



DL101: General Course on Intellectual Property



Welcome to the  
**Copyright** module of the  
General Course on Intellectual Property

WIPO Academy powered by 39/2019





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## Module Introduction

### Module Overview and Learning Outcomes

This module explains the types of things that are protected under the heading of copyright, the rights that a copyright owner has and how they can be used for commercial advantage. Much of the law concerning copyright is similar in all the countries that have signed multilateral conventions and trade agreements. However, for a definitive answer to any copyright question, your own country's laws should be consulted.

The module explains the remedies that copyright owners may pursue against any abuse of their rights. Again these remedies are available in most countries but you should consult your national law to be sure of the situation in your country.

Developing countries stand to benefit from copyright protection as is also explained.

You will see and hear reference to the **Berne Convention**, the **WIPO Copyright Treaty (WCT)**, **The Marrakesh Treaty** and the Agreement on Trade Related Aspects of Intellectual Property (TRIPS Agreement) as all three are of relevance to copyright. Indeed they are explained in some detail in this module.

**After completing the study of this module you should be able to:**

- Explain what copyright is and give examples of the types of works that are covered by copyright.
- Explain in about 250 words some of the rights that are protected by copyright. (Reproduction rights, rights of performance, translation and adaptation).
- Describe in 250 words the limitations and exceptions that may exist on the rights covered by objective 2.
- State the general duration of copyright given in the Berne Convention and the WCT.
- Explain how the ownership of copyright can be obtained and transferred.
- List 5 measures that can be used to enforce rights.
- Distinguish between true and false statements concerning the following terms: works, derivative works, Berne Convention, TRIPS, WIPO Copyright Treaty (WCT), limitations, exceptions, economic rights, moral rights, related rights, right of reproduction rights, rights of public performance, Broadcasting, and communication to the public, enforcement of rights
- Explain to a colleague the benefits of copyright protection for developing countries.





## Module Structure

This module is divided into five topics. You are required to complete the topics sequentially in order to best meet the module learning outcomes.



Rights Protected by Copyright

[Launch](#)

Acquisition, Transfer and Protection of Copyright

[Launch](#)

Limitations and Exceptions to Rights

[Launch](#)

Enforcement of Rights

[Launch](#)

International Agreements Concerning Copyright

[Launch](#)[Introduction](#)[Summary](#)[Module Quiz](#)



## What is covered by Copyright?

As with all fields of intellectual property copyright is concerned with protecting the work of the human intellect. The domain of copyright is the protection of literary and artistic works. These include writings, music, and works of the fine arts, such as paintings and sculptures, and technology-based works such as computer programs and electronic databases.

Note that copyright protects works, that is the expression of thoughts, and not ideas. So if you imagine a plot, this, as such, is not protected. For example, a plot consisting of a story about young men and women falling in love despite family and caste obstacles would not be protected. Different writers may build stories based on a similar plot. But when you express it in a synopsis or in, say, a short story, or a play, the expression of the plot in that story will be protected. Hence, for example, Shakespeare's play Romeo and Juliet would be considered as a creative expression of that plot. Still, other writers may build new stories based on a similar plot.

There is no requirement that the literary and artistic work should be good or have artistic merit. It should, however, be original. The exact meaning of this requirement varies from country to country, and it is often determined by case law. In very general terms one may say that in countries belonging to the common law tradition very little is required, other than that the work must not be a copy of another work and that the author should have displayed a minimum amount of skill, labor and judgement in making it.

In countries belonging to the civil law tradition, the requirement is often stronger, for example that the work must bear the stamp of the author's personality. A creative effort would be required from the author that may go beyond mere skill, labor or judgement.





## Copyright According to the Berne Convention

The Berne Convention (1886), which is the oldest international convention governing copyright, states the following in its Article 2.

### Excerpt from Article 2 of the Berne Convention

"The expression 'literary and artistic works' shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and entertainments in dumb show; musical compositions with or without words; cinematographic works to which are assimilated works expressed by a process analogous to cinematography; works of drawing, painting, architecture, sculpture, engraving and lithography; photographic works, to which are assimilated works expressed by a process analogous to photography; works of applied art; illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science. [...] Translations, adaptations, arrangements of music and other alterations of a literary or artistic work shall be protected as original works without prejudice to the copyright in the original work. [...] Collections of literary or artistic works such as encyclopaedias and anthologies which, by reason of the selection and arrangement of their contents, constitute intellectual creations shall be protected as such, without prejudice to the copyright in each of the works forming part of such collections."

Since the Berne agreement there has also been the WIPO Copyright Treaty (or WCT) and the TRIPS agreement. Both of these have extended the rights associated with Copyright.

Select the tabs to learn more about the features of Article 2 of the Berne Convention.

**Are the works that can be protected under the Berne Convention restricted to the list set out in Article 2?**

**What is meant by derivative works?**



### Are the works that can be protected under the Berne Convention restricted to the list set out in Article 2?



It should be borne in mind that works that can be protected under the Berne Convention are not restricted to the examples quoted above. Such a list is not exhaustive. You will have noticed that the Berne Convention specifies that "the expression 'literary and artistic works' shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, **such as....**" The expression "**such as**" opens the door to creations other than the ones set out in the list.

For example, court decisions, in different countries, have protected material such as private letters, a divorce guide, a haircut, a floral decoration of a bridge, a son -et -lumière show (sound and light show often composed for night time outdoor entertainment), examination papers.



### What is meant by derivative works?



Another important feature of Article 2 of the Berne Convention is that it protects what is commonly called "derivative works". These are works that are derived from other, existing sources. Examples of derivative works include:

- translations of works into a different language;
- adaptations of works, such as making a film scenario based on a novel;
- arrangements of music, such as an orchestra version of a musical composition initially written for piano;
- other alterations of works, for example an abridgement of a novel;
- compilations of literary and artistic works, such as encyclopedias and anthologies. In such a case, as with databases protected by the WCT, the originality resides in the choice and arrangement of the materials.

You would have to bear in mind that, before creating a derivative work, you must respect the rights of the author of the initial work. For example, an author who wishes to translate a novel into a foreign language should seek authorization from the author of the novel that will be translated. Making the translation without authorization would expose the translator to the risk of being sued for copyright violation.





## Knowledge Nugget: What is protected by Copyright laws?

Copyright protects literary and artistic works, as the title of the Berne Convention states. The two concepts need to be taken in a very broad sense.

The term literary, for example, does not mean just novels, poems or short stories: it could cover the maintenance manual of a car, or even things that are written but not supposed to be understood by the average human being, such as computer programs. The key to this expression in fact is the word “works”.

What we mean by that is that expression, **human expression**, is the determining factor.

So, if I have the idea of painting “sunset over the sea”, anyone else can use the same idea, which is not protected. But when I actually produce my painting of “sunset over the sea” the painting itself is my expression, and that is protected.

KNOWLEDGE NUGGET

Literary Works

Artistic Works

WIPO Academy powered. 09/2019



## Check Your Learning 1

What important intellectual work, which was mentioned by the speaker, was not included in the list of "literary and artistic works", of the Berne Convention?

Type your answer here.

