



Critical issues in copyrights and related rights

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Introduction



More recently protection of copyright across the world has become more difficult because of technological improvements.

This has created the environment in which content sharing became extremely easy and inexpensive

Meanwhile, the massive increase in the use of Internet-platforms like social media has escalated the fear for protection of the copyrighted materials

This necessitated to rethink and find the ways to balance copyright from unauthorized use without hampering creative works.

The Rise of Technology: Fear or Strength

Global markets for content and copyrights holders have been created and fuelled by the massive increase in the **digital economy**, facilitated by the diffusion of broadband, and consolidated with increases in computing power and storage

However, there is a risk of the protection of copyrights

Piracy will damage the creative works, because the growing **digital tools** are infringing the copyrights.

Copyright Challenges

IPRs are immensely significant for sharing the innovation, encouraging creativity and building consumer trust

However, in the age of digitization new challenges appeared in managing the copyrights, when the consumer is the creator

Marginal cost of copying is zero- the problem of copyright violation will be difficult to lessen

Again, the administration of copyright laws is extremely difficult, in this scenario

Free access to information and content- global demand

The challenge is that how copyright laws will respond to technological changes

Copyrights And Digital Piracy: General Considerations

Piracy is a function of the market for the copyrighted materials, the more weak the market is, the more limited piracy will be

Piracy and sales are simultaneously related to each other: piracy crowd out legitimate sales from copyright owners, but sales determine the extent of piracy

Piracy and counterfeiting occurs as a result of inadequate standard of copyright protection

There is found to be highly inverse correlation between piracy and the level of economic development



Copyrights And Digital Piracy

- There is incidence of wide-spread, cross-border and virtually uncontrollable copyright infringement in the age of digitization because
 - ❖ Simplicity of digital reproduction
 - ❖ The ease and speed of digital transmission
 - ❖ The ease of digital manipulation
- Infringement of copyrighted works (music, motion pictures, TV programmes, CDs DVDs, software, books, computer/video games) in the digital world became a far greater threat to creators

Copyrights And Digital Piracy: Problems

- I. To recognize infringers
- II. How to determine the jurisdiction and applicable law
- III. Enforcement of the judgments against infringers



Issues in Copyrights

A large no. of industries; television, songs and music, film, publishing, software, entertainment including video games, etc. are being badly affected by the illegal copying and dissemination of copyrighted materials



Issues in Copyrights: Music Piracy

Copyright infringement is largely happening through commercial music piracy and individual copying of songs and music

More than 40 billion files illegally shared in 2008---The estimates of the International Federation of the Phonographic Industry

Huge volume of illegal downloads, annual losses to the music industry is estimated to US \$ 3.5- 8 billion



Issues in Copyrights: Movie

Internet Movie Database, Netflix, iTunes, LOVEFiLM, and Blinkbox success can largely be attributed to the internet and digitization of the film industry

However, the piracy has also become very easy without any cost

US authorities have shut down 9 websites that offer free access to movies in July 2010

Large no. of sites provide downloading facilities of movies even before its official release or hours just after their release

50 % of households have illegally downloaded movies in South Korea---reported by the Korean Film Council

It constitutes losses to the DVD market of US \$ 1 billion

Issues in Copyrights: Broadcast

Study by Screen Digest for the WIPO: 4 forms of unauthorized access to broadcast signals:

Physical Piracy

Hardware-based Unauthorized Access

Unauthorized Re-broadcasting

Extra-territorial Television Access

Unauthorized re-broadcasting is a huge challenge----Asia and States of Arab

Issues in Copyrights: Software

Both physical and digital piracy is prevalent in the software industry

The Business Software Alliance estimated that piracy accounts for about 40 % of the global copyright market

Large volume and value of software were obtained illegally worldwide

One problem is that some companies purchase a limited user licence and then install the software on many computers or servers

Counterfeiting and illegal piracy are all threats for the software industry

Issues in Copyrights: Entertainment

Entertainment especially gaming
is somewhat more protected

Because gaming software are
technically difficult to imitate or
copy

The industry has developed models
that are more protected from piracy



Copyright Industries in Developed & Developing Countries

The share of copyright industries in GDP and employment for both developed and developing countries can be seen from table 1.

