



Cross-Border Copyright Protection: Issues and Challenges

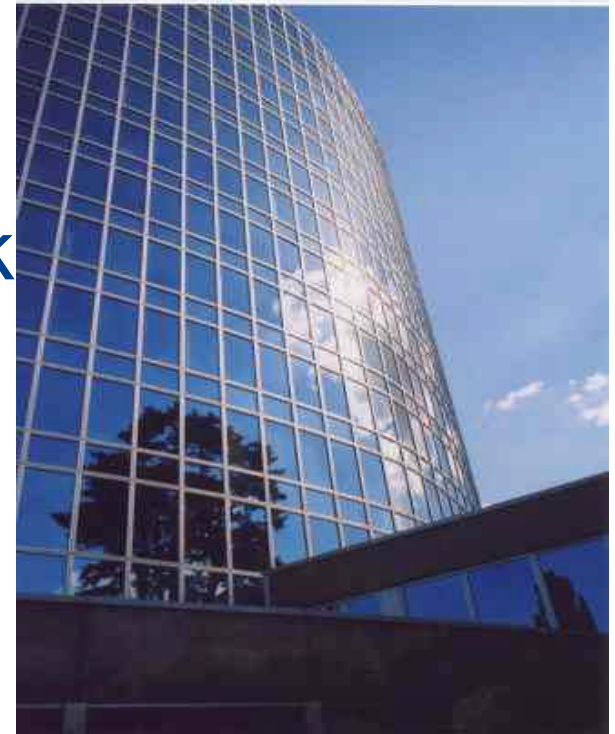
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International Copyright Framework

Multilateral Treaties:

- Berne Convention (1886; last revision 1971)
- Rome Convention (1961)
- TRIPS Agreement (1994)
- WIPO Internet Treaties (1996)



WIPO Internet Treaties



..ensure that copyright applies in the digital environment facilitating access to and use of creative content. They introduced:

- Right of reproduction (temporary copies);
- Right of making available;
- Limitations and exceptions for the digital age;
- Technological protection measures;
- Rights management information;
- General updates: software and databases; distribution and rental rights; economic and moral rights for performers; economic rights for producers of phonograms

What has changed since 1996?

New technological environment

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New business

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New licenses

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Lots more unauthorized use

An Evolving Landscape for Distribution of Creativity. Different Scenarios.

- Wide-open Web versus semi-closed platforms - the Web and the Net are different.
- Web features – broad-based; accessible; difficult to control; searchable (based on browser for search and display).
- Semi-closed platforms and apps – “walled garden” environments; provide higher quality results than through search; providing a seamless interface. Use of the Internet for transport, not for display.
- The Web enables collaborative creativity. Examples: Wikipedia; Google.
- The Walled Garden Environment aims at expanding of traditional business models into the digital environment, e.g.: Apple iTunes.

An Evolving Landscape for the Distribution of Creativity. Common Features.

- 1- Demand for access to creative works is growing exponentially

Digital Music: Charting Change 2003- 2009

1. Licensed music services: Fewer than 50 in 2003; 400+ in 2009
2. Catalogue available: 1 million in 2003; 11m + tracks in 2009
3. Industry's digital revenues US\$20m in 2003, US\$ 4.2 billion in 2009
4. % of industry's revenues from digital channels: from negligible in 2003 to 27% in 2009

(source: IFPI Digital Music Report 2010)

- 2- Proliferation of new forms of compensation (e.g. pay per download, subscription, bundles, advertising); and how creators/rightsholders share in revenue (proportional or equitable share)

An Evolving Landscape for the Distribution of Creativity. Common Features (II).

- 3- Territorial restrictions while still workable are becoming less relevant;
- 4- Traditional means of enforcement and rights management are struggling to adapt to the new environment;
- 5- Many new service models are almost entirely web-based, exploiting the growing intelligence and functionality of the Web. Intermediaries (eg search engines) are increasingly central to content discovery and delivery.

Challenges to copyright in the digital environment: common elements

- Adaptability of copyright principles to different scenarios (for example BC first adopted in 1886);
- Availability of a variety of legal tools for exercising rights - individual licensing; collective management of rights; blanket licensing; open and flexible licensing modalities (FOSS; Creative Commons, etc.);
- New focus on inclusiveness in copyright policymaking, including rights and limitations, the public domain, and flexibilities.

How are these cross-border challenges
being addressed at WIPO?

