



**WIPO**

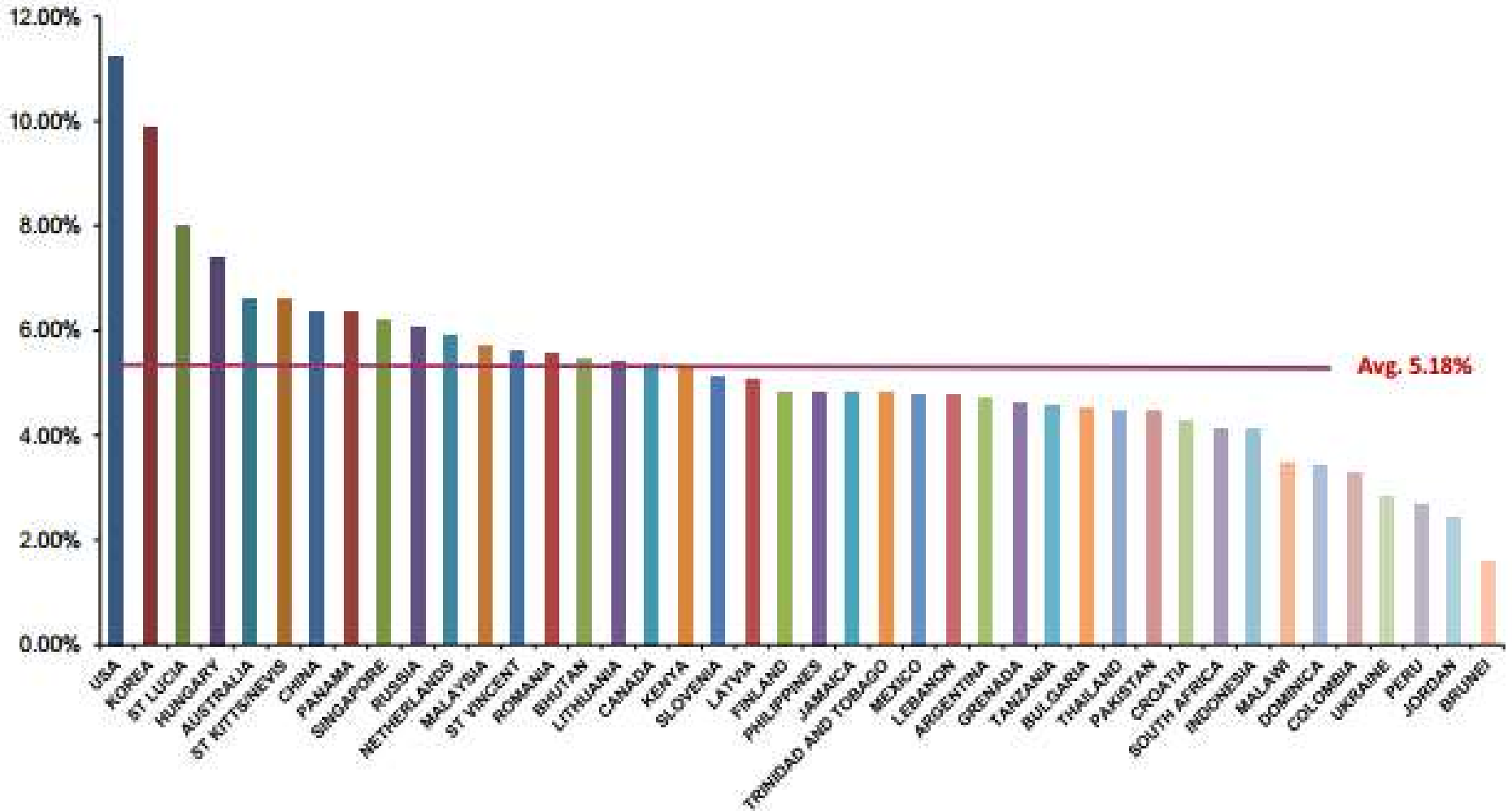
WORLD  
INTELLECTUAL PROPERTY  
ORGANIZATION

# El derecho de autor en el entorno digital

Paolo Lanteri  
Consejero jurídico, División de Derecho de Autor

**Alicante / Madrid / Ginebra**  
**13 de Julio de 2022**

# Impacto sobre el PIB de las industrias Copyright-Based





Potencia en 'streaming'

# Amazon compra MGM (y las películas de James Bond) por 6.900 millones de euros

La adquisición le proporcionará una enorme biblioteca de películas y programas de televisión y aumentará la competencia en el mercado del 'streaming'



Empresas y finanzas

# AT&T cierra la compra de Time Warner por 85.000 millones de dólares



RENAULT  
Passion for life

Nueva  
Gama **Renault LIMITED**  
Diseña nuevos límites

Desde

An advertisement for Renault featuring the Renault diamond logo and the slogan 'Passion for life'. The text promotes a 'Nueva Gama Renault LIMITED' and 'Diseña nuevos límites'. Below the text, five Renault cars are shown in a row. The word 'Desde' is at the bottom.

Informe de la Intervención Delegada sobre la Corporación

# Hacienda destapa 45 millones de agujero en TVE en 3 años por su inversión en cine

Más de 19 millones de "pérdida" se deben a producciones que ni siquiera se emitieron. La auditoría pone en duda que sea una inversión razonable.

DANIEL TOLEDO  
Lunes, 12 Febrero 2018, 04:30



s://www.elobservador.com.uy/netflix-preve-2018-invertir-us-8000-millones-contenido-original-n1134214

EL OBSERVADOR

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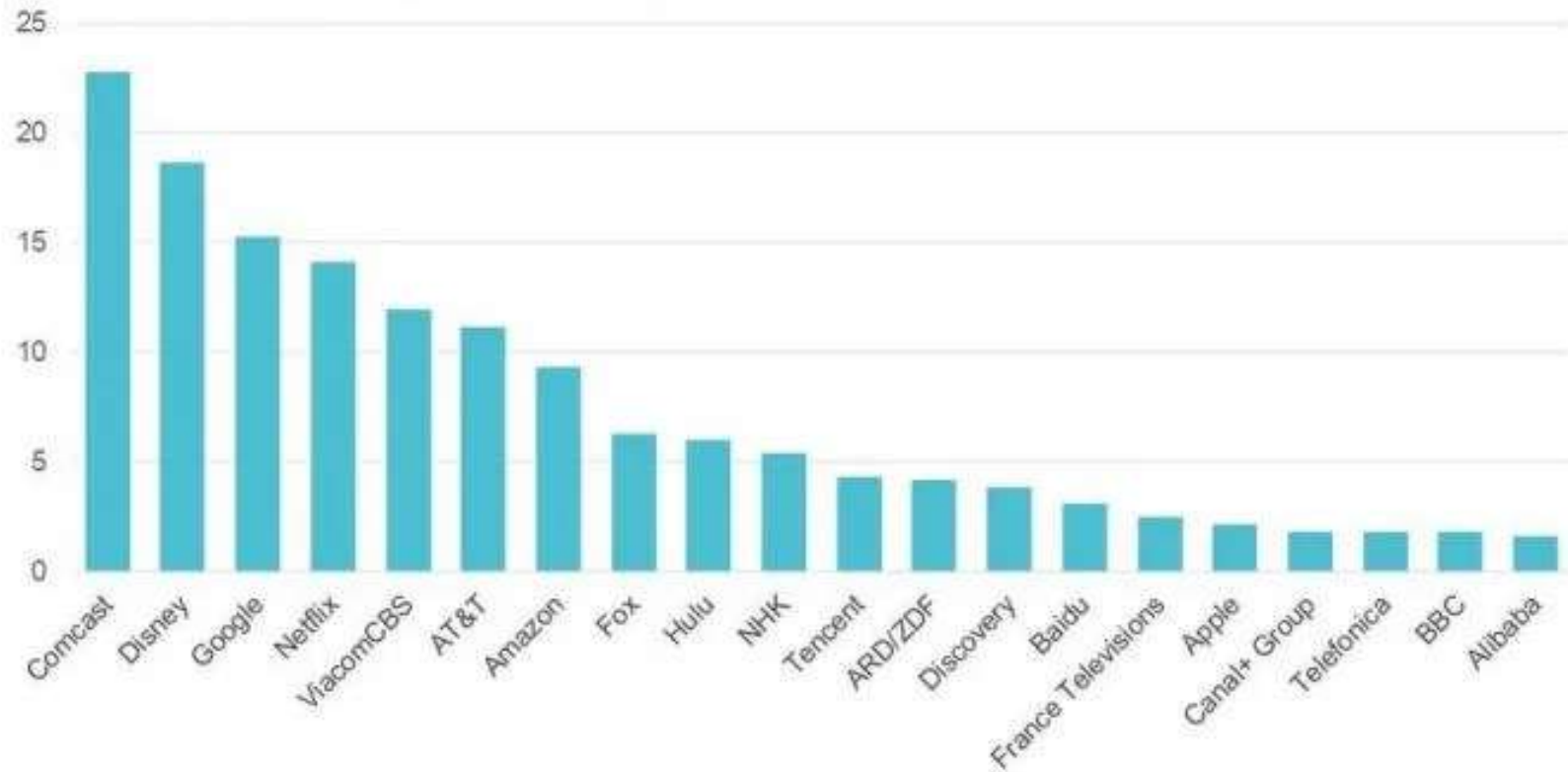
ESPECTÁCULOS GASTO

