



INTELLECTUAL PROPERTY
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PROGRAMME



Regional Seminar on Building Awareness of the Principles and Functions of Copyright in Today's Changing Environment

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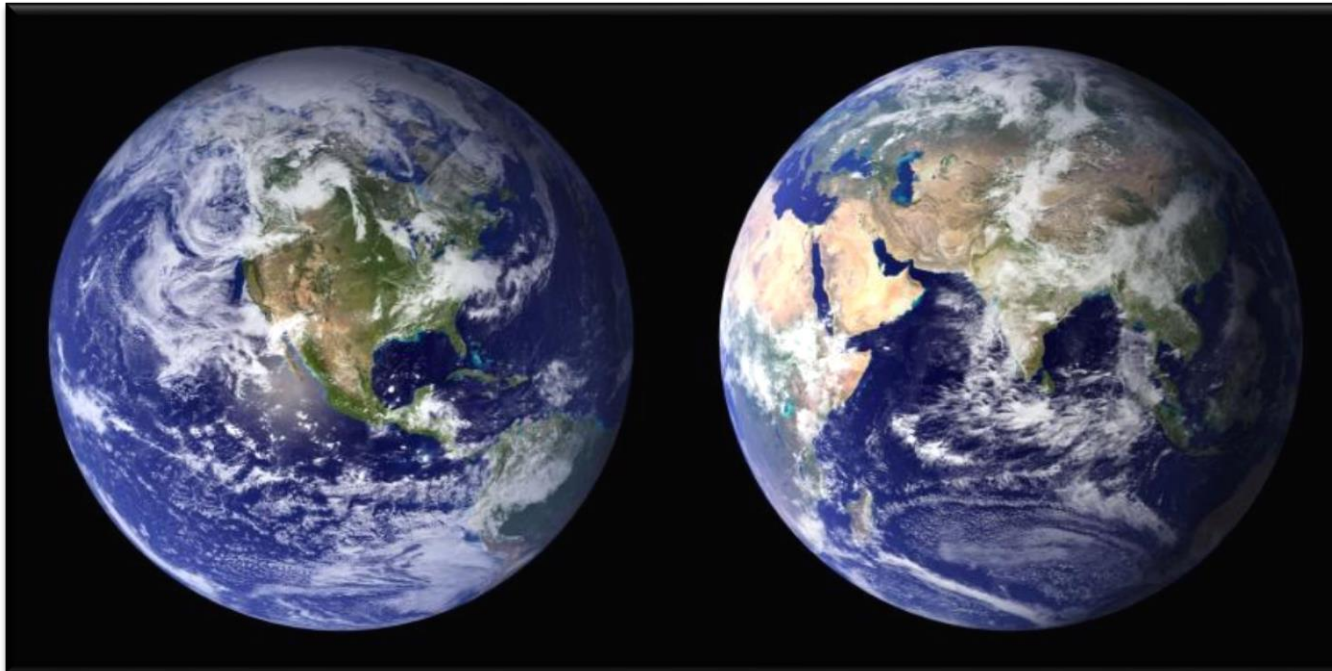
**Setting the Scene: Challenges Facing The Copyright
System in the Digital Era and the Importance of the
International Copyright and Related Rights Treaties**

By

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The history of copyright is principally about responding to the challenges from disruptive technologies.....The internet revolution has changed the role of copyright.....At present we seem to have two copyright worlds: the traditional world of copyright and the emerging world of copyright

We need to study this emerging world and to understand its relationship with the traditional world.