Submit



## Topic 1: Rights Protected by Copyright

### Topic Overview

Copyright is a branch of intellectual property. The owner of copyright in a protected work may use the work as he or she wishes, and may prevent others from using it without his authorization. Thus, the rights granted under national laws to the owner of copyright in a protected work are normally "exclusive rights": to use the work or to authorize others to use the work, subject to the legally recognized rights and interests of others.

The phrase "as she or he wishes" does not, of course, mean that the owner can use it regardless of the legally recognized rights and interests of other members of society.

#### Example

The owner of a car may use it "as she wishes," but this does not mean that she may drive her car recklessly and create danger to others, nor that she may disregard traffic regulations.



Using the phone while driving can be dangerous to yourself and others around you,



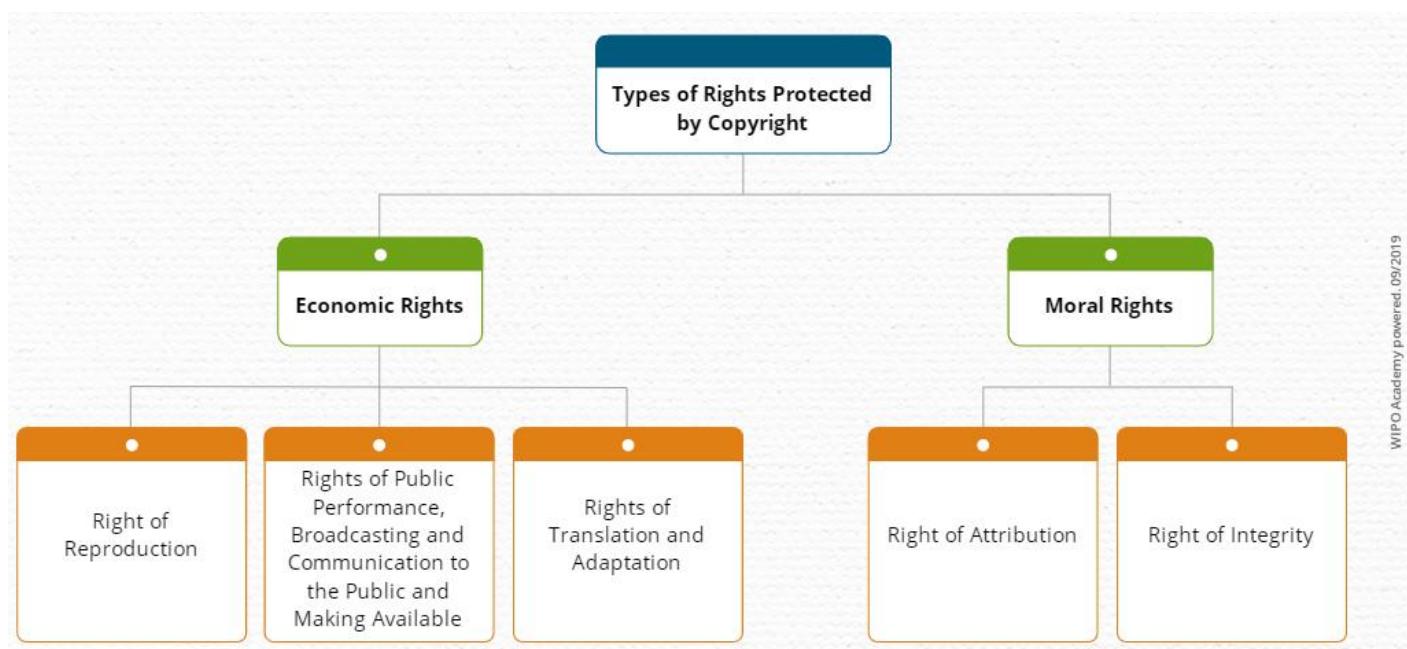
## What are the types of rights protected by Copyright?

There are two types of rights under copyright: economic rights, which allow the owner of rights to derive financial reward from the use of his works by others. They can be transferred or assigned to other owners usually for a sum of money or royalties depending on the proposed usage of the work.

However, in many jurisdictions the second type of rights, moral rights, can never be transferred. They always remain with the original author of the work, even if the economic rights are transferred or assigned.

Economic rights include the right of reproduction, rights of public performance, broadcasting and Communication to the public and making available and the rights of translation and adaptation.

Moral rights include the right of attribution, the right of paternity and the right of integrity.



Each of the above economic and moral rights are described in the following sections.



### Right of Reproduction

X

The copyright holder has a set of different rights which are governed partly by international treaties including the Berne Convention and the WCT, where there are minimum rights, and partly by national law, which often takes the rights even further or provides additional rights. Traditionally and historically, the **right of reproduction** is the key, which incidentally is reflected in the word copyright. The right of reproduction would, for instance, cover the printing of books – and photocopying too – but it also covers more modern methods of reproduction such as tape recording or digital recording, and the copying of those recordings. It can cover the storage of works in computer memories and in the “cloud”, and the copying of digital files on CD-ROMS, USB drives, and so on.

### Rights of Public Performance, Broadcasting and Communication to the Public and Making Available

X

Another right that has a long history is the **right of performance**. You perform a work when you play a tune, for example, or when you act on stage, and over the years that right has given rise to a number of other rights, such as the **right of broadcasting** and the **right of communication to the public**, the latter being sometimes defined differently in various national laws: broadcasting may actually form part of communication to the public, or they may be linked parallel concepts, but typically all kinds of communication will be covered, broadcasting being one, but cable distribution could be another, and Internet distribution another again.

### Rights of Translation and Adaptation

X

The WIPO Copyright Treaty (WCT) gives authors, in addition to the rights provided in the Berne Convention, the rights of **distribution, rental, and communication to the public** including “**the making available to the public** of works in a way that the members of the public may access the work from a place and at a time individually chosen by them.” Although communication to the public is found in the Berne Convention, the quotation from Article 8, which is sometimes referred to as the right of making available, covers on-demand, interactive communication through the Internet.

### Right of Attribution

X

Moral rights are different: they are made up of two things, the first being the right of authorship, which is formally referred to as the **right of attribution** (the term “**right of paternity**” has traditionally been used in civil law jurisdictions although the term is being used less because of its gender connotations). That is the right to claim the status of author of a work, and to have that authorship recognized. It is basically the right to have your name mentioned, for instance when the work is reproduced.

### Right of Integrity

X

Moral rights are also the right of authorship and the right of respect, that is, the right to object to the work being distorted or used in contexts that are prejudicial to the honor and literary and artistic reputation of the author. This is often referred to as the **right of integrity**. He or she can oppose the distortion of the work in such a way that its cultural or artistic integrity is adversely affected.



## Check Your Learning 2

Which two of the following statements concerning the rights protected by copyright are FALSE?

Select the correct answers and click **Submit**.