Current issues at stake in the context of:

A- Standing Committee on Copyright and Related Rights
(SCCR) (1998 -)

B- Committee on Development and Intellectual Property
(CDIP) “*Development Agenda*” (2008 -)

C- WIPO *Digital Future* activities

SCCR Agenda

A- Protection of Audiovisual Performances

B- Protection of Broadcasting Organizations

C.1- Limitations and Exceptions

C.2- Visually Impaired People (VIPs)

(<http://visionip.org/>)

The WIPO Development Agenda and Copyright

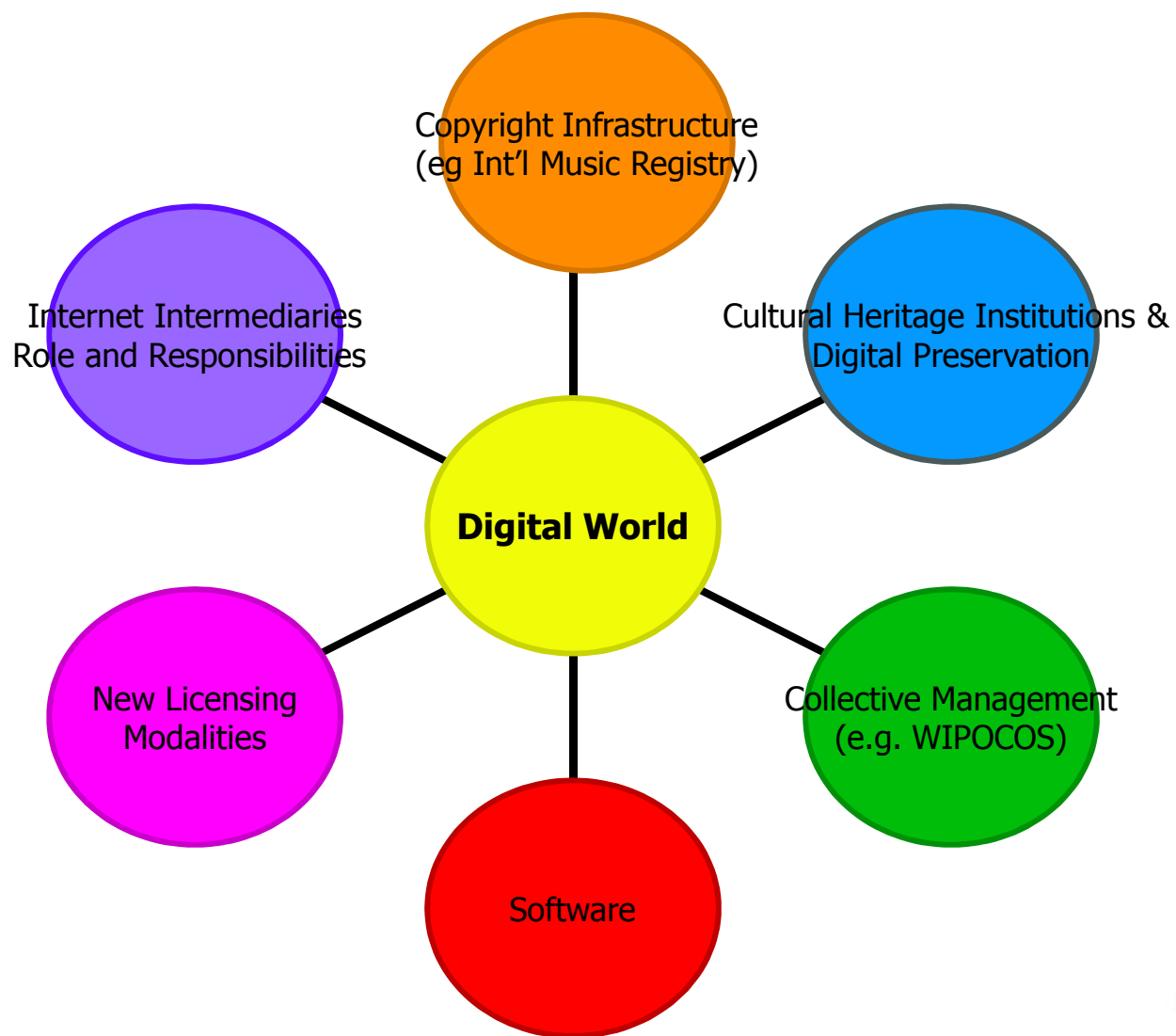
A- The public domain

B- Copyright registration and documentation systems

- Survey of voluntary registration and deposit systems
- Development of international registry of musical works

C- IP and competition

WIPO *Digital Future* Activities





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

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