



Protection of Copyright and Related Rights

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Copyright

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

Basic rights

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

How to limit copyright?

- n Excluding certain categories of works
 - official texts of legislative, administrative and legal nature, news of the day, mere items of press information
- n 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
- n Establishing non-voluntary licenses
 - recordings, broadcasting, reproduction and translation in developing countries

Limitations and exceptions

- n Quotation
- n Reproduction for private use
- n Reproduction in schools, etc.
- n Reproduction in libraries, archives, etc.
- n Public lending
- n Reprint of newspaper articles in the press

- n 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

Related rights

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Performing artists
Phonogram producers
Broadcasting organizations
Non-original databases?

Term of protection

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

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

International Treaties

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

New challenges

- n Digitization has facilitated rampant piracy of copyright works
- n New information technologies: peer-to-peer (P2P)
- n Decrease in sales of recorded music by 7% in 2002. Unauthorized downloading of 400,000 to 600,000 films every day.
- n 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 agreed statement, WPPT Articles 7 and 11
- n Right of making available
 - 7 The “umbrella solution,” WCT Article 8, WPPT Articles 8 and 14

The “Digital Agenda” II

n **Limitations and exceptions** WCT Article 10, WPPT Article 16

n **Technological measures**

7 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

SYSTEMS LIMITING COPYING

Rights Management Information

- > **Rights Management Information**
- 7 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

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

Final and Administrative Clauses

- n Intergovernmental organizations can become party to the WCT and the WPPT
- n 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
- n how works are managed ?

**COLLECTIVE
MANAGEMENT**

SOCIETY

AUTHOR

**INTERMEDIARY
BETWEEN
THE WORLD OF
CREATION
AND**

THE WORLD OF USERS

USER

- INDIVIDUAL LICENSING
- RIGHTS CLEARING CENTER
- COLLECTIVE MANAGEMENT ORGANIZATION

COLLECTIVE
MANAGEMENT
ORGANIZATION



LICENSES



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**
- n **DECLARATION** and
- n **PERSONAL DATA**

Agenda

n 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)

n 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

Issue to be carried forward to SCCR 11



THE END

Thank you

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