- 1. Moral rights can be sold to a third party
- 2. Translation rights can be sold to a third party
- 3. The right of reproduction would, for instance, cover the printing of books - and photocopying too - but it also covers more modern methods of reproduction such as tape recording or digital recording, and the copying of those recordings
- 4. The right of integrity means that no one can ever edit or abridge a textual work
- 5. The WIPO Copyright Treaty (WCT) gives authors, in addition to the rights provided in the Berne Convention, the rights of distribution, rental, and communication to the public

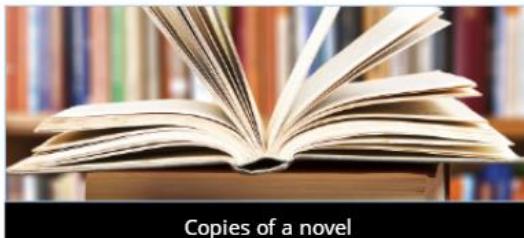
**Submit**



## Right of Reproduction

The right of the owner of copyright to prevent others from making copies of his or her works is the most basic right under copyright.

### Examples



Copies of a novel

The making of copies of a protected work is the act performed by a publisher who wishes to distribute copies of a text-based work to the public, whether in the form of printed copies or digital media such as CD-ROMs or audio books.



CDs in a video library

The right of a phonogram producer to manufacture and distribute compact discs (CDs) or MP3 files containing recorded performances of musical works is based, in part, on the authorization given by the composers of such works to reproduce their compositions in the recording.

Therefore, the right to control the act of reproduction is the legal basis for many forms of exploitation of protected works.

Other rights are recognized in national laws in addition to the basic right of reproduction such as the right to authorize distribution, rights of rentals, and right to control importation. These are described below.

**Right to Authorize Distribution**

**Right of Rental**

**Right to Control Importation**



Some laws include a right to authorize **distribution** of copies of works; obviously, the right of reproduction would be of little economic value if the owner of copyright could not authorize the distribution of the copies made with his or her consent. The WCT grants authors the exclusive right of distribution. The right of distribution is usually subject to exhaustion upon the **first sale** or other transfer of ownership of a copy that is made with the authorization of the rights owner. This means that, after the copyright owner has sold or otherwise transferred ownership of a particular copy of a work, the owner of that copy may dispose of it without the copyright owner's further permission, by giving it away or even by reselling it. This principle, which is also referred to as **exhaustion**, applies to physical objects that contain a copy or fixation of a work, such as books or DVDs. There is ongoing discussion in many countries as to whether the principle of exhaustion should also apply to digital files on the Internet.



**Right to Authorize Distribution**

**Right of Rental**

**Right to Control Importation**



However, as regards **rental** of such copies, an increasing number of national copyright laws, as well as the TRIPS Agreement and WCT, have recognized a separate rental right for computer programs, audiovisual works and phonograms. The right of rental is justified because technological advances have made it very easy to copy these types of works; experience in some countries has shown that copies were made by customers of rental shops, and therefore, that the right to control rental practices was necessary in order to safeguard the copyright owner's right of reproduction.

**Right to Authorize Distribution**

**Right of Rental**

**Right to Control Importation**

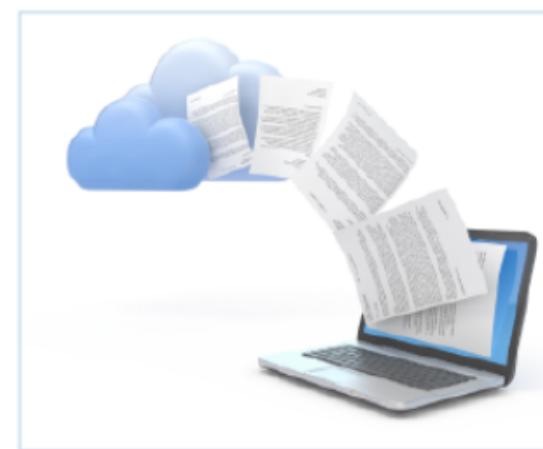


Finally, some copyright laws include a right to control **importation** of copies as a means of preventing erosion of the principle of territoriality of copyright; that is, the economic interests of the copyright owner would be endangered if he or she could not exercise the rights of reproduction and distribution on a territorial basis. The question of how to apply the principle of territoriality to the distribution of digital files via the Internet is a matter of ongoing discussion both at the national level in many countries and at the multilateral level.

### Exceptions to the General Rule



There are some acts of reproducing a work which are exceptions to the general rule, because they do not require the authorization of the author or other owner of rights; these are known as "limitations and exceptions" to exclusive rights. For example, many national laws traditionally allow individuals to make single copies of works for private, personal and non-commercial purposes. The emergence of digital technology, which creates the possibility of making high-quality, unauthorized copies of works that are virtually indistinguishable from the source (and thus a perfect substitute for the purchase of, or other legitimate access to, authorized copies), has called into question the continued justification for such a limitation on the right of reproduction for these types of digital files.





## Rights of Public Performance, Broadcasting and Communication to the Public and Making Available



Normally under national law, a public performance is considered to be any performance of a work at a place where the public is or can be present, or at a place not open to the public, but where a substantial number of persons outside the normal circle of a family and its closest social acquaintances is present.

On the basis of the right of public performance, the author or other owner of copyright may authorize live performances of a work, such as the presentation of a play in a theater or an orchestra performance of a symphony in a concert hall. Public performance also includes performance by means of recordings; thus, musical works embodied in phonograms are considered “publicly performed” when the phonograms are played over amplification equipment in such places as discotheques, airplanes, and shopping malls.

Under the Berne Convention, the right of **broadcasting** covers the emission by wireless means for members of the public within range of the signal, whose equipment allows reception of sounds or of images and sounds, whether by radio, television, or satellite.

When a work is **communicated to the public** pursuant to the Berne Convention, a signal is diffused by wire or cable, which can be received only by persons who have access to equipment connected to the wire or cable system. The WCT extends the right of communication to the public to cover the ability to authorize the **making available to the public** of works through on-demand, interactive communication via the Internet. In some national laws making available is named specifically as a separate right, while other countries cover the concept through communication to the public or distribution.

Under the Berne Convention, owners of copyright have the exclusive right of authorizing public performance, broadcasting and communication to the public of their works. Under some national laws, the exclusive right of the author or other owner of rights to authorize broadcasting is replaced, in certain circumstances, by a right to equitable remuneration, although such a limitation on the broadcasting right is less and less common.

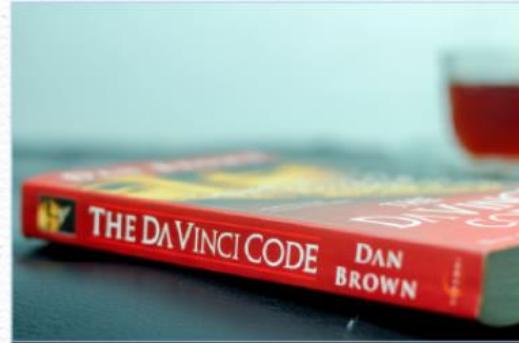


## Rights of Translation and Adaptation

The acts of translating or adapting a work protected by copyright also require the authorization of the owner of rights.



Translation means the expression of a work in a language other than that of the original version.



Adaptation is generally understood as the modification of a work to create another work, for example adapting a novel to make a motion picture, or the modification of a work to make it suitable for different conditions of exploitation.

For example, by adapting an instructional textbook originally prepared for higher education into an instructional textbook intended for students at a lower level.

Translations and adaptations are works protected by copyright. Therefore, in order to reproduce and publish a translation or adaptation, authorization must be obtained from both the owner of the copyright in the original work and the owner of copyright in the translation or adaptation.



