



■ **Second Survey on Voluntary Registration and Deposit Systems**

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Background

- 2007 General Assembly: adoption of 45 Recommendations for WIPO Development Agenda
- Recommendations 16 and 20:
 - Consider the preservation of the Public Domain
 - Promote norm-settings activities to support a robust Public Domain in WIPO's Member States
- In this context the project on IP and the Public Domain, adopted by the CDIP, contemplates the elaboration of a Survey on Voluntary Registration and Deposit Systems+.
- The Present Survey builds on a previous experience, a 2005 Survey of the situation in 12 countries.

Objectives

- Examines not only registration but also legal deposit systems
- Expands the 2005 Survey in 4 different respects:
 - Attempt to include all Member States
 - Scrutiny for voluntary registration/deposit systems in the digital environment
 - Information on how Member States address the issue of orphan works with voluntary registrations
 - Information on recorded/registered public domain

Methodology

- The Survey is elaborated on the basis on the responses of Member States to a questionnaire, with two sections:
 - First section: copyright registration and recordation systems. Includes questions on subject matter, legal effect of registration, the administrative dimension of registration, search facilities, orphan works...
 - Second section: legal deposit systems. Includes questions on the nature of legal deposit, administrative aspects, materials subject to legal deposit...
- 80 Member States responded by the June 30, 2010 deadline-

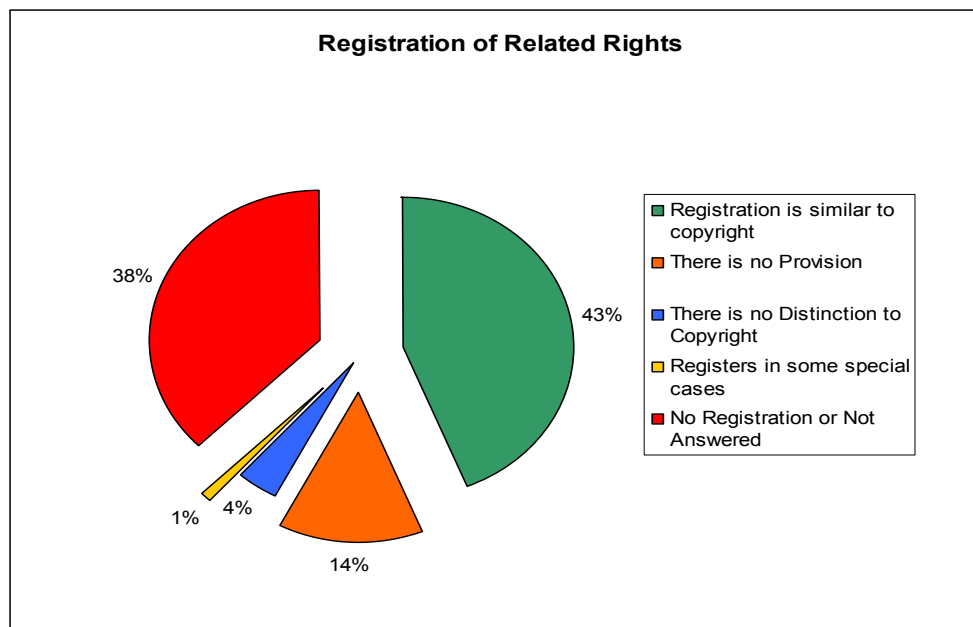
Elements of the Survey

- The Survey is available here:
http://www.wipo.int/copyright/en/registration/registration_and_deposit_system_03_10.html
- Its main elements are as follows:
 - The **Questionnaire and the responses** to the same by 80 Member States.
 - A **list of contact details** for all Registration and Deposit Systems, including websites and opening hours of the offices.
 - A WIPO **Summary** of the responses
 - A number of **Tables** which provide information on specific issues such as the national legislation, the time requirements of legal deposit and the connection of legal deposit to standards such as ISBN; etc
 - A series of **Charts** which provide simple ratios on a number of basic questions such as search facilities and digital storage in registration systems