As the table shows the share of copyright industries in GDP and employment is relatively low in developing countries than developed countries.

Table 1. Share of Copyright Industries in The Economy

Countries	Year of publication	% of GDP	% of employment
Australia	2011	6.60	8.00
Canada	2004	5.38	5.55
U.S.A	2013	11.25	8.35
Netherlands	2009	5.90	8.80
Pakistan	2010	4.45	3.71
Columbia	2008	3.30	5.80
Ukraine	2008	2.85	1.90
Jamaica	2007	4.81	3.03
Jordan	2012	2.43	2.88

Economic Impact of Digital Piracy

- ❑ Socioeconomic effects (on innovation and growth, criminal activities, environment, employment, foreign direct investment, and trade)
- ❑ Effects on rights' holders (on sales volume and prices, brand value and firm reputation, royalties, firm-level investment, costs and the scope of operations)
- ❑ Effects on consumers (health and safety risks and consumer utility)
- ❑ Effects on government (tax revenues, expenditures and corruption)

The impact of various forms of piracy can be seen from the tables

Various Forms of Piracy and Consequences

Various Forms Of Piracy	Consequences
Software piracy	According to the new Global Software Survey from BSA ,39 percent of software installed on computers around the world was not properly licensed in 2015. due to use of illegal software possibility of cyber attacks increases
Music piracy	According to Digital music report 2015 some 4 billion music had been downloaded via <i>Bit Torrent</i> (P2P File Sharing) alone, with 20% of fixed-line Internet users worldwide regularly access services that offer pirated music.

Cont...

Various Forms Of Piracy	Consequences
Book piracy	In 2011, the total lost to book publishers in India was up to \$387,000 (20 Million Indian Rupees) due to book piracy
Video game piracy	Between 2004 and 2009, file-sharing sites downloaded illegally nearly \$42 billion worth of Sony PSP and Nintendo DS games according to study by the Computer Entertainment Suppliers Association.
Movie piracy	before releasing the movie people all over the world already watch them online. For example- 'The Expendables 3' leaked three weeks prior to its release. It has since been downloaded more than 200,000 times

Cont...

Various Forms Of Piracy	Consequences
Advertisement piracy	according to a new report from the digital citizens alliance and Medialink, pirates make money from displaying online ads for legitimate goods and services.
Television & broadcasting piracy	Viacom International, Inc. and other copyright holders (Plaintiff) filed a case against You tube based on the public performance, display, and reproduction of about 79,000 audiovisual “clips” shown on the YouTube website, an online video sharing service

Measures to Reduce Online Piracy

- The private sector has created a number of successful voluntary partnerships to reduce online piracy such as
- The Copyright Alert System (CAS)
- The Trust Accountability Group's Brand Integrity Program Against Piracy (TAG Anti-Piracy Program)
- In-house Software Asset Management (SAM) program

Conclusion

There are several issues related with copyright and related rights

However, **with digitization**, there is an increase in the number of cases of digital piracy, losses due to it

Measures to overcome from piracy have became major issue

Creating an **environment that promotes creativity and innovation**, fosters competition, protects free speech, ensure legal exploitation of the digital technology necessitates a balance between protection and fair use & dissemination of knowledge.

Further Readings

<http://www.itu.int/net/itunews/issues/2011/07/38.aspx>

<http://iipdigital.usembassy.gov/st/english/publication/2008/04/20080429222342myleen7.736933e-02.html#axzz4CP6Z0fDI>

<http://www.havocscope.com/tag/book-piracy/>

<http://www.ifpi.org/>

<http://www.bsa.org/>

http://www.wipo.int/edocs/pubdocs/en/copyright/893/wipo_pub_893.pdf

Thank You