## Netflix prevé para 2018 invertir US\$ 8.000 millones en contenido original





### 2021: Top 20 biggest spenders on content (USD bn)



Source: Ampere Markets – Content  
Note: All spend data is on a P&L basis, year-end 2021 data is forecast

# El Festival de Cannes deja a Netflix fuera del concurso

El certamen cambió su reglamento el año pasado para forzar el estreno en salas de los filmes de la plataforma 'online'



EL PAÍS t G+

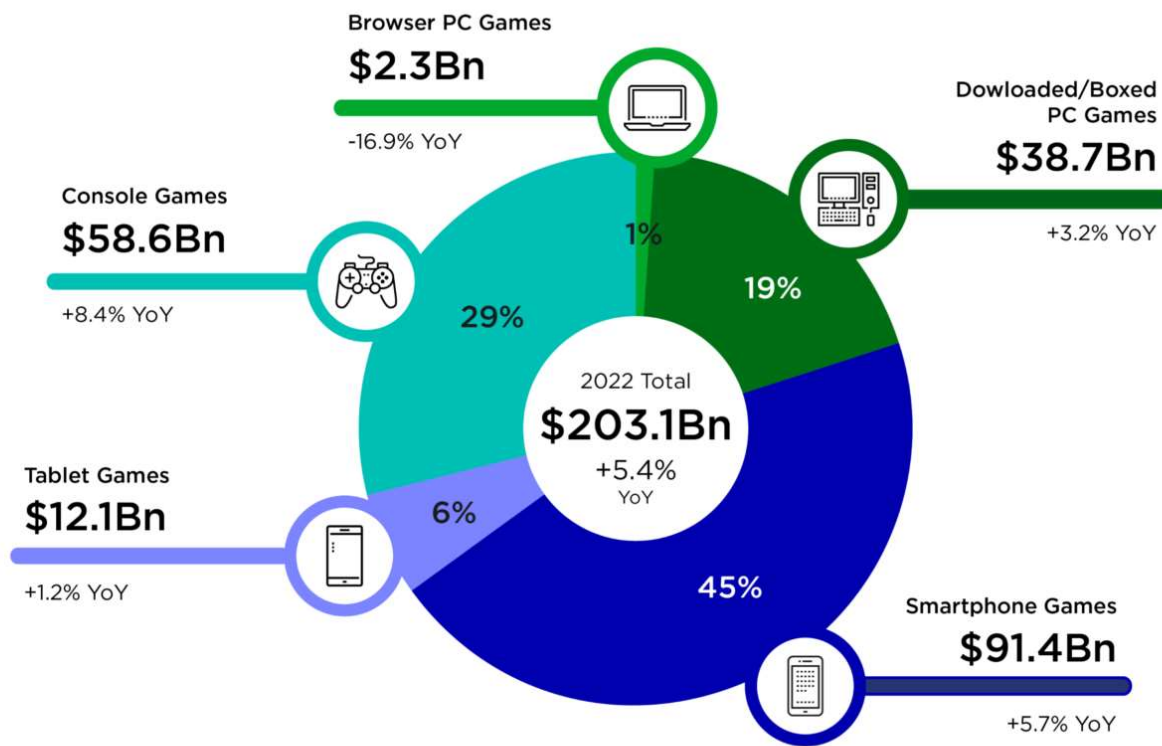
Madrid - 27 MAR 2018 - 08:28 CEST





# 2022 Global Games Market

Per Segment With Year-on-Year Growth Rates



## \$103.5Bn

Mobile game revenues in 2022 will account for 51% of the global market

Our revenues encompass consumer spending on games: physical and digital full-game copies, in-game spending, and subscription services like Xbox Game Pass. Mobile revenues exclude advertising. Our estimates exclude taxes, secondhand trade or secondary markets, advertising revenues earned in and around games, console and peripheral hardware, B2B services, and the online gambling and betting industry.



## Global Recorded Music Industry Revenue Jumped 18.5% During 2021, Report Says — Including 35% Growth in MENA and 31.2% in Latin America

 Dylan Smith  March 22, 2022

**Global music revenues grew at the fastest rate in more than two decades last year, with help from artists like BTS, Taylor Swift and Adele.**

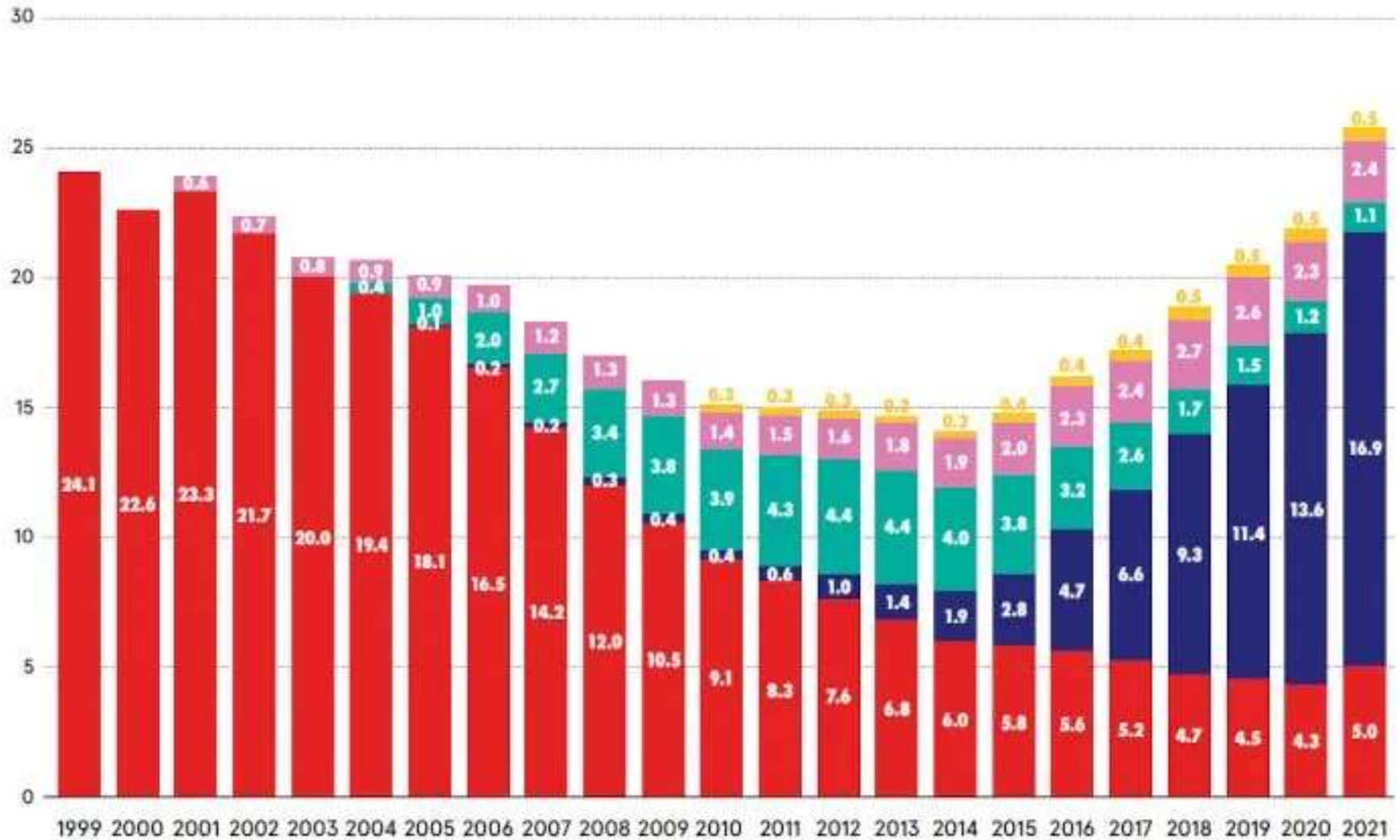
Revenues surged by 18.5% to \$25.9bn (£19.5bn) in 2021, the highest level since records began in the 1990s.

