

**EXERCISE OF COPYRIGHT IN THE
DIGITAL ENVIRONMENT: AN
INTERNATIONAL PERSPECTIVE
FOCUSED ON DEVELOPMENT.**

IV GRUR MEETS BRUSSELS

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I. Defining the new role for WIPO beyond norm-setting

- New Focus on the *exercise and exploitation* of IP in the new environment.
- New licensing modalities and business models developed in the network environment and adapted to collaborative creativity.

II. New activities and new issues.

- New activities: Research and information gathering/ Facilitating Dialogue among stakeholders/Dispute resolution/ Emphasis on Infrastructure
- New issues: Responsibility of Internet Intermediaries/ Interplay between collective and individual management/Facilitating a consensual approach to rights and limitations
- Development Agenda Issues: Orphan Works/ Public Domain/ Registration/ Documentation and RMI/ Competition Law/Access to Creativity and Information

III. Collective Management

- Traditional role: technical assistance.
- New Issues: Competition Law/ Governance issues
- Precedents To Governance Issues in WIPO: 1989 Governing Bodies mandated the Secretariat to prepare a Study on CM as a basis for advice, (Group of Consultants, published in 1990); 1991 Memorandum Submitted to the first Committee of Experts on a Protocol to the BC (license fees must be distributed according to actual use); 2000 DC on the protection of AV performances (no collection without distribution)

III. Collective Management (2)

- Developmental dimension of Copyright and collective management
- Developing countries: Striking contrast between thriving cultural industries and shortcomings of CM

Most urgent needs:

- International Exchange of Data and Revenues.
- Efficient and Standardized Automation Processes

IV. COPYRIGHT AND DEVELOPMENT

When formally establishing the Development Agenda in October 2007, the WIPO General Assembly adopted a set of 45 recommendations to enhance the development dimension of the Organization's activities

A number of them look at exploring the synergic relation between copyright and creativity

With the intention of implementing the adopted recommendations in an effective and coherent manner, the Secretariat took in 2009 the initiative of grouping recommendations which address the same or similar subject matter and could be implemented jointly through thematic projects

3 Thematic Projects closely relate to Copyright

IV. COPYRIGHT AND DEVELOPMENT (2)

IP and the Public Domain (3 recommendations)

- **Second Survey on voluntary Registration and deposit systems**

The new survey would expand on the 2005 Survey in at least four different respects, namely, (i) digital environment and available search tools; (ii) orphan works; (iii) solicit information on recorded/registered public domain subject matter; and (iv) attempt to include all Member States.

IV COPYRIGHT AND DEVELOPMENT (3)

IP and the Public Domain

- **Survey on private copyright documentation systems and practices**

Use of copyright documentation, including in the form of RMI, by entities such as collective management organizations or the Creative Commons System, and would examine how these systems identify, or might contribute to identifying, content that is protected or in the public domain

IV COPYRIGHT AND DEVELOPMENT (4)

- IP and the Public Domain
- **Scoping study on copyright and related rights and the public domain**

Comparison of national legislation that directly, or indirectly, defines the public domain, survey of initiatives and tools, technical and legal, which facilitate access, use, identification and location of public domain material, and, finally, recommendations for further work to be undertaken by WIPO in regard to the public domain as far as copyright is concerned.

- **Conference on copyright documentation and infrastructure**

IV COPYRIGHT AND DEVELOPMENT (5)

- **IP AND COMPETITION (Rec. 7, 23 & 32)**
- Global meeting on emerging copyright licensing modalities
- This two-day meeting would gather an array of stakeholders who are implicated in copyright licensing practices. to examine new challenges in this area, including from a competition standpoint. Multiple issues such as the compatibility between traditional copyright licenses and newer forms of licensing, including the competitive impact of territorially-limited versus multi-jurisdictional licenses, etc.

IV COPYRIGHT AND DEVELOPMENT

- **IP, ICTs, THE DIGITAL DIVIDE AND ACCESS TO KNOWLEDGE (Rec. 19, 24 &27)**

A Study on “Using Copyright to Promote Access to Information and Creative Content”: use of the copyright system in order to enhance access to information and creative content, in three key areas: education and research (including issues such as open-access); software development practices, including free and open-source software; and e-information services (e.g., e-journals, public sector information).

IV. COPYRIGHT AND DEVELOPMENT

- **IP, ICTs, THE DIGITAL DIVIDE AND ACCESS TO KNOWLEDGE (Rec. 19, 24 &27)**

The Study will be developed in three different stages:

- Research, information-gathering and first draft of the individual contributions;
- A workshop, hosted at WIPO headquarters, devoted to collective analysis and evaluation individual contributions; and
- Finalization and delivery of the Study, which will include recommendations on future activities to be undertaken by WIPO.

Thank you



WIPO Copyright Sector

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