I) FINDINGS AND CHALLENGES: REGISTRATION SYSTEMS

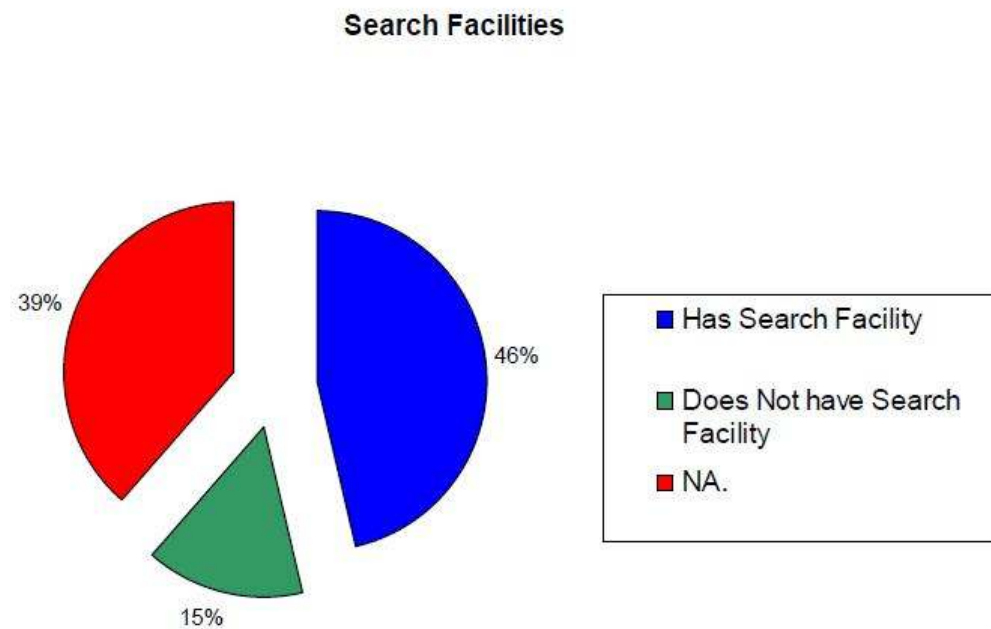
Findings on registration systems

- 48 Member States have a copyright voluntary registration system
- Generally entrusted to institutions belonging to the executive branch (sometimes decentralized)
- In many cases also related rights can be registered



