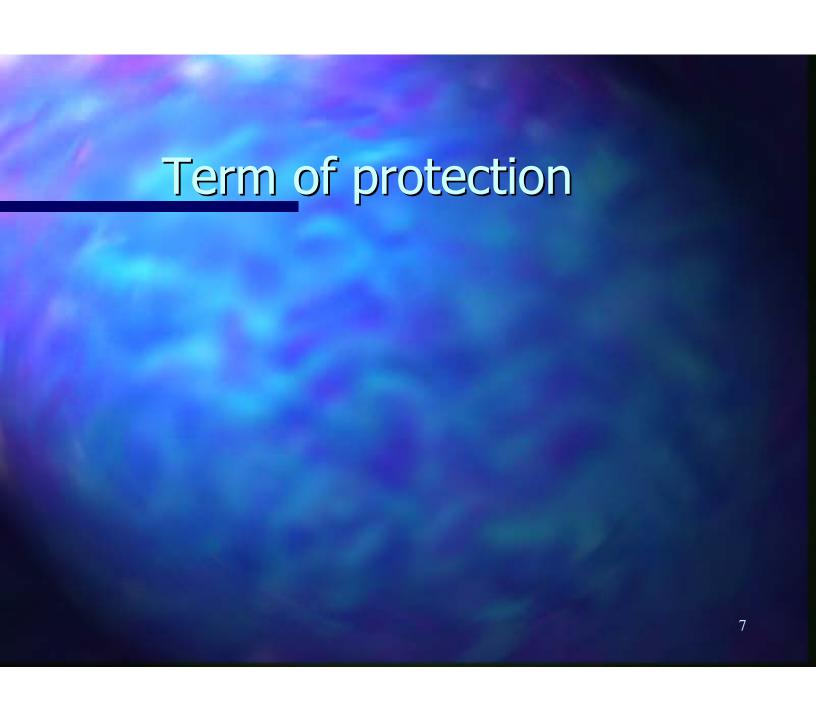
 personal use, quotations, parodies, criticism, use
 for teaching purposes, news reporting, scientific
 research, libraries, certain cases of reproduction,
 fair use or fair dealing
- recordings, broadcasting, reproduction and translation in developing countries

Limitations and exceptions

- n Quotation
- Reproduction for private use
- Reproduction in schools, etc.
- Reproduction in libraries, archives, etc.
- Public lending
- Reprint of newspaper articles in the press
- Article 9(2) Berne Convention, Article 13 TRIPS Agreement,
 Articles 10(2) WCT and 16(2) WPPT
 - certain special cases
 - do not conflict with normal exploitation
 - do not prejudice the legitimate interests of rights holders



Performing artists
Phonogram producers
Broadcasting organizations
Non-original databases?



Copyright: 50 (70) years p.m.a.

Related rights 50 years (20) after fixation, etc.

International Treaties

- The Berne Convention 1967/1971
- The Rome Convention 1961
- "Guided development"? 1975 to 1990
- The TRIPS Agreement 1994
- WCT and WPPT 1996

New challenges

- Digitization has facilitated rampant piracy of copyright works
- New information technologies: peer-to-peer (P2P)
- Decrease in sales of recorded music by 7% in 2002. Unauthorized downloading of 400,000 to 600,000 films every day.
- Legal sanctions may prove insufficient to address the problem
- n The consequent loss to shared culture

The "Digital Agenda" I

- n Right of reproduction
 - 7 Temporary reproduction,WCT Article 1(4) and the agreedstatement, WPPT Articles 7 and 11
- Right of making available
 - 7 The "umbrella solution," WCT Article 8, WPPT Articles 8 and 14

The "Digital Agenda" II

- Limitations and exceptions WCT Article 10, WPPT Article 16
- Technological measures

WCT Article 11, WPPT Article 18

MARKING OF CONTENT FOR IDENTIFICATION

Digital signatures - for authenticity

- > IDENTIFICATION CODES ISWC (work code for musical works)
- > ISRC (recording code)
- hiding of messages/embedding identification by watermarking/fingerprinting

Limiting access to the content:

ENCRYPTION

The process of converting a message from its original form into a scrambled form. Used early in satellite TV activities

Rights Management Information

- Rights Management Information
- WCT Article 12, WPPT Article 19 COMPLETE TRADING SOLUTIONS
- next step after technological measures
- enable rights owners to protect their content
- and to trade with it
- combine technological measures and
- revenue collection from digital content

General Update

- Computer programs
- n Databases
- Distribution and rental
- Enforcement
- Economic and moral rights for performers
- n Economic rights for producers of phonograms

Final and Administrative Clauses

Intergovernmental organizations can become party to the WCT and the WPPT

Entered into force when 30 countries had adhered or ratified

n WCT: March 6, 2002

WPPT: May 20, 2002

Use of protected works

- n Do I need a license
- how works are managed?

COLLECTIVE MANAGEMENT

SOCIETY

INTERMEDIARY
BETWEEN
THE WORLD OF
CREATION
AND

THE WORLD OF USERS

AUTHOR

USER

- INDIVIDUAL LICENSING
- RIGHTS CLEARING CENTER

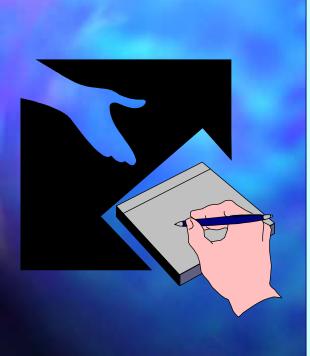
·COLLECTIVE MANAGEMENT ORGANIZATION

COLLECTIVE
MANAGEMENT
ORGANIZATION

REMUNERATION

CONDITIONS OF USE

DOCUMENTATION



- n The author joins the authors' society and becomes a MEMBER
- n He gives his RIGHTS
- n He provides the authors'society with
- n WORKS

 DECLARATION and
- n PERSONAL DATA

Agenda

Protection of Broadcasting Organizations

Objective: Update the protection of broadcasting organizations in response to the digital and other new technologies and the growing use of the Internet. Review the aging provisions of the Rome CV. 1961 (76 members)

Protection of non original databases

NO PROTECTION FOR DATABASES THAT RESULT IN COMPILATION OF DATA AND WHICH DO NOT SATISFY ORIGINALITY REQUIREMENT

Sui generis protection for databases for which the maker "shows that there has been qualitatively and/or quantitatively a substantial investment in either the obtaining, verification or presentation of the contents 1996 EU directive

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Issue to be carried forward to SCCR 11

THE END

Thank you

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