The growth was driven by streaming, with 523 million paid subscribers, up from 443 million in 2020.

Streaming now accounts for 65% of total revenues, with CDs, vinyl and cassettes making up 19% and downloads 4%.

The remaining 11% comes from a mixture of royalty payments and licensing music to films, TV shows and adverts.

**GLOBAL RECORDED MUSIC INDUSTRY REVENUES 1999 - 2021 (US\$ BILLIONS)**



Total revenue US\$ billions: 24.1 22.6 24.0 22.4 20.8 20.8 20.2 19.6 18.4 17.1 15.9 15.1 15.0 15.0 14.7 14.2 14.7 16.1 17.3 18.9 20.4 21.9 25.9

● Total Physical    
 ● Total Streaming    
 ● Downloads & Other Digital    
 ● Performance Rights    
 ● Synchronisation

## NEWS

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# The Rolling Stones and Tom Jones call for streaming reforms

By Mark Savage  
BBC music reporter

🕒 7 June | [🗨️ Comments](#)




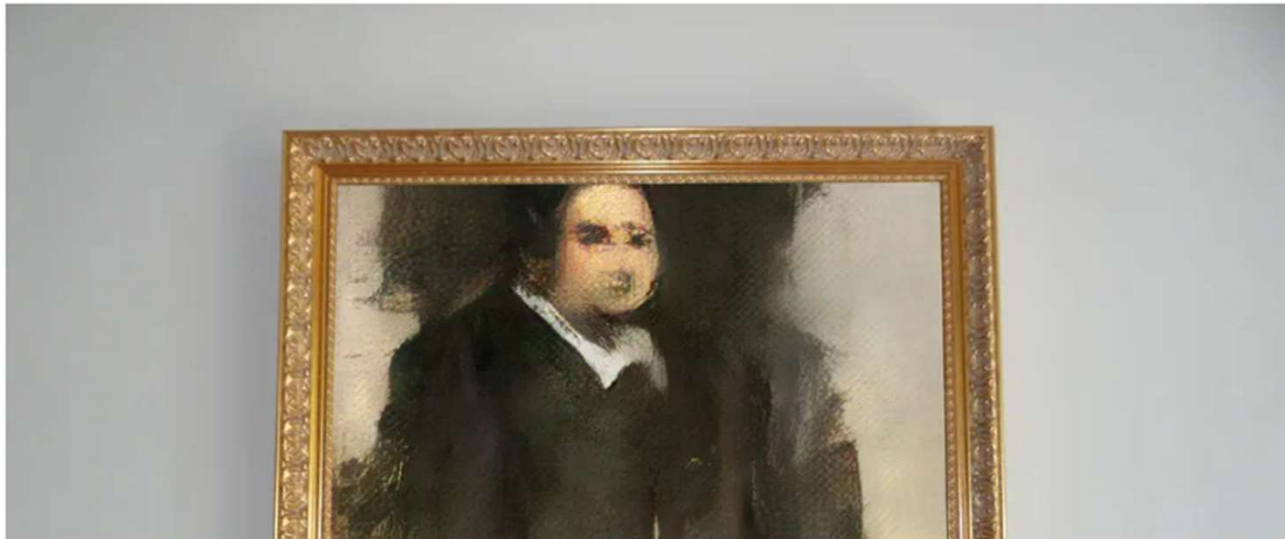
GETTY IMAGES

Sir Mick Jagger and Sir Tom Jones are among the 234 artists to sign the letter to Boris Johnson