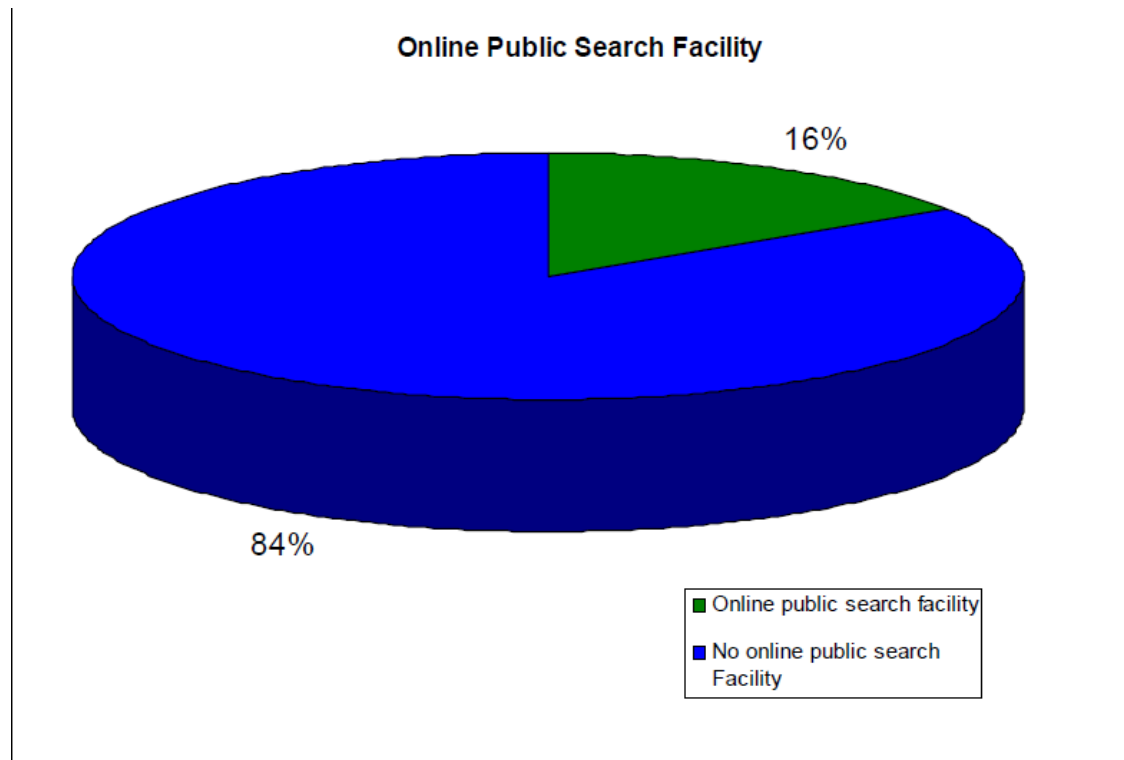
Challenges for registration systems

- Only 46% of responding Member States have search facilities



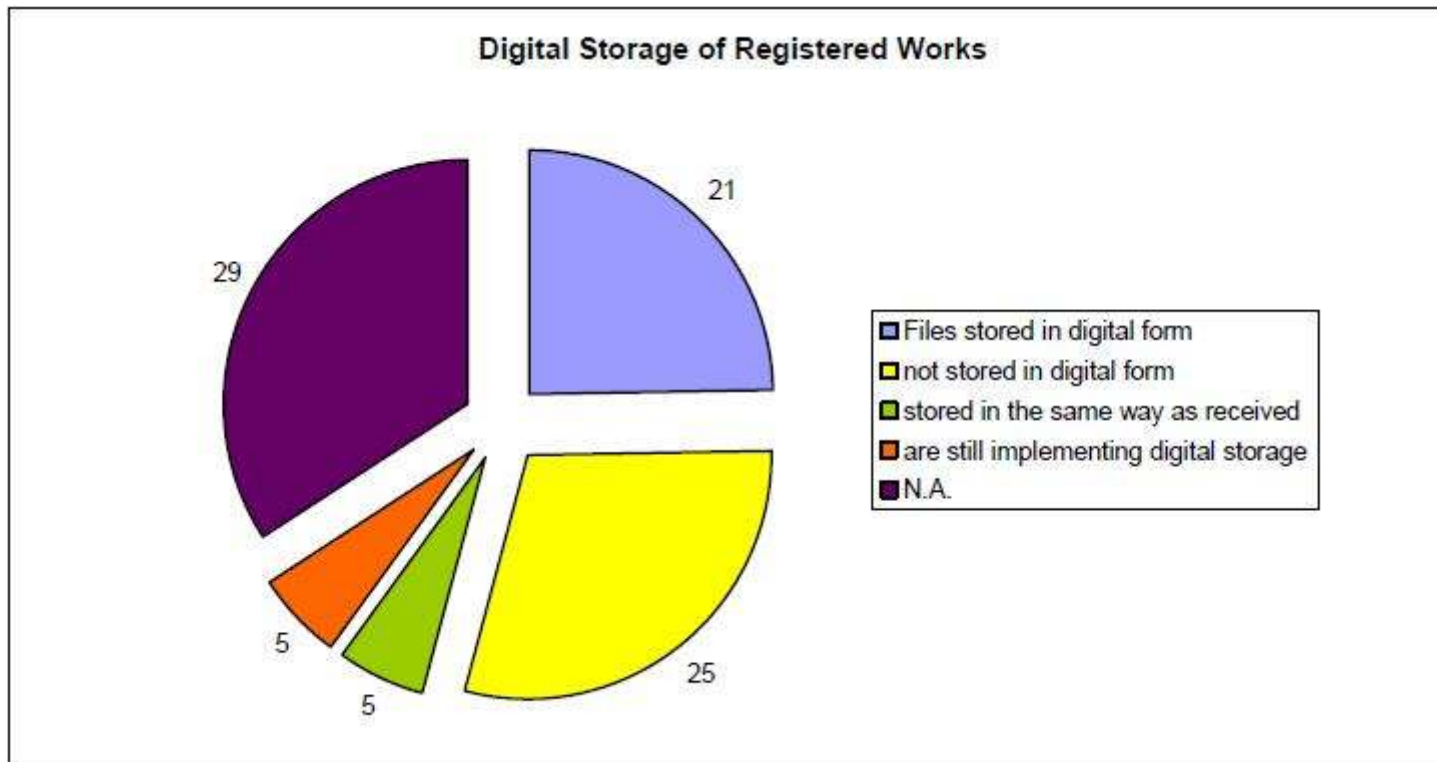
Challenges for registration systems

- 84% of the Member States have no online public search facility



Challenges for registration systems

- Only 21% of Member States provide a digital storage of registered works



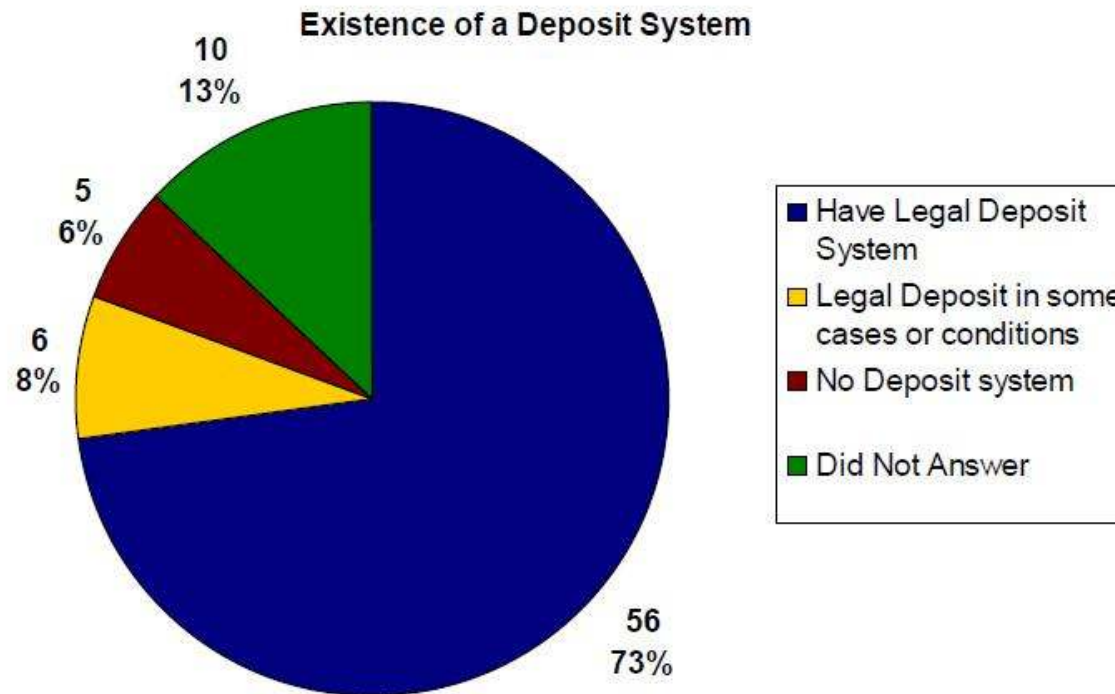
Challenges for registration systems

- Access to registered work generally granted (or to its copy, or general information).
- But often with and administrative burden: payment of fees, long bureaucratic process.
- Status of orphan works: no legislation dealing on this issue, few industry practices for identification of location of the copyright owner of orphan works.
- Status of public domain material: no rules or practices on the identification of public domain by the public registries.

