Asset management in the digital age: beyond copyright (as we know it)
Global approach

Challenges

Possible solutions: normative / non-normative

Work in progress
Internet users per 100 inhabitants, 2001-2011*

* Estimate.
The developed/developing country classifications are based on the UN M49, see:
http://www.itu.int/ITU-D/ict/definitions/regions/index.html
Source: ITU World Telecommunication /ICT Indicators database

IFPI: online music services
2011: 28 Countries
2012: 58 Countries
WIPO Member States: 186
Basic Features of the Copyright System

Berne Convention (1886 – 1979): 166 Members

- Set of rights, including moral and non-renounceable ones;

- Absence of formalities and automatic recognition of ownership;

- Minimum term of protection, which may be extended at national level;

- Territoriality;

- Common rules for exceptions and limitations, but freedom in the implementation at the national level.
Challenges (I)

- Lack of information and awareness
- Complexities of the system
- Cost of licensing
Challenges (II)

- Traditional demarcations between creators and publishers on the one hand and users on the other are blurring;
- Statutory conditions related to the transfer (e.g. exclusion of unknown forms of exploitation; requirement to specify the rights transferred; formalities).
Challenges (III)

- Enforcement on the internet is extremely complex, from a technical, legal and social perspective.
Against this background....
Does the copyright system need to adapt?
Yes!!!


“Rather than resist it, we need to accept the inevitability of technological change and to seek an intelligent engagement with it. There is, in any case, no other choice – either the copyright system adapts to the natural advantage that has evolved or it will perish.

Adaptation in this instance requires, in my view, activism. (..) The balances should not, in other words, be left to the chances of technological possibility and business evolution. They should, rather, be established through a conscious policy response.”

(Based on three principles:
- neutrality to technology and business models
- comprehensiveness (law, infrastructure, cultural change, institutional collaboration and better business models)
- Simplicity)
How?
Normative Solutions

- term of protection, formalities, limitations and exceptions ("fair use"), Public Sector Information, Orphan Works, Collective Management …

They can be at international, regional or national level. Some may require modification of the Berne Convention (!) or may be solved through non-normative initiatives.

Must one size fit all? different level of development, different needs of various sector, multi-stakeholder approach.
Non-Normative Solutions

- Open Source Software, Creative Commons, Stakeholders agreements (e.g. ISPs responsibility, interoperability)…”

They are not real alternatives as such, they are within the current copyright system and based on existing principles and rules.
How the international community is addressing the “above mentioned” problems within WIPO?
Standing Committee on Copyright and Related Rights

Limitations and Exceptions (Libraries and archives; b- Education and research; c- Visually Impaired Persons (VIP));

Broadcasting Organizations

“Development Agenda”

Flexibilities, public domain, copyright documentation, new licensing schemes (OSS, CC), public sector information

“Digital Future” and “Copyright Infrastructure”

IMR, WIPOCOS, GDA, IGO license, VIP Stakeholder Platform, ISPs, AV contractual review
A Governance Forum: WIPO would facilitate a forum to host in a balanced and global way the stakeholders’ discussions, and strengthen the links between the different parts of the industry, on the one hand, and between the industry and the users, on the other;

An arbitration and mediation service with the objective to establish an international alternative dispute resolution service to serve the music industry;

Standard coordination, with the objective to promote the enhancement and coordination of standards associated with music metadata and identifiers;

A global look up and resolution service, which would allow users to access information regarding different rights owners and contributions, and would route them to the appropriate rightowners database.
Thank you

WIPO Culture and Creative Industries Sector

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

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