# AI Art at Christie's Sells for \$432,500

---

 Give this article

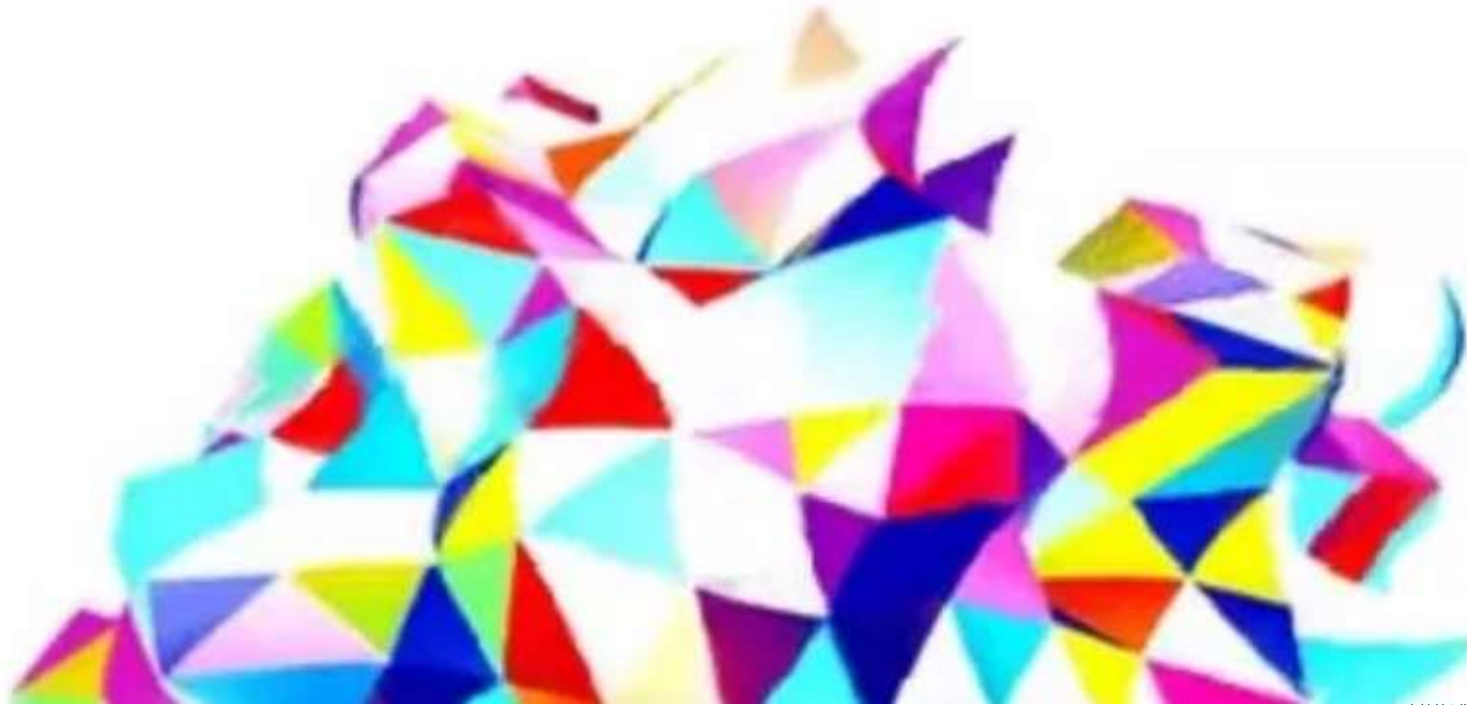




# QUARTZ

NICE ONE

**The first pop song ever written by artificial intelligence is pretty good, actually**







**35% OF AMAZON'S REVENUE ARE GENERATED BY IT'S RECOMMENDATION ENGINE.**

**NETFLIX**

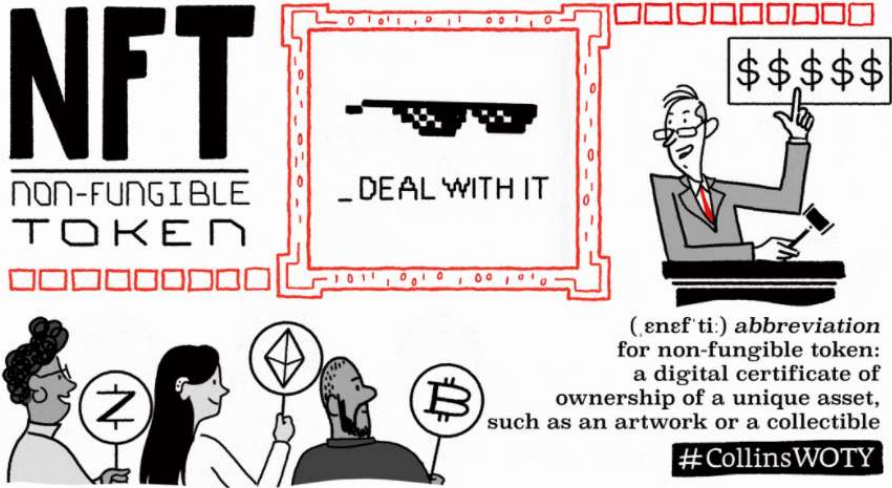
**75% OF USERS SELECT MOVIES BASED ON NETFLIX'S RECOMMENDATIONS.**

# THE COLLINS WORD OF THE YEAR 2021 IS...

## NFT

'NFT', the abbreviation of 'non-fungible token', the unique digital identifier that records ownership of a digital asset which has entered the mainstream and seen millions spent on the most sought-after images and videos, has been named Collins Word of the Year 2021.

It is one of three tech-based words to make Collins' longer list of ten words of the year, which includes seven words brand new to CollinsDictionary.com.



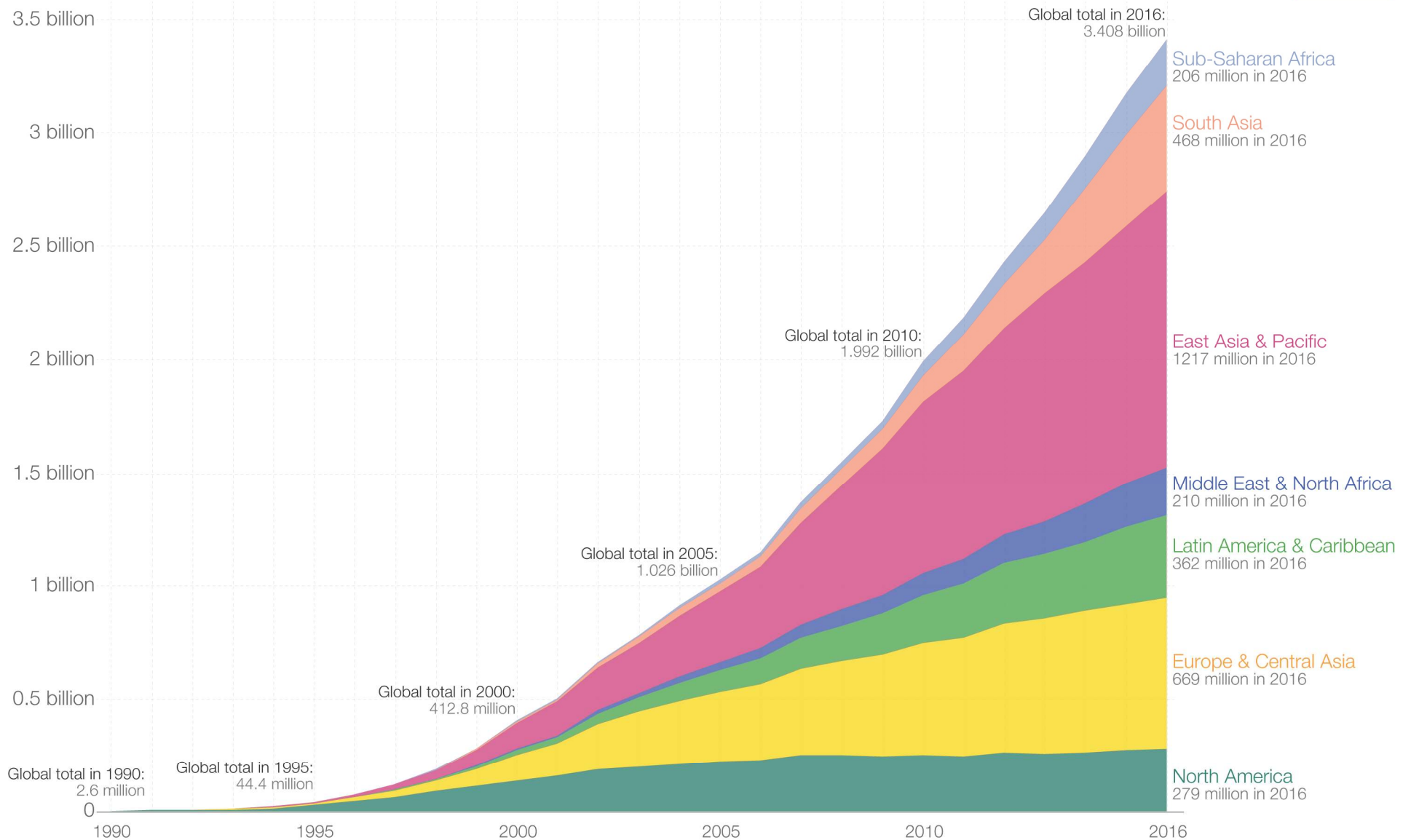
# Miramax sues Quentin Tarantino over Pulp Fiction NFTs

*Say NFT again, I dare you*

By [Adi Robertson](#) | [@thedextriarchy](#) | Nov 17, 2021, 11:49am EST



# Internet users by world region since 1990



Data source: Based on data from the World Bank and data from the International Telecommunications Union. Internet users are people with access to the worldwide network. The interactive data visualization is available at [OurWorldinData.org](https://ourworldindata.org). There you find the raw data and more visualizations on this topic. Licensed under CC-BY-SA by the author Max Roser.



JAN  
2022

# OVERVIEW OF INTERNET USE

ESSENTIAL INDICATORS OF INTERNET ADOPTION AND USE



TOTAL  
INTERNET  
USERS



**4.95**  
BILLION

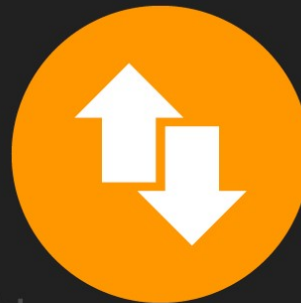
INTERNET USERS AS  
A PERCENTAGE OF  
TOTAL POPULATION



we  
are  
social

**62.5%**

YEAR-ON-YEAR CHANGE  
IN THE NUMBER OF  
INTERNET USERS



**+4.0%**  
**+192 MILLION**

AVERAGE DAILY TIME SPENT  
USING THE INTERNET BY  
EACH INTERNET USER



GWI.