The Traditional Copyright World: Copyright and Creativity



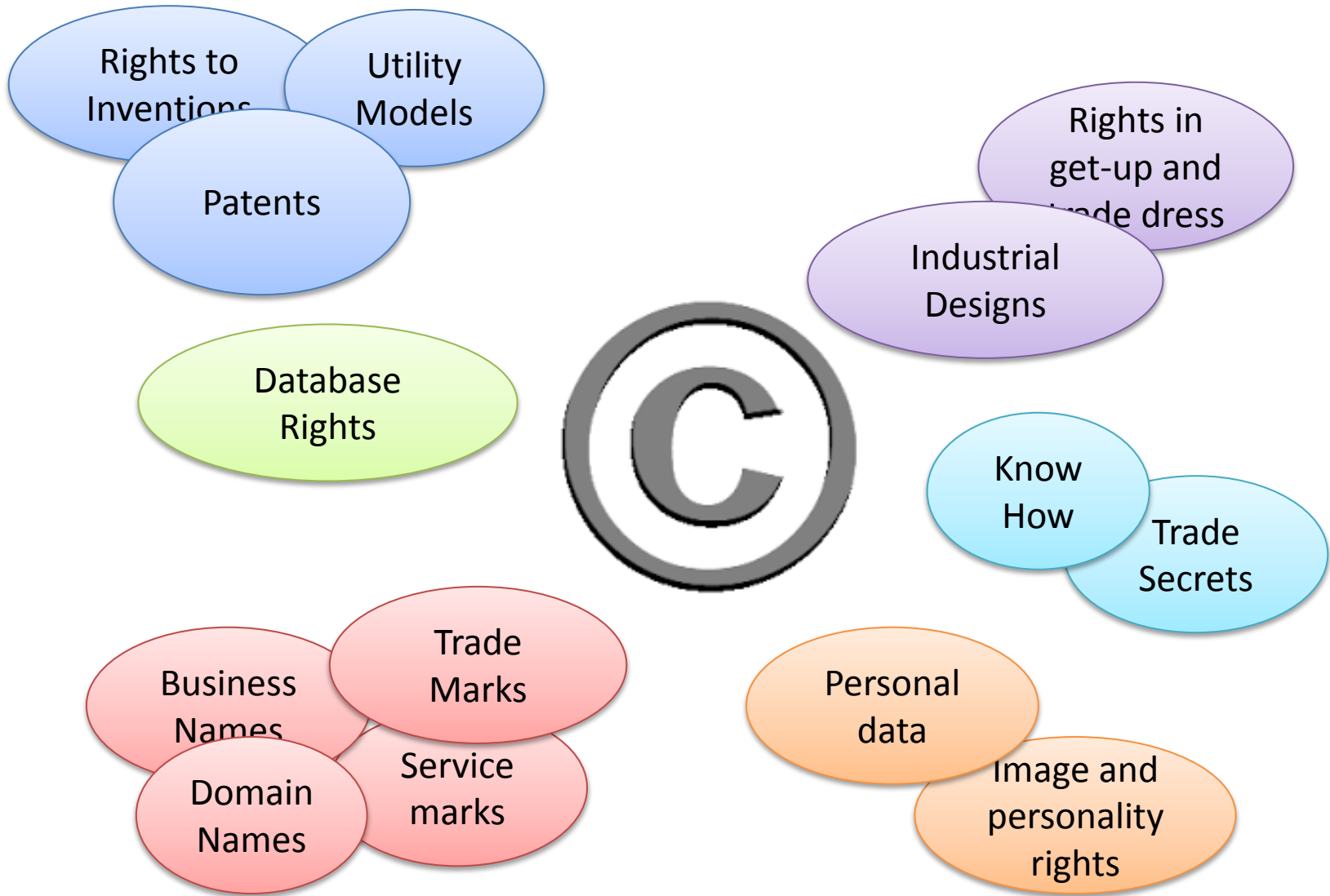
- ❑ The traditional copyright world relies on copyright to promote creativity by providing a legal framework for protecting and facilitating the exploitation of creative output.
- ❑ It involves a system of (generally) exclusive rights
- ❑ It relies on mechanisms to prevent infringement of rights
- ❑ There are limited exceptions and limitations to these rights
- ❑ The systems are embodied in national laws; international treaties connect these national systems
- ❑ There are no formalities attached to the subsistence of copyright; it exists in subject matter which is included within the system as soon as the subject matter is created.

The New Copyright World: Copyright and Innovation

- ❑ In the new world copyright is deeply interrelated with technological innovation and its consequences
- ❑ Copyright also promotes innovation (but that is another subject)
- ❑ We live in a world that relies increasingly on the movement of information in electronic formats. Copyright is involved in both the information and the systems that move and apply this information.
- ❑ In this world there will be less emphasis on control and authorisation of copyright subject matter; traditional licensing models do not scale well.
- ❑ Markets in the new world will operate increasingly through monitoring, metering and monetisation.
- ❑ The scope of copyright is much broader than in the traditional world.



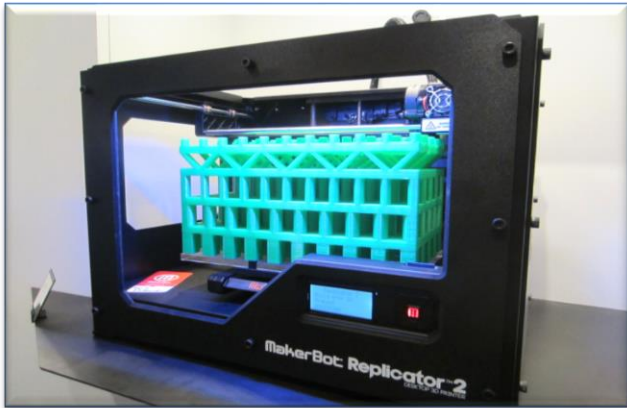
Copyright and other Intellectual Property Rights





In The New Copyright World

CLOUD
COMPUTING



Scale: how will such vast use of copyright subject matter be managed?

Protection: how can copyright subject matter be effectively protected?

Globalisation: how will national copyright laws provide a workable international framework?

Survival: Will copyright survive or will it be overtaken by powerful proprietary information systems?



The relationship between the traditional and the new



- ❑ The traditional copyright world remains essential for creativity and cultural enterprise. The growth of the new copyright world is inevitable and the new world will be much greater than the traditional world. How do these two world relate to each other?
- ❑ The “value gap” analyses from certain copyright industries clearly indicate the dangers in this relationship.
- ❑ “Authorship” as a concept will be challenged as artificial intelligence develops
- ❑ Implementation of certain exclusive rights may become much more difficult if not impossible: consider the burden of notice and take down mechanisms
- ❑ Limitations and exceptions to copyright
- ❑ In the traditional world the market has failed to deliver copyright management systems suitable for the new world
- ❑ The effective identification of copyright subject matter is essential
- ❑ The liability of intermediaries is unresolved

Conclusions

There needs to be a change in perspective in copyright reform. The traditional world has to fit into the new world and not vice versa (while preserving the original and essential purpose of copyright).

The internet is not simply a disruptive technology; it's a revolution.

Focusing on reform in the traditional world alone is not the solution; reform needs to encompass the traditional world as part of the new world.

Rights holders in the traditional world may need to prioritise and be prepared to give up certain benefits in return for new forms of support for their creativity

Governments will have an increasingly active role to play in supporting the development of effective rights management infrastructure and for protecting against the abuse of information systems by powerful technology and communications enterprises.