II) FINDINGS AND CHALLENGES: LEGAL DEPOSIT SYTEMS

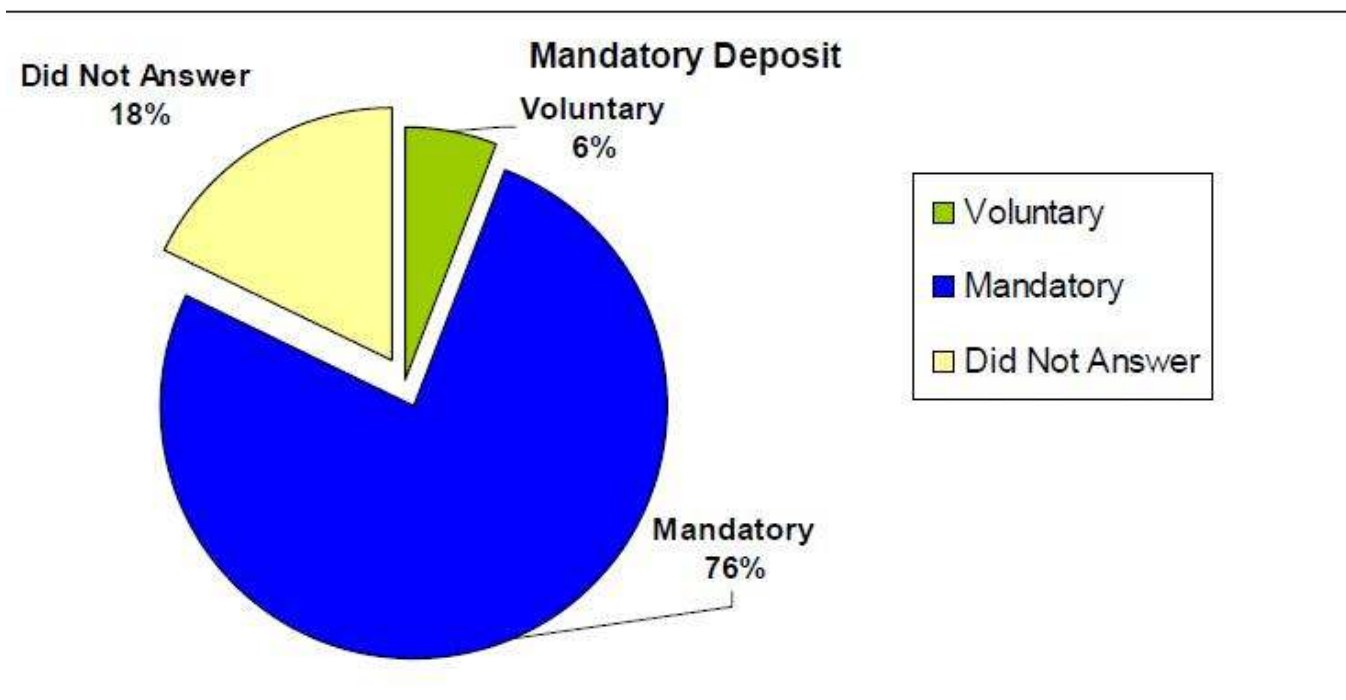
Findings on the legal deposit system

- It is more widespread (73% of the respondents have a legal deposit system)