**6H 58M**  
**+1.0% (+4M)**

PERCENTAGE OF USERS  
ACCESSING THE INTERNET  
VIA MOBILE PHONES



**92.1%**



JAN  
2022

# DAILY TIME SPENT WITH MEDIA

AVERAGE AMOUNT OF TIME EACH DAY THAT INTERNET USERS AGED 16 TO 64 SPEND WITH DIFFERENT KINDS OF MEDIA AND DEVICES



GLOBAL OVERVIEW

TIME SPENT USING  
THE INTERNET



GWJ.

**6H 58M**

YEAR-ON-YEAR CHANGE  
**+1.0% (+4M)**

TIME SPENT WATCHING TELEVISION  
(BROADCAST AND STREAMING)



**3H 20M**

YEAR-ON-YEAR CHANGE  
**-2.0% (-4M)**

TIME SPENT USING  
SOCIAL MEDIA



GWJ.

**2H 27M**

YEAR-ON-YEAR CHANGE  
**+1.4% (+2M)**

TIME SPENT READING PRESS MEDIA  
(ONLINE AND PHYSICAL PRINT)



**2H 00M**

YEAR-ON-YEAR CHANGE  
**-1.6% (-1M)**

TIME SPENT LISTENING TO  
MUSIC STREAMING SERVICES



we  
are  
social

**1H 33M**

YEAR-ON-YEAR CHANGE  
**+2.2% (+2M)**

TIME SPENT LISTENING  
TO BROADCAST RADIO



GWJ.

**1H 01M**

YEAR-ON-YEAR CHANGE  
**[UNCHANGED]**

TIME SPENT LISTENING  
TO PODCASTS



**0H 55M**

YEAR-ON-YEAR CHANGE  
**+1.9% (+1M)**

TIME SPENT USING  
A GAMES CONSOLE



**1H 12M**

YEAR-ON-YEAR CHANGE  
**+1.4% (+1M)**

18

SOURCE: GWJ (Q3 2021). FIGURES REPRESENT THE FINDINGS OF A BROAD GLOBAL SURVEY OF INTERNET USERS AGED 16 TO 64. SEE [GWJ.COM](http://GWJ.COM) FOR FULL DETAILS. NOTES: CONSUMPTION OF DIFFERENT MEDIA MAY OCCUR CONCURRENTLY. TELEVISION INCLUDES BOTH LINEAR (BROADCAST AND CABLE) TELEVISION AND CONTENT DELIVERED VIA STREAMING AND VIDEO-ON-DEMAND SERVICES. PRESS INCLUDES BOTH ONLINE AND PHYSICAL PRINT MEDIA. BROADCAST RADIO DOES NOT INCLUDE INTERNET RADIO.

we  
are  
social



Hootsuite®

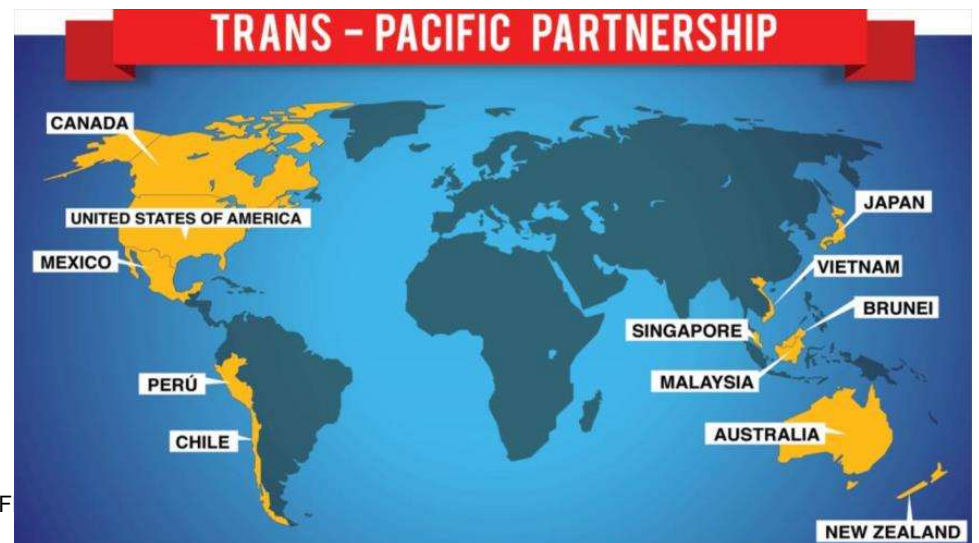
ORGANIZATION

# Cambios estructurales del entorno digital

- Distribución de bajo coste y reproducción de coste casi nulo
- La creación/producción también se ha visto afectada (Industria  $\neq$  Contenido generado por el usuario)
- Nuevos modelos de negocio / monetización (enfoque en el acceso)
- Nuevos actores
- Desafíos en la aplicación de la ley

# Importancia de la protección internacional

- Internet hace que las obras y las expresiones culturales tradicionales sean inmediatamente accesibles en todas partes, creando un verdadero mercado global; una normativa que ofrezca igualdad de condiciones a los creadores y a la industria nacionales es un incentivo clave;
- Una legislación nacional moderna es esencial, pero los tratados son la única manera de proteger su contenido local en el extranjero;
- Los tratados proporcionan a sus nacionales derechos económicos para monetizar su creatividad en el mercado mundial.



FOR OFF

# Tratados multilaterales en materia

- Convenio de Berna (1886-1971)
- Convención de Roma (1961)
- Convenio Fonogramas (1971)
- Convenio Satellites (1974)
- Acuerdo sobre los ADPIC (1994)
- Tratado de la OMPI de Derecho de Autor (1996)
- Tratado de la OMPI sobre Interpretación o Ejecución y Fonogramas (1996)
- Tratado de Beijing sobre Interpretaciones y Ejecuciones Audiovisuales (2012)
- Tratado de Marrakech (2013)