## Check Your Learning 3

Suppose you have become a pre-eminent artist by virtue of an internationally acclaimed piece of art known as a tribute to the conservation of nature and later you find that it is being used, in a denigrating fashion without your permission, by a political group generally supporting genetically modified organisms. **What could you do?**

Type your answer here.

Submit



## Topic 2: Acquisition, Transfer & Protection of Copyright

### Acquisition of Copyright

You should now be aware of the types of literary and artistic works that are covered by copyright and the types of rights that a copyright owner has, and you may naturally be wondering how the author of such a work obtains copyright for the work.

**How is copyright acquired?**

**What does the term 'fixed' mean?**

**Is there anywhere in the world where you would have to observe a formality to get copyright?**

It is simple. You don't have to do anything under the Berne Convention, which works on the principle of there being no formalities. Basically, your work is protected by the fact of its creation. However, under some national legislation, notably in countries with common-law traditions, the work does have to be fixed before it is protected.

**How is copyright acquired?**

**What does the term 'fixed' mean?**

**Is there anywhere in the world where you would have to observe a formality to get copyright?**

'Fixed' means written down or recorded. You don't even have to record it yourself: if you compose a melody, hum it casually in the street and I manage to get it recorded, then it's fixed. But it also means that it's protected, so then if I use the recording of your melody, for further reproduction for example, I would be infringing your copyright. The difference here is really not that important; it is basically a question of the kind of proof you would need in a court in the very rare cases of works that are not fixed in the normal way, such as ballet routines. Nowadays you would fix a ballet on video and even use a special kind of writing to establish the choreography, but not all ballets or other types of dance were historically fixed in this way. There could be a problem if you claimed that you had created a ballet and that somebody had made a play of it. The judge would then say, "Well, let me have some proof of the existence of your work." If it were not set down in some material form, proof would be hard to provide. And yet in civil-law countries, the work is typically protected from the moment of its creation. So even if you think up a poem in your head, in theory it's protected. It would be your problem of course to prove what poem you thought up, how you did it and so on. Under common law, on the other hand, you would have to have it fixed in some way, perhaps it could be written down or recorded on tape.



How is copyright acquired?

What does the term 'fixed' mean?

Is there anywhere in the world  
where you would have to observe a  
formality to get copyright?



In Berne Convention countries, all foreign owners of rights or authors from other Berne countries qualify for protection under the Convention without any formalities, so there's no need to make any registration. Some countries then impose formalities on their own citizens, which they can do as the international conventions are concerned only with how foreign citizens are treated. In principle a country can deal with its own nationals as it pleases. In the United States, for instance, registration of "U.S. works" is required in order to be eligible for certain types of damages in copyright infringement actions; however the same restriction does not apply to non-U.S. works covered by the Berne Convention.

Examining the scope of the definition of 'works' is important as the work may be broader, and as a result, can qualify for improved protection. Additional national requirements for certain national works are therefore worth checking up on the country's requirements.

Be that as it may, there is nevertheless protection from the outset, and this goes for all Berne Convention countries.



## Check Your Learning 4

Imagine that you are a national of one of the countries that has signed the Berne Convention and you create a literary work.  
**What steps must you take to get a copyright on your work?**

Type your answer here.

Submit



## Transfer of Copyright

Many creative works protected by copyright require financial investment and professional skills for their production and further dissemination especially by mass distribution. Activities such as book publishing, and sound recording or film producing, are usually undertaken by specialized business organizations or companies, and not directly by the authors. Usually, authors and creators transfer their rights to these companies by way of contractual agreements, in return for compensation. The compensation may take different forms, such as lump sum payments, or royalties based on a percentage of revenues generated by the work.

In some countries, the copyright law provides that moral rights are not transferable, at least during the life of the author, although they may frequently go to heirs upon the death of the original author.

**The transfer (or assignment) could affect all the economic rights or only some of them (partial assignment).**

**The transfer or assignment may be granted for a specific period of time and a limited territory, or for the duration of the full term of copyright and worldwide.**

**Assignments and transfers entail important consequences for the author.**



**The transfer (or assignment) could affect all the economic rights or only some of them (partial assignment).**

**The transfer or assignment may be granted for a specific period of time and a limited territory, or for the duration of the full term of copyright and worldwide.**

**Assignments and transfers entail important consequences for the author.**

For example, an author of a novel written in English could sell to a publisher the reproduction and distribution rights, as well as the translation rights and the adaptation rights in the novel. But the author may choose to proceed otherwise by deciding to split the rights between different persons. Thus the author of a novel may assign or transfer the rights to publish and reproduce the novel written originally in English to one publisher, then assign the right to translate the novel into, say, French, Russian and Arabic to three other publishers. In addition the author may assign the right to adapt the novel into a film (or an opera or a play) to other persons.



**The transfer (or assignment) could affect all the economic rights or only some of them (partial assignment).**

**The transfer or assignment may be granted for a specific period of time and a limited territory, or for the duration of the full term of copyright and worldwide.**

**Assignments and transfers entail important consequences for the author.**

Hence the copyright owner of a novel could assign to one publisher the rights to publish the book in English, for a specific territory, say, India, and for a period of 20 years. Or the author may decide to assign to the same publisher the rights to publish the novel in English worldwide, and for the duration of copyright. The combinations possible are many and depend on the negotiations between the parties.

**The transfer (or assignment) could affect all the economic rights or only some of them (partial assignment).**

**The transfer or assignment may be granted for a specific period of time and a limited territory, or for the duration of the full term of copyright and worldwide.**

**Assignments and transfers entail important consequences for the author.**

Legally, the assignee or licensee (the person to whom the right or rights have been assigned) is vested with the rights that have been contractually transferred, thus becoming the new owner of these rights for the agreed period of time and territory. It is thus important that the author be well aware of the consequences of such an operation. This is why many national copyright laws contain provisions requiring that assignments be made in writing and signed by or on behalf of the assignor, in order to be valid or effective. Such requirement helps to ensure that the author is well aware about the rights he or she is parting with, at what price, and on what conditions.



## Knowledge Nugget: Protection of Copyright

### How long does copyright protection last?

In principle, as long as the national law says, but the minimum requirement under the Berne Convention is 50 years. The term is calculated from the end of year of the author's death which is more practical: you don't have to enquire into the day the author died, you only need to know the year. But there has been a tendency in recent years to prolong that protection at the national level.

- In the European Union and for countries of the European Economic Area, the term is now 70 years from the end of year in which the author died. This term has been adopted for at least some categories of works by many countries including the Republic of Korea, Nigeria, Oman, the United States, Costa Rica, and Australia. There is thus a definite tendency to prolong protection from 50 to 70 years.
- Some countries provide for an even longer copyright duration in some cases, including Mexico (life plus 100 years) and Cote d'Ivoire (life plus 99 years).

Please note however that there are cases where in the Berne Convention the minimum requirement is less than 50 years postmortem. For example, for photographic works and works of applied art, the minimum term of protection is 25 years after the making of the work. In some cases the TRIPS Agreement and the WCT provide for longer minimum copyright terms than the Berne Convention.

### KNOWLEDGE NUGGET



50 Years

Protection = End of Year of Author's Death + 50 years



## Check Your Learning 5

What is the minimum duration of copyright protection under the Berne Convention? What trend has been observed internationally with respect to copyright duration?

