ÇAPAMUN'23

GA6: LEGAL
Study Guide

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GA6: LEGAL

STUDY GUIDE

Agenda Item 1: Developing a regulatory response to the rapid progression of virtual reality and deepfakes in the context of protecting personality rights

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1. Letter from the Secretary General

On behalf of our organization team, it is my utmost pleasure and honor to invite you to our inaugural Model United Nations conference. We have worked tirelessly to put together an entertaining and instructive program, and we are delighted to have you join us as we explore some of the most pressing issues confronting the globe.

Our Academic Team has chosen committee topics that piqued their interest and curiosity, resulting in a wide range of diverse committees. Delegates will undoubtedly find a committee that matches their interests and skills, ranging from thought-provoking General Assembly committees to dynamic crisis committees. We are excited to give a remarkable experience for the delegates in attendance, with committees targeted to provide you the opportunity to gain a greater understanding of many issues ranging from sovereignty disputes to the protection of migrant workers' rights.

We seek to establish a welcoming and educationally inclusive environment for participants of all levels of experience, as we value the insights and perspectives that each delegate will bring to the conference. Meanwhile, we also strive to give you unforgettable memories apart from the committees. All of our participants will be provided with an environment in which they can connect, participate in activities, and build social skills as well as friendships.

Our secretariat has been and will continue to work relentlessly to provide you with the finest experience possible this year, and I hope to see you all in March. We hope that our conference will ignite your interest in international issues and provide you with the necessary skills to take home with you and use confidently for years to come. Thank you for your participation once more. I am looking forward to meeting you at Çapa Model United Nations Conference 2023.

Sincerely

Ayşe Şule Ercantürk
Secretary General

2. Introduction to the Committee

The General Assembly Sixth Committee, also known as the LEGAL committee, is one of the six main committees of the United Nations General Assembly. The committee focuses on the development and codification of international law, including issues such as terrorism, criminal accountability, and the peaceful settlement of disputes. The GA6: Legal committee serves as a forum for member states to discuss legal issues and make recommendations to the General Assembly on legal matters. The committee also works to ensure the effective functioning of international legal frameworks, as well as promoting the rule of law and encouraging states to adhere to international legal standards and conventions.

Overall, the LEGAL committee plays a crucial role in promoting the development of international law and ensuring that states adhere to legal frameworks and conventions to maintain peace and security worldwide.

3. Glossary

Flow of Data: The flow of data refers to the movement of information from one place to another, often through a series of processes or stages. This can include the input, processing, storage, and output of data within a computer system or network, as well as the transmission of data between different systems or across the internet.

DNNs: Neural networks are a type of artificial intelligence and machine learning algorithm modelled after the structure and function of the human brain. They consist of a set of interconnected nodes, called neurons, that process and transmit information. Neural networks are designed to recognize patterns and relationships within data, allowing them to learn and improve their performance over time. They are trained using a large amount of labelled data and adjust the weights and biases of the neurons to optimize their output.

Hybrid-life: Hybrid life or reality, refers to the seamless integration of virtual and physical environments. This can be achieved by overlaying digital information onto the physical world or by creating a virtual environment that mimics the physical world. Hybrid reality can be used in a variety of applications, such as training and education, entertainment, and remote collaboration.

AI: AI stands for Artificial Intelligence, which is a field of computer science that aims to create intelligent machines that can perform tasks that typically require human intelligence, such as perception, reasoning, learning, and decision-making. AI is based on the development of algorithms and computer programs that can process and analyze large amounts of data, learn from it, and adapt to new information.

Cybersickness: Cybersickness, also known as virtual reality sickness or VR sickness, is a type of motion sickness that occurs when using virtual reality (VR) technology. It is characterized by symptoms such as nausea, dizziness, headaches, and eye strain, which can be caused by the disconnect between the visual cues provided by the VR headset and the user's physical movements.

Victimization: Victimization refers to the experience of being victimized, which can include being subjected to physical, emotional, or psychological harm, or having one's rights or property violated by another person or group.