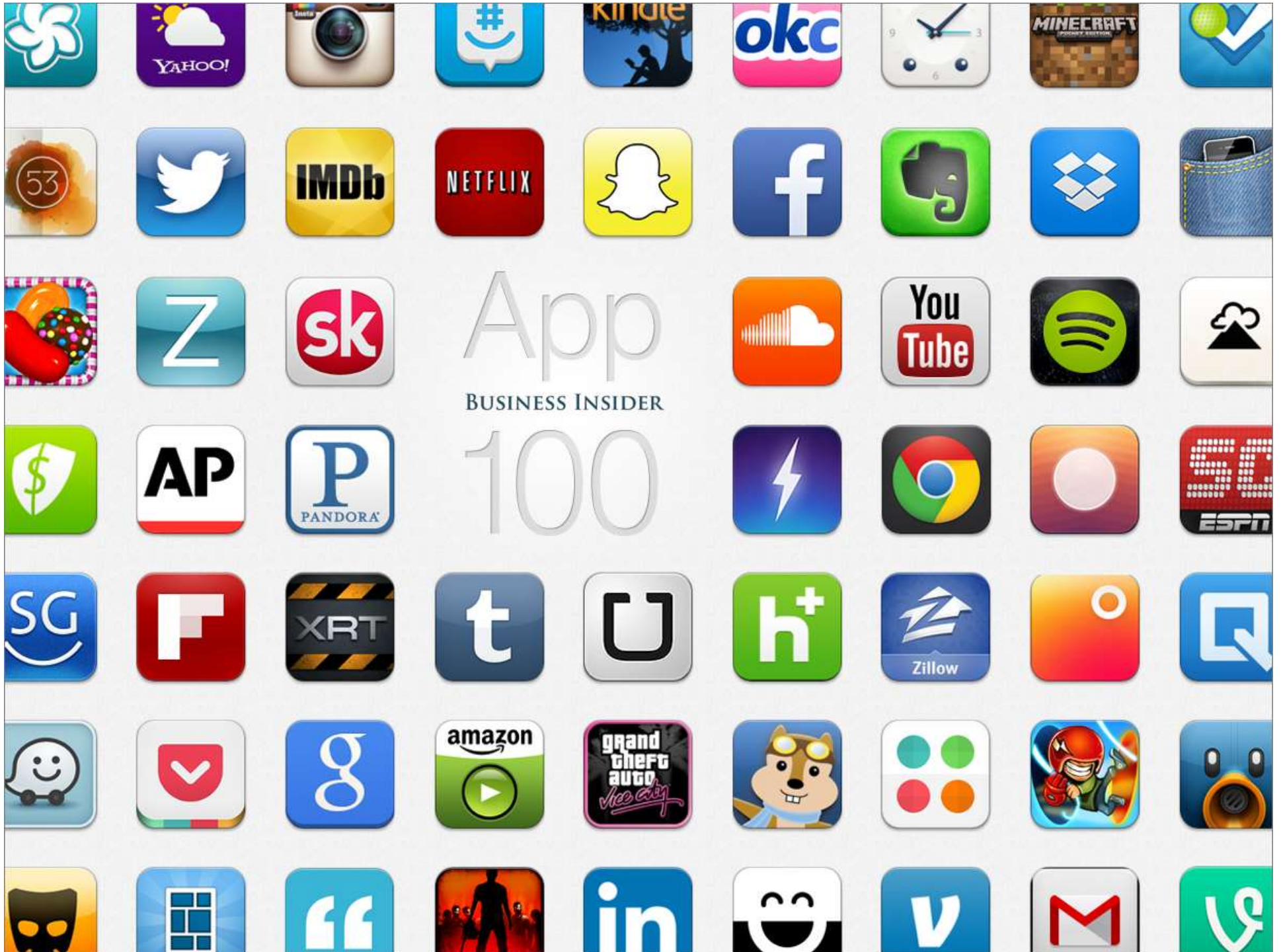
# Impacto de la pandemia Covid-19 UNESCO



# Impacto de la pandemia sobre las industrias creativas

- La distribución y la comunicación al público (“public performance”) (y la producción en determinados sectores) estuvieron muy afectados
- Crecimiento de la demanda de contenidos
- El aumento del consumo (a través de los medios digitales) no implicó necesariamente un crecimiento de los ingresos (sin embargo, los efectos fueron diferentes en cada sector)

# *Ejemplos*



App  
BUSINESS INSIDER



100





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# User Generated Content

- User-generated content (“UGC”) / Contenido Generado por Usuarios (“CGU”)
  - Creado y subido en línea por el usuario;
  - Creado por un tercero y subido en línea por el usuario;
  - Una mezcla (ej modificado por el usuario)
- No hay una definición jurídica clara y compartida (originalidad / ausencia de fines de lucro / **mismas reglas**)





Oficina Española de Patentes y Marcas (OEPM)

@oepm.es



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- Posts
- Reviews
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- Events
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Create a Page

Featured for you



2,356 people like this  
Javier Torres López and 3...

Like



Paseo de la Castellana ...  
09:00 - 18:00

Government organisation in Madrid,  
4.3 ★★★★★ · Open now

Community

- Invite your friends to like this Page
- 2,356 people like this
- 2,347 people follow this
- 239 people have visited
- Alex Ander and 5 other friends like t have visited

Posts

*¿Qué pasa cuando subo una foto a mi perfil?*

*¿Cuales son las consecuencias desde la perspectiva del derecho de autor?*

# FB terms and conditions

*Some content that you share or upload, such as photos or videos, may be protected by intellectual property laws.*

*You own the intellectual property rights (things like copyright or trademarks) in any such content that you create and share on Facebook and the other Facebook Company Products you use.*

*Specifically, when you share, post, or upload content that is covered by intellectual property rights on or in connection with our Products, you grant us a non-exclusive, transferable, sub-licensable, royalty-free, and worldwide license to host, use, distribute, modify, run, copy, publicly perform or display, translate, and create derivative works of your content (..)*





# World Intellectual Property Organization – WIPO

50.8K subscribers

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## WIPO Director General Daren Tang on WIPO for Creators

1,403 views • 3 months ago

In this message, WIPO Director General Daren Tang explains the benefits of WIPO for Creators, a new initiative to increase creators' knowledge of intellectual property rights.

An open public-private partnership launched by WIPO and the Music Rights Awareness Foundation, WIPO for Creators aims at raising awareness of creators' rights and related management practices, ensuring recognition and fair reward. [READ MORE](#)

### WIPO NEWS & ANNOUNCEMENTS [▶ PLAY ALL](#)

Videos on latest developments at WIPO including interviews, press conferences, announcements, and messages from the Director General.



#### Liechtenstein Joins WIPO's Beijing Treaty and...

World Intellectual Property Org...  
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#### WIPO Director General Opens Global Innovation...

World Intellectual Property Org...  
243 views • 1 week ago



#### Global Innovation Index 2021: Key Findings

World Intellectual Property Org...  
714 views • 1 week ago



#### Top 10: The World's Most Innovative Countries – ...

World Intellectual Property Org...  
431 views • 1 week ago

*Puedo descargar de manera “legal”  
videos de la plataforma YouTube?*

# Terms of Service

<http://www.youtube.com/static?hl=en&template=terms>

## Permissions and Restrictions

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# How Content ID works

Copyright owners can use a system called Content ID to easily identify and manage their content on YouTube. Videos uploaded to YouTube are scanned against a database of files that have been submitted to us by content owners.

Copyright owners get to decide what happens when content in a video on YouTube matches a work they own. When a match is found, the video gets a [Content ID claim](#).



## Common questions about Content ID

[What options are available to copyright owners?](#)



[Who can use Content ID?](#)









[Related topics](#)



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## Copyright management tools

-  [Overview of copyright management tools](#)
-  [Use the Copyright Match Tool](#)
-  [How Content ID works](#)
-  [Qualify for Content ID](#)
-  [Content Verification Program](#)
-  [Use the Content Verification Tool](#)





## Rights Manager

Jump to

Select section



Rights Manager is a set of admin and workflow tools that help you manage and protect your copyrighted content on Facebook at scale.

*Puedo libremente re-utilizar los contenidos que encuentro en Internet?*



mountains



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*Depende!*

*En principio cualquier contenido original puede estar protegido por lo tanto no puedo utilizarlo si no tengo el permiso de su titular*

*pero ...*



*I- Material no protegido o Dominio Público;*

*(II- Usos Libres (Limitaciones y Excepciones))*

*III- Licencias libres y/o abiertas*



<http://www.wipo.int>



***NFTs***

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# Blockchain use-cases in IP ecosystems

- Digital identity
- Time-stamping
- IP registers
- Licensing
- IP enforcement
- Tokenization
- (..)



**NFTs**

## The 10 Most Expensive NFT Artworks of 2021, From Beeple's \$69 Million 'Everydays' to XCOPY's \$3.8 Million Portrait of 'Some Asshole'

By some measure, the artist Pak could top this list, as his latest offering, "The Merge," was sold in 266,445 shares for \$91.8 million.

Sarah Cascone, December 27, 2021



Films | Non-fungible tokens

## Are NFTs worth the hype?

What started as a way to legitimise digital art has become a multi-billion-dollar industry



Museums

# The Uffizi Gallery Just Sold a Michelangelo NFT for \$170,000, and Now Is Quickly Minting More Masterpieces From Its Collection

The Florence museum has Botticelli and Titian NFTs in the works.

Artnet News, May 14, 2021



Cinello founder and CEO Franco Losi (L) and Uffizi director Eike Schmidt (R) with Michelangelo's *Doni Tondo* (1505-06).