Type your answer here.

Submit



## Benefits from Copyright Protection for Developing Countries

### What are the benefits from copyright protection for developing countries?

There are:



All developing countries have very strong artistic communities. There are no people on earth who are not creative, but if there is no copyright protection, the artistic community will not be able to earn money from their efforts, let alone make a living from their art. Nowadays literary and artistic works have become a very broad concept, including of course what was traditionally viewed as the cultural part, the artistic community, but also the information technology industry, the video gaming industry, or more specifically the computer programming industry.



A large amount of money might be invested in making a computer program, a film or a television program. But if as soon as one copy is out on the market, everybody can copy it, then the earning potential is gone and there will be no incentive to create or further invest. Creativity will, hence, be discouraged instead of being stimulated and national cultural output would be adversely affected. A response to this could be to say that local works should be protected, while no protection should be afforded to foreign works, because then money would go out of the country, which developing countries can ill afford. This would, however, be a somewhat shortsighted view. There are some solid arguments that could be stated in favor of international protection of works.

1. First, if protection were to be limited only to national works, foreign works would be allowed into the local market without any copyright cost. They would be sold at cut prices. Of course, consumers may benefit from such low prices. But this practice could detrimentally affect the sale of locally made products, which would have to compete with works of foreign origin distributed at a more attractive price. The dangerous result is that consumers might turn their backs on nationally made products and buy foreign but less expensive products. National culture, whether it is the music, or book or other industry may, therefore, suffer.
2. Second, one cannot emphasize enough the potential gains that local artists and creators, whether in developing countries or not, may derive from protection of their works abroad. Local markets may be limited and there is a need to derive revenues from cultural products that are exported and marketed outside. Nowadays, and thanks to modern means of communications, works are listened to, or read, or seen, not only in the local community or country in which they have been created, but also further afield. So much so, that in some instances, the income generated from the exploitation of a work on foreign soil may exceed substantially the revenues that are reaped from its national exploitation. Such a phenomenon can be observed frequently in the areas of music, TV programs, software, movies, books, etc.

Protection abroad, in foreign markets, is, thus, extremely important for authors and creators. People concerned with developing copyright policy should be aware that an artist or a creator from a particular country will not, in all likelihood, enjoy protection abroad, if foreign authors and artists are not also themselves granted protection in his or her country.



## Check Your Learning 6

How would you explain to a trainer that produces a course using a PowerPoint presentation that there would be better off if the national copyright law meant they had to pay for the PowerPoint software?

Type your answer here.

Submit



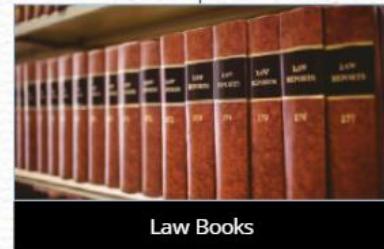
## Topic 3: Limitations and Exceptions to Rights

### Types of Limitations



1

- The first limitation is the exclusion from copyright protection of certain categories of works.
- In some countries, as you have heard, works are excluded from protection if they are not fixed in tangible form.



**Example:** A work of choreography would only be protected once the movements were written down in dance notation or recorded on videotape.

#### Free Uses

**Are acts of exploitation of works that may be carried out without authorization and without an obligation to compensate the owner of rights for the use**

2

- The second category of limitations on the rights of authors and other owners of copyright concerns particular acts of exploitation, normally requiring the authorization of the owner of rights, which may, under circumstances specified in the law, be done without authorization.

#### Non-voluntary Licenses

**under which the acts of exploitation may be carried out without authorization, but with the obligation to compensate the owner of rights**

There are two basic types of limitations in this category: **Free uses and non-voluntary licenses**.



## Types of Limitations: Free Uses

In respect of the right of reproduction, the Berne Convention contains a general rule, rather than explicit detailed limitations: Article 9(2) provides that member States may provide for free reproduction in "certain special cases" where the acts do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

**This is known as the "three-step test."**

As noted previously, numerous laws contain provisions allowing reproduction of a work exclusively for the personal, private and non-commercial use of individuals. However, the ease and quality of this individual copying, made possible by audiotaping or videotaping and even more recent technological improvements allowing digital copies of the same quality as the original, has led some countries to narrow the scope of such provisions or to consider doing so. Certain legal systems allow copying but incorporate a mechanism for payment to owners of rights for the prejudice to their economic interests, through a fee imposed on sales of blank media and / or recording devices.

### Examples of Free Uses

### Fair Use and Fair Dealing

Examples of free uses include:

- quotations from a protected work, provided that the source of the quotation, including the name of the author, is mentioned and that the extent of the quotation is compatible with fair practice;
- use of works by way of illustration for teaching purposes; and
- use of works for the purpose of news reporting.

### Examples of Free Uses

### Fair Use and Fair Dealing

In addition to specific free uses enumerated in national laws, the laws of some countries recognize one of the concepts known as **fair use** and **fair dealing**, which allow use of works without the authorization of the owner of rights. These provisions, sometimes referred to as "general exceptions", take into account factors such as the following: the nature and purpose of the use, including whether it is for commercial purposes; the nature of the work used; the amount of the work used in relation to the work as a whole; and the likely effect of the use on the potential commercial value of the work. These general exceptions were originally more typical of common law legal systems, but their adoption has now extended to some civil law countries.



## Types of Limitations: Non-Voluntary Licenses

Non-voluntary licenses allow use of works in certain circumstances without the authorization of the owner of rights, but require, by operation of law, that compensation be paid in respect of the use. Such licenses are called "non-voluntary" because they are authorized by the law and do not result from the exercise of the copyright owner's exclusive right to authorize particular acts.

Non-voluntary licenses were usually created in circumstances where a new technology for the dissemination of works to the public had emerged, and where the national legislature feared that owners of rights would prevent the development of the new technology by refusing to authorize use of works. This was true in the Berne Convention, which recognized two forms of non-voluntary licenses: for the mechanical reproduction of musical works and for broadcasting. However, that the justification for non-voluntary licenses is increasingly called into question, on the grounds that effective alternatives now exist for making works available to the public based on authorizations given by the owners of rights, including in the form of collective administration of rights.

The newest multilateral copyright treaty is the Marrakesh Treaty, the text of which was adopted in 2013. Select the Marrakesh Treaty box to learn more about it and its approach to exceptions and limitations.



### Marrakesh Treaty (2013)



- It is also a humanitarian treaty, which sets out to create a set of mandatory limitations and exceptions to copyright for the benefit of persons who are blind, visually impaired and otherwise print disabled.
- Rather than providing a minimum level of rights, the Treaty provides a minimum level of limitations and exceptions to cover the rights of reproduction, distribution, and making available to the public
- It also requires that parties allow import and export of works in accessible format without the permission of the right holder in certain situations
- The Treaty includes multiple references to exercising its provisions within the boundaries of the three-step test.



## Topic 4: Enforcement of Rights

### Driving Factors

The Berne Convention and the WIPO Copyright Treaty contain few provisions concerning enforcement of rights, but the evolution of new national and international enforcement standards has been dramatic in recent years, due to two principal factors.