4. Introduction to the Agenda Item

The emergence of virtual environments during the process of digitalization plays a significant role in creating a hybrid lifestyle for users. People who build an alternative way of life in these environments using their digital identities gain firsthand experience of the possibilities of communication technology on a daily basis. By expressing themselves through software and applications and participating in interactions, users deviate from the norms of objective reality and embrace the mystery of the virtual within this alternative lifestyle. Artificial intelligence technology, particularly in online culture, takes communication to new levels and separates digital identity from objective identity, shaping hybrid life. Through the use of deepfake technology, which can convincingly manipulate actions and events that have a low probability of occurring in reality, a series of events is constructed within the hybrid life that undermines the reliability of the virtual world.

The amount of data and content available on digital platforms today far exceeds what exists in objective reality. Users who turn to these platforms for entertainment, socialisation, or news are also engaging their visual and auditory learning faculties in the online culture they are a part of. Although deepfake technology is important in

cinema, its significance in digital media is dwindling as it becomes the primary tool for deep deception. The use of this technology by malicious internet actors in digital spaces is steering the perception of reality for users who consume content through sight and sound, even if the content is not true but appears to be. In the digital world, where reality is constantly manipulated by deepfake technologies, digital identities are distancing themselves from the pursuit of truth and interpreting content based on their social class, ideological stance, or the norms of their physical lives.

In this context, it is an inevitable precaution to pay attention to these technologies within the framework of human rights.

5. Virtual Reality (VR)

Virtual reality (VR) is an advanced technology that allows users to experience a computer-generated environment as if they were physically present in it. It involves the use of headsets or other devices that simulate an immersive and interactive 3D environment. VR has been around for several decades but has recently gained popularity due to advances in technology and its increased availability. One of the main applications of VR is in entertainment, such as video games and movies. VR allows users to feel like they are inside the game or movie, which enhances the overall experience. VR is also used in education and training, particularly in fields where hands-on experience is difficult or dangerous to obtain, such as medicine or aviation. For example, medical students can use VR to practice surgical procedures in a simulated environment. Another area where VR is being increasingly used is in therapy and rehabilitation. Virtual reality environments can be used to help patients overcome phobias, anxiety disorders, and post-traumatic stress disorder (PTSD). VR is also used to help patients with physical disabilities to improve their motor skills and to simulate real-world scenarios for occupational therapy.

However, there are also potential dangers associated with VR. One concern is that users may become so immersed in the virtual environment that they lose touch with reality. This is known as "cybersickness," which can cause nausea, dizziness, and disorientation. In extreme cases, prolonged use of VR may lead to psychological disorders such as dissociative disorders and psychosis. Another concern is the potential for addiction. VR has been shown to activate the same reward pathways in

the brain as drugs, and some users may become addicted to the immersive experiences it provides. Addiction to VR could lead to social isolation, neglect of real-world responsibilities, and other negative consequences.

Privacy is also a concern in VR. Some VR applications require users to provide personal information, such as their name and location, which could be used for targeted advertising or other purposes. There is also the risk that hackers could gain access to sensitive data stored in VR applications, such as payment information or personal data. In conclusion, virtual reality has many exciting and innovative applications in various fields, such as entertainment, education, and therapy. However, it also poses potential dangers, including cybersickness, addiction, and privacy concerns. It is essential to weigh the benefits and risks of VR carefully and to use this technology responsibly to ensure that it continues to be a useful tool in the future.