# USAGE OF **NFTS**



**ART**



**COLLECTIBLES**



**GAMES**



**MUSIC**



**SPORTS**



**MOVIES**



**VIRTUAL LAND**



**IDENTITY**



**PHYSICAL ASSETS**



**DOMAIN**



**VIRTUAL ASSETS**



<https://twitter.com/idreamtrading/status/1379584707222859777>

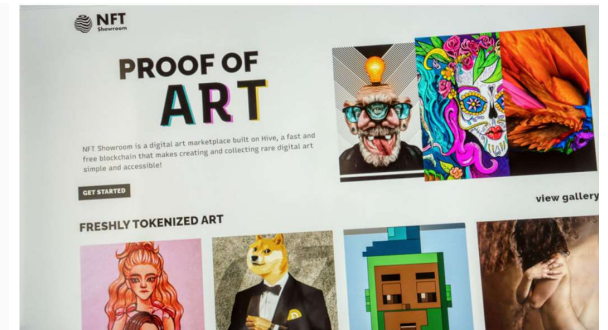
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# WIPO MAGAZINE

## Non-fungible tokens (NFTs) and copyright

December 2021

By **Andres Guadamuz**, Senior Lecturer in Intellectual Property Law, University of Sussex, United Kingdom



There is widespread confusion surrounding the rights that buyers acquire when they purchase an NFT. Some think they acquire the underlying work of art, and all its accompanying rights, but, in reality, they are simply buying the metadata associated with the work, not the work itself. (Photo: sjcreens / Alamy Stock Photo)

Twitter's CEO Jack Dorsey [sold an NFT](#) of his first tweet for the equivalent of USD 2.5 million. The NBA had been selling [NBA Top Shots](#), “unique” NFTs of NBA moments, the value of which has exploded. [An NFT of a collage](#) of works by digital artist Beeple was auctioned at Christie's and sold to another crypto entrepreneur for the eye-watering sum of almost USD 70 million. Old memes have been selling at auction as well, with the famous meme of Nyan Cat, an animated colourful cat whose body is in the shape of a pop tart, selling for 300 ETH (the cryptocurrency generated by the Ethereum protocol), over USD 1 million at the time of writing. Musician Grimes has also reportedly [sold over USD 6 million](#) worth of digital artworks.

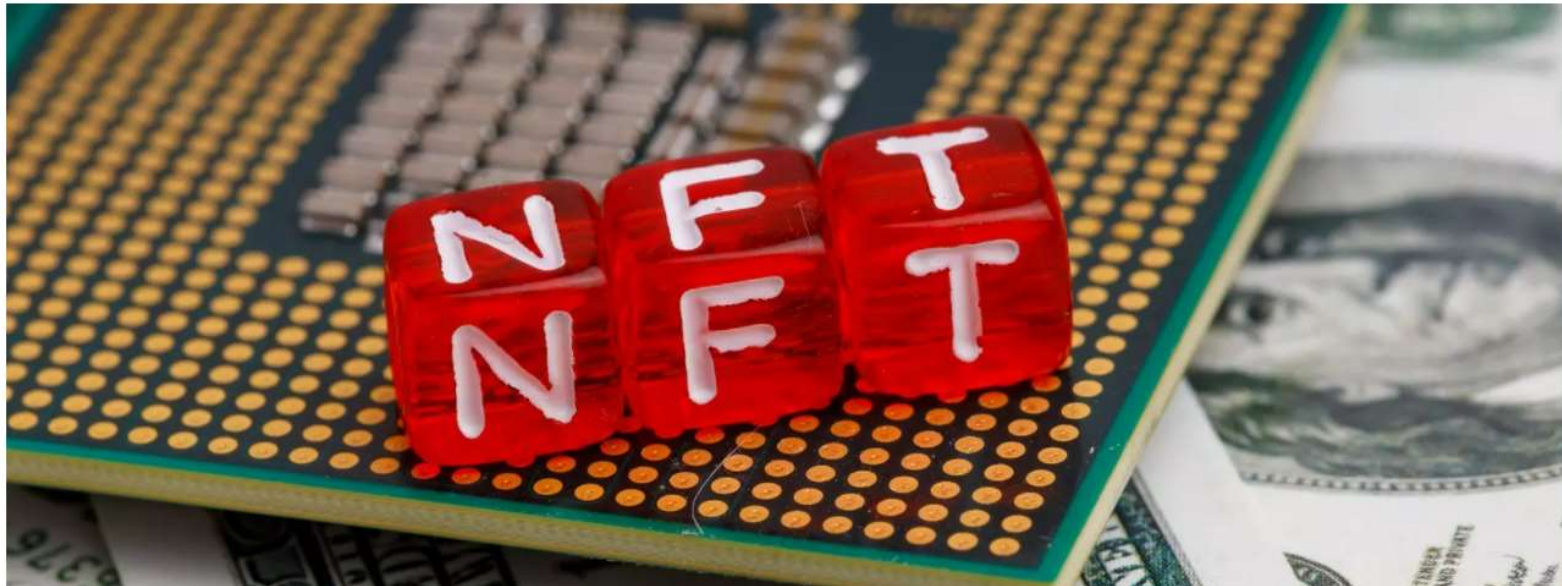
What is going on? What are [NFTs](#)? And what does [copyright](#) have to do with it?

“In 2021, NFTs have taken the art and tech worlds by storm.”

# NFTs and copyright questions

- What is an NFT? What are you actually buying?
- NFTs as DRM: transfer of rights and licensing
- Resale royalties
- What are the rights exercised when minting and selling an NFT?
- (..)

## What do you actually own when you buy an NFT?





# What is an NFT? What are you actually buying?

- “a cryptographically signed receipt that you own a unique version of the work” (A. Guadamuz)
- **It’s metadata about the work, not the work itself:**

Essential elements: tokenID and contract address

Optional: Wallet address of the creator, URL to the work

Very rare: the actual digital object

# NFTs as DRM: transfer of rights and license

## Transfer NFT Copyrights on Mintable

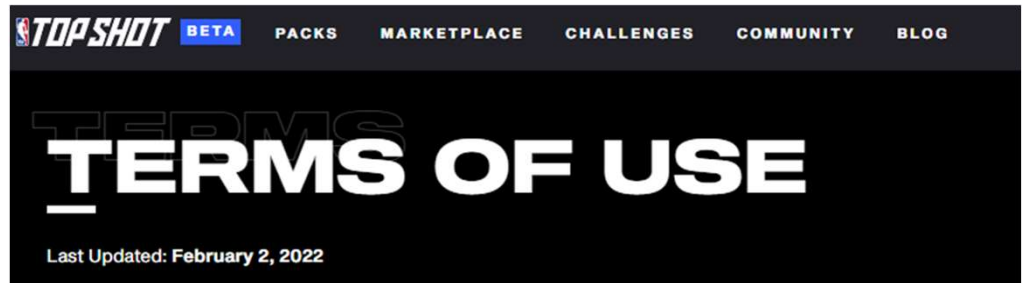
When minting an NFT on the Mintable platform, creators are given the option to transfer and specify copyright permissions in the item's metadata.

Copyright Transferred: **Yes**

Downloadable file: **No**

Resellable: **Yes**

An item listing on the Mintable NFT marketplace shows buyers if copyrights are transferred with the purchase of the NFT (as shown above). No additional actions or fees are required from the buyer for copyright transfers - it's all included in the NFT purchase itself. Buyers can also see the item metadata in the listing, which will show the terms of copyright licensing. If there are no specific terms in the item metadata, it means that the buyer will receive the full copyrights to that NFT.



and provided that the Art is no longer visible once the owner of the Purchased Moment leaves the marketplace application. The marketplace application licenses each moment's owner's right to display the Art for their Purchased Moment to ensure that only the actual owner can display the Art; or (c) as part of a marketplace that permits the purchase and sale of your Purchased Moments, provided that the marketplace application licenses each moment owner's right to display the Art for their Purchased Moment to ensure that only the actual owner can display the Art; or (d) as part of a marketplace that permits the purchase and sale of your Purchased Moments, provided that the marketplace application licenses each license to use, copy, and display the Art for your Purchased Moments' solely for the following purposes: (a) for your own personal, non-commercial use; (v) your license to Art subject to your continued compliance with these Terms, we grant you a worldwide, non-exclusive, non-transferable, royalty-free

## Earn royalties on the NFTs that you create and sell



• • • • •  
Create an NFT and receive royalties on each sale



**TOKENIZED**  
www.tokenizedhq.com

← Tweet



👉 Artists

Did you know that you can collect a 10% royalty on all future sales on OpenSea?