This makes it possible to transmit and make perfect copies of any "information" existing in digital form, including works protected by copyright, anywhere in the world.



Simply put, trade in products embodying intellectual property rights is now a booming, worldwide business. The TRIPS Agreement, which contains detailed provisions on the enforcement of rights, is ample evidence of this link between intellectual property and trade.



## Enforcement Provisions

The information presented on this screen identifies and summarizes some of the enforcement provisions found in recent national legislation, which may be divided into the following categories: conservatory or provisional measures; civil remedies; criminal sanctions; measures to be taken at the border; and measures, remedies and sanctions against abuses in respect of technical devices.



WIPO Academy powered, 09/2019

### Conservatory or Provisional Measures

X

**Conservatory or provisional measures** have two purposes:

1. to prevent infringements from occurring, particularly to prevent the entry of infringing goods into the channels of commerce, including entry of imported goods after clearance by customs; and
2. to preserve relevant evidence in regard to an alleged infringement.

Thus, judicial authorities in some countries may have the authority to order that provisional measures be carried out without advance notice to the alleged infringer. In this way, the alleged infringer is prevented from relocating the suspected infringing materials to avoid detection. The most common provisional measure is a search of the premises of the alleged infringer and seizure of suspected infringing goods, the equipment used to manufacture them, and all relevant documents and other records of the alleged infringing business activities.





## Civil Remedies

X

**Civil remedies** compensate the owner of rights for economic injury suffered because of the infringement, usually in the form of monetary damages, and create an effective deterrent to further infringement, often in the form of a judicial order to destroy the infringing goods and the materials and implements which have been predominantly used for producing them; where there is a danger that infringing acts may be continued, the court may also issue injunctions against such acts, failure to comply with which would subject the infringer to payment of a fine.



## Criminal Sanctions

X

**Criminal sanctions** are intended to punish those who willfully commit acts of piracy of copyrighted works and objects of related rights on a commercial scale, and, as in the case of civil remedies, to deter further infringement.

- The purpose of punishment is served by the imposition of substantial fines, and by sentences of imprisonment consistent with the level of penalties applied for crimes of corresponding seriousness, particularly in cases of repeat offenses.
- The purpose of deterrence is served by orders for the seizure, forfeiture and destruction of infringing goods, as well as the materials and implements the predominant use of which has been to commit the offense.





### Measures to be Taken at the Border

X

**Measures to be taken at the border** are different from the enforcement measures described so far, in that they involve action by the customs authorities rather than by the judicial authorities.

- Border measures allow the owner of rights to request from customs authorities the suspension into circulation of goods that are suspected of infringing copyright.
- The purpose of the suspension into circulation is to provide the owner of rights a reasonable time to commence judicial proceedings against the suspected infringer, without the risk that the alleged infringing goods will disappear into circulation following customs clearance.
- The owner of rights must generally satisfy the customs authorities that there is *prima facie* evidence of infringement, must provide a detailed description of the goods so that they may be recognized, and must provide a security to indemnify the importer, the owner of the goods, and the customs authorities in case the goods turn out to be non-infringing.



### Measures, Remedies and Sanctions Against Abuses in Respect of Technical Means

X

The final category of enforcement provisions, which has achieved greater importance in the advent of digital technology, includes **measures, remedies and sanctions against abuses in respect of technical means**. In certain cases, the only practical means of preventing copying is through so-called "copy-protection" or "copy-management" systems, which contain technical devices that either prevent entirely the making of copies or make the quality of the copies so poor that they are unusable. Technical devices are also used to prevent the reception of encrypted commercial television programs except with use of decoders. However, it is technically possible to manufacture devices by means of which copy-protection and copy-management systems, as well as encryption systems, may be circumvented. The theory behind provisions against abuse of such devices is that their manufacture, importation and distribution should be considered infringements of copyright to be sanctioned in ways similar to other violations.



The WCT requires contracting parties to provide "adequate legal protection and effective legal remedies" against the circumvention of technological measures used in connection with the exercise of rights (Article 11 WCT) and "adequate and effective legal remedies" against certain acts related to rights management information (Article 12 WCT).



## Topic 5: International Agreements Concerning Copyright

### Main International Agreements in the Copyright Field

What are two of the main international conventions or treaties that govern the area of copyright?

The Berne Convention for the Protection of Literary and Artistic Works and the TRIPS agreement are the two main international conventions or treaties that govern the area of copyright. In this slide you will learn more about that and about the WIPO Copyright Treaty and the Marrakesh Treaty.





### The Berne Convention - 1886 X

It dates back to 1886, but has been revised several times, typically at about 20-year intervals. The latest version was adopted in Paris in 1971.

The Berne Convention deals with the protection of copyright. It is based on principles such as that of national treatment, meaning that under national law you cannot discriminate against works from other countries party to the Convention. It lays down very important minimum protection standards that have to be met by national law – although of course national law can go further – and establishes various other principles.

### TRIPS Agreement - 1994 X

More recently, we had the TRIPS Agreement. This is the Agreement on Trade-Related Aspects of Intellectual Property Rights, which is one of the Agreements that emerged from the Uruguay Round of trade negotiations and is administered by the World Trade Organization.

The TRIPS Agreement among other things contains a reference to the substantive provisions of the Berne Convention, although it does not require adoption of the Berne Convention provision on moral rights, which is not considered trade-related. In order to comply with the TRIPS Agreement, countries have to comply with the provisions of the Berne Convention for a start, after which there are a number of additional norms of protection that are introduced by the TRIPS Agreement, most importantly regarding new types of creations that are protected as works (computer programs and original databases) and new forms of exploitation (right of rental).

So countries that acceded to or ratified the TRIPS Agreement must also comply with the Berne Convention (although Berne's Article 6bis on moral rights is specifically excluded in the TRIPS language, as it does not concern trade by virtue of the moral right's inalienable nature); in addition the TRIPS Agreement seeks to address aspects of copyright relating to new technologies.



### WIPO Copyright Treaty - 1996

X

To expand from the sound segment you just listened to, in December of 1996, a Diplomatic Conference was held, which concluded the WIPO Copyright Treaty. This treaty responded to the need to protect works when transmitted by digital means, including via the Internet. The subject matter to be protected through copyright by the WCT includes that of computer programs, whatever may be the mode or form of their expression, and compilations of data or other material (databases), in any form, which by reason of the selection or arrangement of their content constitute intellectual creations. The rights of authors include the previously mentioned rights of **distribution, rental, and communication to the public**, and as described above it is made clear that the right of communication to the public covers the transmission (**making available**) of works through digital networks such as the Internet. It is also stated that the right of reproduction as set out in the Berne Convention fully applies in the digital environment. Hence the storage of a work in digital form in an electronic medium (for example by storing it in a computer memory) should constitute a reproduction of that work. These rights, as usual, are subject to certain limitations and exceptions.

### Marrakesh Treaty - 2013

X

As also described above, the Marrakesh Treaty text was adopted in 2013. This Treaty focuses on limitations and exceptions to certain exclusive rights for the benefit of persons who are blind, visually impaired or otherwise print disabled. The Treaty is gaining parties rapidly, which will facilitate one of its key objectives of increasing the availability of accessible format works by allowing them to be exchanged across borders without the need to obtain prior permission from rights holders.