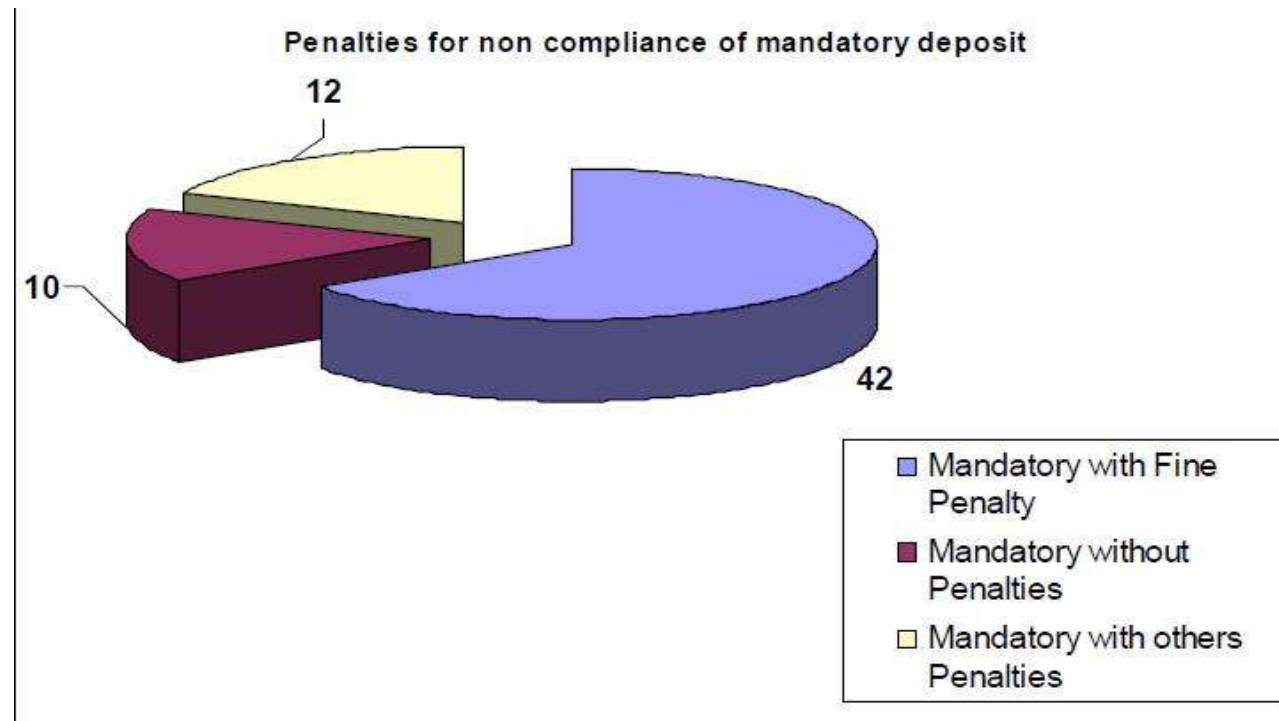
Findings on the legal deposit system

- In many of the respondent Member States, legal deposit is even mandatory:



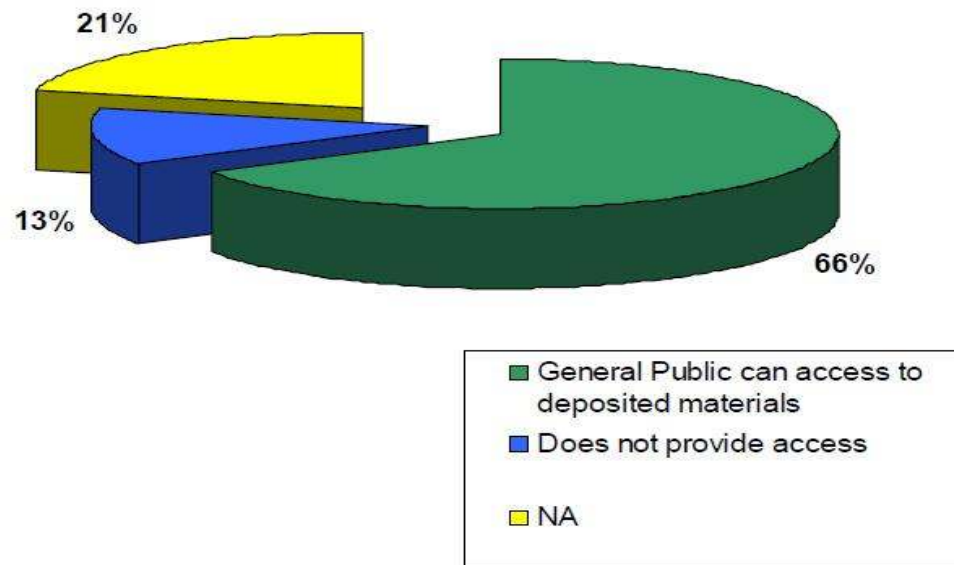
Findings on the legal deposit system

- Non-compliance for mandatory deposit can even lead to an economic fine:



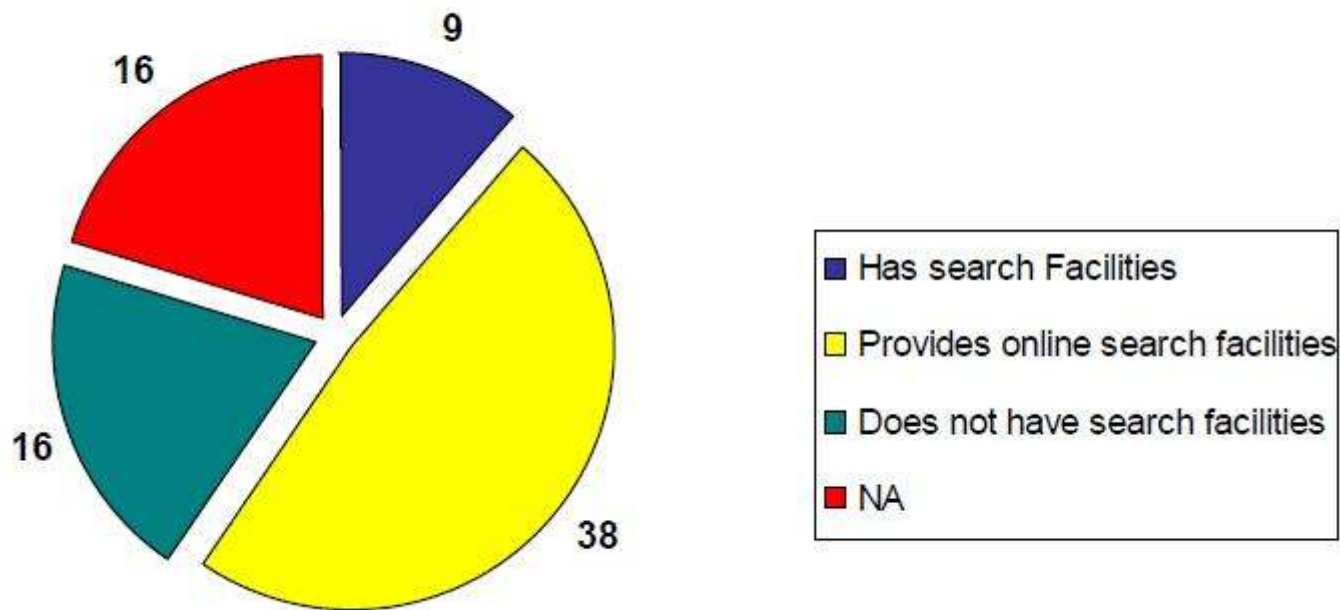
Findings on the legal deposit system

- Strong diversity of objects which can be subject to legal deposit (Berne open list)
- Online publications are often taken into account (no different rules for works published online and offline)
- Access to deposited material is also significant:



Findings on the legal deposit system

- Only 47 of the responding Member States provide search facilities



Conclusion

- An increasing number of Member States are establishing -or enlarging their already existing- voluntary registration and legal deposit systems.
- But improvements need to be made, especially in regard the adaptation to the digital environment for example on facilitating on line search and access; on orphan works and on facilitating delimitation, preservation and access to the public domain.

Conclusion

- There is an increasing interest from public authorities in Copyright registration and documentation. As we saw yesterday this interest can adopt the form of fostering the interconnection of private initiatives in the field. It can also adopt the form of furthering public documentation and registration
- WIPO can support this trend by a number of activities:
 - Enabling automation of Registries by means of GDA
 - Showcasing initiatives of Member States and facilitating access to registries and legal deposit systems.
 - Facilitate the exchange and interaction between public registration systems.

THANK YOU FOR YOUR ATTENTION