Just set your rate, add your wallet address, and we'll send you monthly payments if your NFTs resell.

Check out this guide for info.



opensea.io

The beginner's guide to creating & selling digital art NFTs - OpenSea Blog  
Learn more about creating and selling Non-Fungible Tokens (NFTs) -- from wallets, ethereum, unlockable content, properties, and more...

3:34 PM · May 21, 2021 · Twitter Web App

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Source: <https://cryptoast.fr/nft-pulp-fiction-miramax-poursuit-tarantino/>

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## Art World

# A Collective Made NFTs of Masterpieces Without Telling the Museums That Owned the Originals. Was It a Digital Art Heist or Fair Game?

The NFT outfit Global Art Museum now says it is an art collective conducting a "social experiment."

Sarah Cascone, March 22, 2021

← Tweet



Rijksmuseum  
@rijksmuseum

Replying to @TinaRiversRyan and @GlobalArtMuseum

We do not have a partnership with any of these parties. Our collection is for everyone. We have an Open Data Policy to connect our collection to as many and diverse people as possible

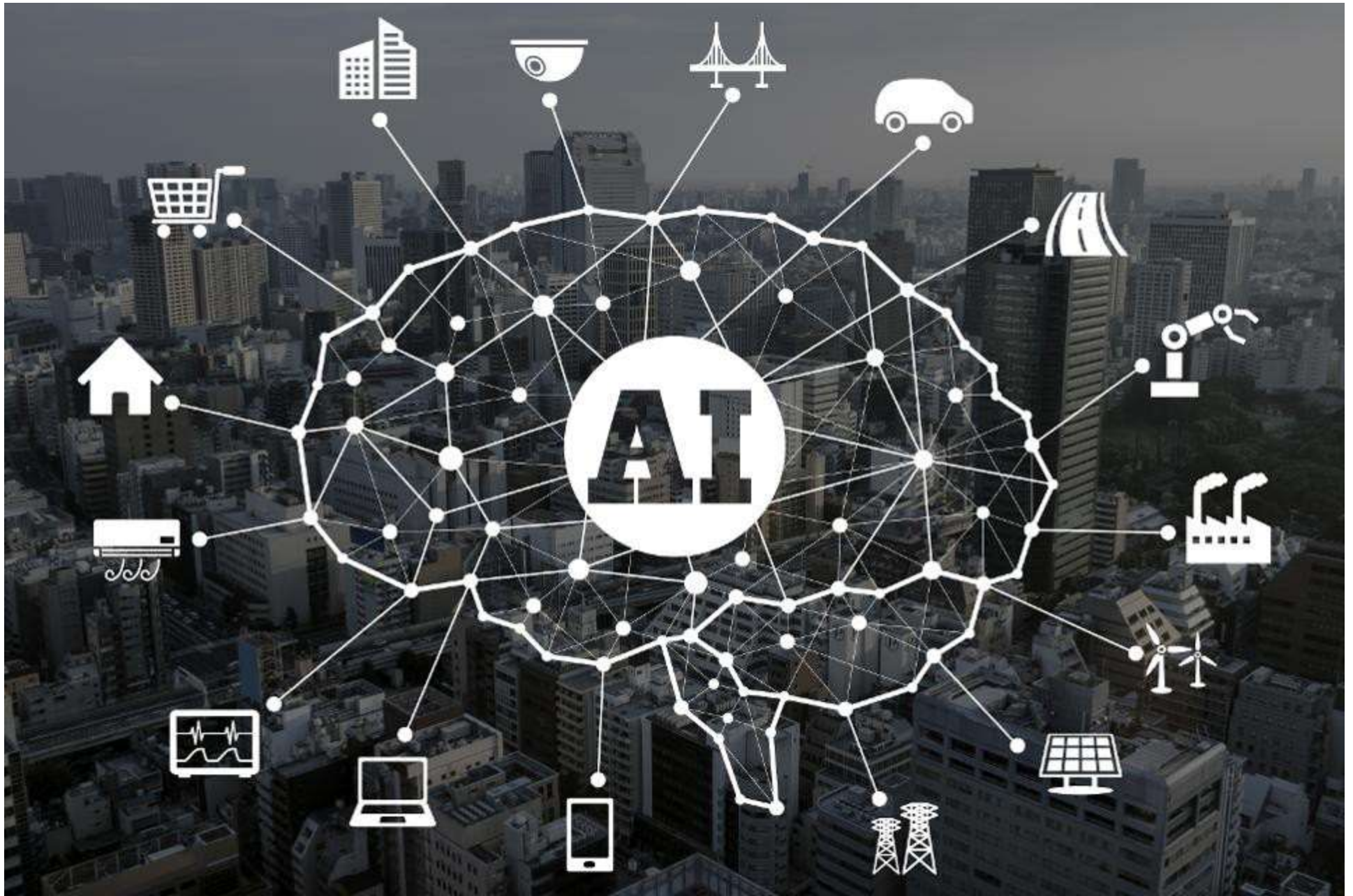


rijksmuseum.nl

Open Data Policy - Rijksmuseum

Our collection is for everyone. That's why the Rijksmuseum makes its digitised collections and metadata available in the highest quality. And we don't ask for ...





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Digital media

# AI is already making inroads into journalism but could it win a Pulitzer?

From football reports to clickbait, programs are changing the way the news is created

Jonathan Holmes

Sun 3 Apr 2016 18.13 BST



772 62





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NVIDIA'S A.I. GENERATES PERFECT HEADSHOTS OF FAKE CELEBRITIES



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## WIPO Translate: Cutting-Edge Translation Tool For Patent Documents Extends Language Coverage

Geneva, September 25, 2017

PR/2017/809

WIPO's ground-breaking "artificial intelligence"-based translation tool for patent documents is now available in ten languages, marking an important expansion of the highest-quality service yet available for accessing information on new technologies.



# AI & Copyright

- General purpose technology ("New Electricity")
- AI plays many key roles in the operations of the creative industries (e.g., personalized bidding/content suggestion, simulations/forecasting, anti-piracy and anti-violation)
- AI is increasingly applied in fields of "exclusive" domain of human ingenuity and creativity

# Protectability and ownership (of the "output")

## Anthropocentrism of the IP system

- Widely shared philosophical, legal, semantic and systemic arguments
- ≠ Public policy considerations

## AI plays an essential role, but not fully autonomous and independent

- To date, there is usually human intervention to feed the data sets into the machine learning process, set the parameters, and select or adapt the final result. Protectability depends on the legal assessment of role played by the human .

# Management and protection of data ("input")

- Simple "non-personal" data cannot be subject to IP rights, but there are many useful tools to control access and use. E.g. database protection, trade secrets, contracts, terms of use, technological measures...
- In "creative" applications, "training data" can often be intellectual works. Except in cases of public domain, licensing or existence of an exception (e.g. Directive 2019/790 or "fair use"), machine learning is likely to infringe copyright.

# Minería de textos y datos

*"Text and data mining" means any automated analysis technique designed to analyze text and data in digital format having the purpose of generating information including, but not limited to, patterns, trends, and correlations;*

*Machine learning or machine learning*

*European Directive Art. 3 and 4 vs. Fair Use*