## Check Your Learning 7

What is covered under the WCT?

Type your answer here.

Submit



## Module Summary

This module has addressed the general structure of copyright law and has provided an overview of the 'literary and artistic works' protected by copyright; These include writings, music, and works of the fine arts, such as paintings and sculptures, and technology-based works such as computer programs and electronic databases. The module then went on to explain the rights granted to the owner of copyright. There are two types of rights under copyright: economic rights, which allow the owner of rights to derive financial reward from the use of his works by others, and moral rights, which allow the author to take certain actions to preserve the personal link between himself and the work. Copyright ownership on its own brings no reward to the owner. It is only through the use of this right that money can be made. This can be done for example by licensing reproduction or transferring the copyright for a financial reward.

The module explained that the duration of protection is as long as the national law says, but the minimum requirement under the Berne Convention is for most works 50 years. The term is calculated from the end of year of the author's death. But there has been a tendency in recent years to prolong that protection at the national level. There are cases where in the Berne Convention the minimum requirement is less than 50 years postmortem. For example, for photographic works and works of applied art, the minimum term of protection is 25 years after the making of the work. In some cases, the TRIPS Agreement and the WCT provide for longer minimum copyright terms than the Berne Convention.

As part of the balance between the rights IP rights holders and benefit to a wider society there are certain limitations to the holder's rights.

There are two basic types of limitations:

Free uses, which are acts of exploitation of works that may be carried out without authorization and without an obligation to compensate the owner of rights for the use and; Non-voluntary licenses, under which the acts of exploitation may be carried out without authorization, but with the obligation to compensate the owner of rights.

The Berne Convention and the WCT contain few provisions concerning enforcement of rights, but the evolution of new national and international enforcement standards has been dramatic in recent years. These include:

- Conservatory or provisional measures
- Civil remedies
- Criminal sanctions
- Criminal sanctions
- Measures at the border

The main international agreements concerning copyright mentioned in the module are the Berne Convention, WIPO Copyright Treaty (WCT), TRIPs and the Marrakesh Treaty.

The module argued that there is a link between copyright protection and cultural and economic benefits, including the development of local artists and creators.

In the next module you will study a closely related IP area called Related Rights these are given to performers and other that are involved in bringing copyrighted works to the public.



## Module Quiz

### Question Set

#### Question 1 of 8

Copyright protects only the original idea, not the original expression of that idea.

Select the correct answer and click **Submit**.

- a. True
- b. False

#### Question 2 of 8

The minimum duration of copyright as specified under the Berne Convention is:

Select the correct answer and click **Submit**.

- a. 20 years from the creation of the work.
- b. 50 years from the end of the year in which the author dies.
- c. 70 years from the end of the year in which the author dies.
- d. 50 years from the date of creation of the work.

#### Question 3 of 8

Which of these rights remains with the author after the economic rights have been transferred?

Select the correct answer and click **Submit**.

- a. Rights of reproduction
- b. Rights of communication to the public
- c. Moral right
- d. Rights of performance



#### Question 4 of 8

All of the following are covered by possible limitations or exceptions from the rights, except which one?

Select the correct answer and click **Submit**.

- a. Three quoted passages (less than 3 paragraphs) from a nonfiction book, contained within a review of the book for the book review section of a literary magazine.
- b. Videotaping your absolute favorite movie on a cassette which never leaves your TV shelf.
- c. Taking a copy of a visual image from an Internet Website that you want to use within your new commercial Website.
- d. Making an audiotape copy of your newest CD to use in your car's tape player.

#### Question 5 of 8

Given that an infringer has been selling within your own country (Country A) her domestically-produced illegitimate copies of your Number One selling song, which one of the following four choices would normally be your first action taken for enforcement of your copyright?

Select the correct answer and click **Submit**.

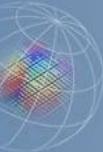
- a. Seek in civil court an action for economic injury against the infringer.
- b. Approach the TRIPS Council for registering an infringement.
- c. Where available, demonstrate to the proper judicial authorities that an infringement has occurred and that provisional measures be taken, without notice to the infringer, to prevent further entry of the infringing goods into commerce.
- d. Request from neighboring countries D and J that they institute border controls to stop importation from country A of the infringing items

#### Question 6 of 8

Which one of the following does not qualify as a public performance?

Select the correct answer and click **Submit**.

- a. A play presented in a free open air "theatre in the park."
- b. A musical work being played by the composer in front of her family at an all-family gathering of 50 people.
- c. A jazz CD being played over a restaurant's music system.
- d. A cinema showing a newly-released film to people who have paid for their tickets.



### Question 7 of 8

You have developed an idea for a new system of financial record-keeping, you can become rich. This idea is so simple, all you have to do is to express that idea by writing a book, which protects you through copyright. Success comes to you; millions buy and read the book. Then start the problems.

From the following list choose which one of the problems is the single infringement you may pursue.

Select the correct answer and click **Submit**.

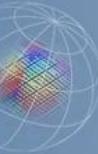
- a. It appears that bookkeepers are making a copy of your book at the library for their own use.
- b. A competitor has taken your great idea and written another book which simplifies the instructions and reverses the format of your idea on record-keeping.
- c. A non-profit Internet Website offers free downloads of your book.
- d. You find your book in second-hand book stores at prices 50 % below retail.

### Question 8 of 8

A right of distribution is granted under the law of your country. In a second hand bookshop, you find a copy of a novel written by you which is now out of print. In which case can you normally **NOT** take action against the shopowner for infringing your distribution right?

Select the correct answer and click **Submit**.

- a. It is a copy of the book that you signed for an admirer at a promotion arrangement when the book was published.
- b. It is not the book itself that is on sale, but your handwritten manuscript which you thought your mother threw out, but actually was taken by your brother.
- c. It is a pirated copy of your book.
- d. It is a photocopy of the book which was made by a library under a provision in the law permitting such copying when the book is not otherwise available. Later the library obtained a secondhand copy of the book and sold the photocopy.



