



WIPO is committed to working towards the broadest possible adherence to the treaties around the world in order to safeguard global protection for creativity. This project is a key item on the WIPO Digital Agenda, approved by the Member States in September 1999.

Information on the current situation regarding the WCT and the WPPT is available on our website at <http://www.wipo.int/treaties/ip/index.html>.



## WORLD INTELLECTUAL PROPERTY ORGANIZATION

# The WIPO Internet Treaties

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### General

In December 1996, two new treaties were concluded at the World Intellectual Property Organization (WIPO): the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). Together, these treaties represent a milestone in modernizing the international system of copyright and related rights, ushering that system into the digital age.

### Background

Copyright law provides protection for literary and artistic works, giving their creators the ability to control certain uses of their works. The law of related rights (that is, rights related to copyright) provides similar protection for the creative contributions of parties involved in presenting works to the public, such as performers, phonogram producers, and broadcasters. Copyright and related rights are provided by national laws in individual countries. International treaties link the various national laws by ensuring that at least a minimum level of rights will be granted to creators under each national law. The treaties do not themselves grant rights, but rather require the countries that join the treaties to grant certain rights specified on a nondiscriminatory basis.





The purpose of the two new WIPO treaties is to update and improve the protection of the already existing copyright and related rights treaties. Those existing treaties date back more than a quarter of a century, to the days before the development of personal computers and the Internet. The WCT and WPPT contain a number of new standards and serve to clarify the older treaties. Most important, the WCT and WPPT provide responses to the challenges of the new digital technologies. For this reason they have come to be known as the "Internet treaties."

### Main Elements of the Treaties

The WCT protects literary and artistic works such as books, computer programs, music, photography, paintings, sculpture and films.

The WPPT protects the rights of the producers of phonograms or sound recordings (e.g., records, cassettes, CDs), as well as the rights of performers whose performances are fixed in sound recordings.

Both treaties require countries to provide a framework of basic rights, allowing creators to control and/or be compensated for the various ways in which their creations are used and enjoyed by others. Most important at the beginning of the new millennium, the treaties ensure that the owners of those rights will continue to be adequately and effectively

protected when their works are disseminated through new technologies and communications systems such as the Internet. The treaties thus clarify, first, that the traditional right of reproduction continues to apply in the digital environment, including to the storage of material in digital form in an electronic medium. Second, they clarify that the owners of rights can control whether and how their creations are made available online to individual consumers at a time and a place chosen by the consumer, e.g., at home via the Internet.



To maintain a fair balance of interests between the owners of rights and the consuming public, the treaties further clarify that countries have reasonable flexibility in establishing exceptions or limitations to rights in the digital environment. Countries may, in appropriate circumstances, grant exceptions for uses deemed to be in the public interest, such as for non-profit educational and research purposes.

The two treaties also break new ground by requiring countries to provide not only the rights themselves, but also two types of technological adjuncts to the rights. These are intended to ensure that rightholders can effectively use technology to protect their rights and to license their works online. The first, known as the "anti-circumvention" provision, tackles the problem of "hacking": it requires countries to provide adequate legal protection and effective remedies against the circumvention of technological measures (such as encryption) used by rightholders to protect their rights when their creations are disseminated on the Internet. The second type of technological adjunct safeguards the reliability and integrity of the online marketplace by requiring countries to prohibit the deliberate alteration or deletion of electronic "rights management information":

that is, information which accompanies any protected material available on-line, and which identifies the work, its creator, performer, or owner, and the terms and conditions for its use.

Both treaties deal with other matters as well, not specific to the digital environment. These include rights of distribution and rental, the right to receive payments for certain forms of broadcasting or communication to the public, and an obligation for countries to provide adequate and effective measures allowing rightsholders to enforce their rights against infringement.



### Status

The WCT and the WPPT entered into force on March 6, 2002, and May 20, 2002, respectively. Each treaty had to be ratified or acceded to by 30 countries before it entered into force. The countries which have adhered to the treaties come from all regions of the world, and include both developing and developed countries.