## Answer Key

### Check Your Learning

ID No	<b>Check Your Learning Questions and Model Answers</b>
1	<p><b>Question:</b> What important intellectual work, which was mentioned by the speaker, was not included in the list of "literary and artistic works", of the Berne Convention?</p> <div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;"> <b>Model Answer</b> </div> <p>The most important item not specifically mentioned in the Berne Convention from the list that was mentioned in the audio segment is that of computer programs. These are products of intellectual creativity and are considered works. The important point is that the list in the Berne Convention is not meant to be complete and exhaustive. It is meant only to illustrate the nature of literary and artistic works. And today fixations of works in digital formats that were unknown at the time of the Berne Convention are nevertheless understood to be works protected by copyright.</p>
2	<p><b>Question:</b> Which two of the following statements concerning the rights protected by copyright are FALSE?</p> <p> <input checked="" type="checkbox"/> 1. Moral rights can be sold to a third party  <input checked="" type="checkbox"/> 2. Translation rights can be sold to a third party  <input checked="" type="checkbox"/> 3. The right of reproduction would, for instance, cover the printing of books – and photocopying too – but it also covers more modern methods of reproduction such as tape recording or digital recording, and the copying of those recordings  <input checked="" type="checkbox"/> 4. The right of integrity means that no one can ever edit or abridge a textual work  <input checked="" type="checkbox"/> 5. The WIPO Copyright Treaty (WCT) gives authors, in addition to the rights provided in the Berne Convention, the rights of distribution, rental, and communication to the public     </p> <div style="border: 1px solid #ccc; padding: 10px; background-color: #e6f2ff; margin-top: 10px;"> <p><b>That is correct.</b></p> <ul style="list-style-type: none"> <li>• Moral rights stay with the author of the work even though the economic rights have been sold. They cannot be transferred to a third party.</li> <li>• Integrity relates to the moral right of the creator of a work to be acknowledged as the author of that work. Their right to allow edited versions of a literary work is part of the rights associated with the copyrighted work.</li> </ul> </div>
3	<p><b>Question:</b> Suppose you have become a pre-eminent artist by virtue of an internationally acclaimed piece of art known as a tribute to the conservation of nature and later you find that it is being used, in a denigrating fashion without your permission, by a political group generally supporting genetically modified organisms. <b>What could you do?</b></p> <div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;"> <b>Model Answer</b> </div> <p>If you have retained the relevant economic rights, you may prohibit the use under those rights. If you have transferred those rights prior to this unauthorized usage, you may still be able to stop the use of the work under the moral right concerning the right of integrity.</p>



- 4    **Question:** Imagine that you are a national of one of the countries that has signed the Berne Convention and you create a literary work. **What steps must you take to get a copyright on your work?**

**Model Answer**

In general terms it is very easy: there is nothing to do. The Berne Convention builds on the principle of the lack of formalities; creation equals protection.

In most common law countries fixation is a requirement: a work must be written down or recorded. As an example, ballets previously were written down in dance notation, although now they are often simply recorded on video.

In civil law countries works are protected from the instant of creation, which of course leaves open the practical question of proving the creation in court. One should note, however, that there might be formalities required under national law for the protection of the country's own nationals. In Berne Convention countries, all foreign right owners from other Berne Convention states have protection without formalities (no registration is required).

- 5    **Question:** What is the minimum duration of copyright protection under the Berne Convention? What trend has been observed internationally with respect to copyright duration?

**Model Answer**

The minimum duration of protection (also referred to as the "term of protection") under the Berne Convention is 50 years from the date of the author's death. This has been prolonged by some countries such as the European Union countries to 70 years from the author's death. However, in some cases, the protection, under the Berne Convention is less than 50 years after the death of the author.

- 6    **Question:** How would you explain to a trainer that produces a course using a PowerPoint presentation that there would be better off if the national copyright law meant they had to pay for the PowerPoint software?

**Model Answer**

I would start by saying that paying for the PowerPoint software would cost them some money but the copyright laws would mean that their course would be protected by copyright. They could then prevent others using it without agreeing some payment for their copyright

- 7    **Question:** What is covered under the 'WCT'?

**Model Answer**

The WCT came into existence because the Contracting States recognized the need to provide adequate solutions to the questions raised by new economic, social, cultural and technological developments. This refers in particular to the need to protect literary and artistic works transmitted via the Internet. Works specifically mentioned by the WCT include computer programs and databases. The WCT is built upon and related to the Berne Convention, and extends the scope of copyright protection to expressions but not to ideas, procedures, methods of operation or mathematical concepts as such. Authors of works covered by the WCT also enjoy the rights of distribution, rental and communication to the public.



## Module Quiz

Question Number	Question	Correct Answer/s
1	Copyright protects only the original idea, not the original expression of that idea.	b. False
2	The minimum duration of copyright as specified under the Berne Convention is:	b. 50 years from the end of the year in which the author dies.
3	A trademark, which has not been registered, is only covered under trademark protection if:	c. Moral rights
4	All of the following are covered by possible limitations or exceptions from the rights, except which one?	c. Taking a copy of a visual image from an Internet Website that you want to use within your new commercial Website.
5	Given that an infringer has been selling within your own country (Country A) her domestically-produced illegitimate copies of your Number One selling song, which one of the following four choices would normally be your first action taken for enforcement of your copyright?	a. Seek in civil court an action for economic injury against the infringer.
6	Which one of the following does not qualify as a public performance?	b. A musical work being played by the composer in front of her family at an all-family gathering of 50 people.
7	You have developed an idea for a new system of financial record-keeping, you can become rich. This idea is so simple, all you have to do is to express that idea by writing a book, which protects you through copyright. Success comes to you; millions buy and read the book. Then start the problems.  From the following list choose which one of the problems is the single infringement you may pursue.	c. A non-profit Internet Website offers free downloads of your book.
8	A right of distribution is granted under the law of your country. In a second hand bookshop, you find a copy of a novel written by you which is now out of print. In which case can you normally <b>NOT</b> take action against the shop owner for infringing your distribution right?	a. It is a copy of the book that you signed for an admirer at a promotion arrangement when the book was published.



## Module Resources

### Legislative Texts

Name	Hyperlink
Berne Convention for the Protection of Literary and Artistic Works	<a href="https://www.wipo.int/treaties/en/ip/berne/">https://www.wipo.int/treaties/en/ip/berne/</a>
Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)	<a href="https://www.wto.org/english/tratop_e/trips_e/trips_e.htm">https://www.wto.org/english/tratop_e/trips_e/trips_e.htm</a>
WIPO Performances and Phonograms Treaty (WPPT)	<a href="https://www.wipo.int/treaties/en/ip/wppt/">https://www.wipo.int/treaties/en/ip/wppt/</a>
WIPO Copyright Treaty (WCT)	<a href="https://www.wipo.int/treaties/en/ip/wct/">https://www.wipo.int/treaties/en/ip/wct/</a>
Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print	<a href="https://www.wipo.int/treaties/en/ip/marrakesh/">https://www.wipo.int/treaties/en/ip/marrakesh/</a>

### Studies and Guides

Name	Hyperlink
Guide to the Copyright and Related Rights Treaties Administered by WIPO and Glossary of Copyright and Related Rights Terms	<a href="https://www.wipo.int/edocs/pubdocs/en/copyright/891/wipo_pub_891.pdf">https://www.wipo.int/edocs/pubdocs/en/copyright/891/wipo_pub_891.pdf</a>
WIPO Scoping Study on Copyright and Related Rights and the Public Domain, Séverine Dusollier, 2010.	<a href="https://www.wipo.int/edocs/mdocs/mdocs/en/cdip_4/cdip_4_3_rev_study_inf_1.pdf">https://www.wipo.int/edocs/mdocs/mdocs/en/cdip_4/cdip_4_3_rev_study_inf_1.pdf</a>



## Video Tutorial

**Copyright Part I: International Treaty Framework and Copyright Concepts**

The following video, by **Michelle Woods** introduces copyright, and the international copyright framework.

<https://vimeo.com/user2977389/review/366930679/f3fe5b0e88>



**Copyright Part II: Copyright Treaties - Berne Convention, WCT, Marrakesh**

The following video, by **Michelle Woods** provides an overview of the following copyright treaties: the Bern Convention, the WIPO Copyright Treaty and the Marrakesh Visually Impaired Persons (VIP) Treaty.

<https://vimeo.com/user2977389/review/366930942/58c436874e>



**End of Module 2: Copyright**