6. ‘Deepfake’ Actions

The term "deepfake" in the literature refers to deep learning. Recently, in digital media, the shocking effect of surprising visual and audio recordings of various individuals, from politicians to famous movie stars, has increased the public awareness of the credibility of non-existent content through the use of digital manipulation technology. Deepfakes, which are generally hyper-realistic videos in which people's faces and voices are illegally swapped and digitally manipulated by other faces and voices, are the result of this technology

The continuous advancement of technology is interfering with how objective reality works, creating some outputs that are not easy to comprehend and necessitating the constant updating of perceived forms. This is particularly challenging in critical activities that are modelled on objective reality, and in this era where virtual reality is widely prevalent, it is increasingly challenging to distinguish what is real from what is fake in the outputs of technology. As a result, the combination of artificial intelligence and computers directs individuals through vast data sets that emerge during the quest for reality. With virtual reality playing an increasingly significant role in our lives, it has become challenging to distinguish between what is real and what is not, particularly in activities that rely heavily on objective reality. The integration of

artificial intelligence and computers has resulted in a vast amount of data being generated in our quest for reality, creating a problematic area for those who blend the objective and virtual worlds using new communication technologies. This hybrid living space that blends the two realities poses a challenge to those who still try to maintain an objective life culture, which relies on experiencing reality through "seeing and watching." By constructing their objective reality from the content they see in virtual environments, individuals are susceptible to deep deceptions in their search for reality, with virtual spaces' quick access and appeal to the senses allowing for convincing falsehoods that can affect millions of people simultaneously, leading them to give cognitive consent under false pretences.

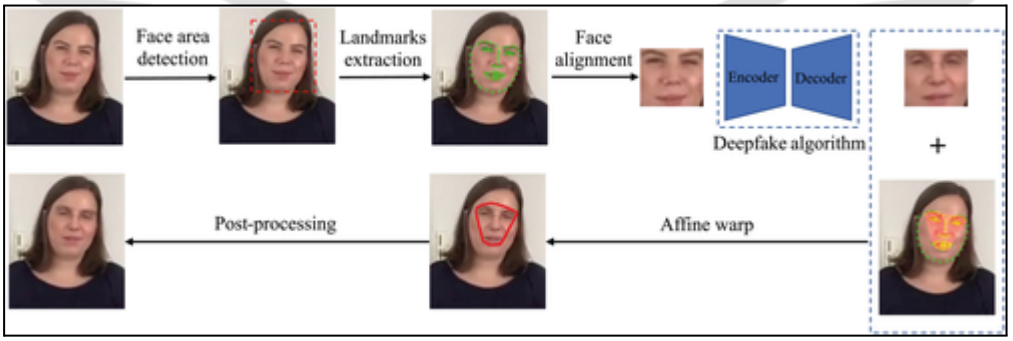
On the other hand, one of the most attractive aspects of virtual spaces is undoubtedly the instant flow of data. These spaces constantly update themselves to increase their demand and offer digital promises and suggestions to their users to keep them up to date, especially those who prepare their content through sound and visuals and expect their users to create content in this context. One of the fundamental paradigms of these updates is the intervention in sound and image. Users who recreate reality for personal reasons such as attracting attention, getting likes, or increasing their number of followers in virtual environments, without realising that they are also navigating within the limits of passive manipulation, which are the representatives of their tangible reality that they circulate in digital environments. Digital spaces are areas where reality is circulated and manipulated in many ways. Especially in social media and content-sharing networks, the reconstructed versions of both image and sound elements, which are evidence of reality, are increasing. Originality, which finds a new meaning in online life, is constantly under threat of falsehood. In this regard, software that benefits from artificial intelligence algorithms is one of the creating forces of this threat. In the dawn of digitality, every user can be a potential manipulator. At this point, every user can use their potential with simple applications that everyone can understand the distinction between reality and falsehood, as well as with professional technology and application knowledge. In this context, the outputs of the technology that clones reality with artificial intelligence (AI) in deepfake videos.

Undoubtedly, DNNs have a significant role in the emergence of deepfake videos. So far, there are three types of deepfake videos:

A. Face-Swapping Videos

The technology behind face-swapping videos has been around for several years, but recent advances in deep learning algorithms have made it easier to create high-quality fakes. There are different methods to create deepfakes, but the most common technique involves using a deep neural network (DNN) to analyse the facial features of both the source and target subjects. The DNN then creates a model that can map the target's facial expressions and movements onto the source's face in real-time.

One of the most significant concerns about face-swapping videos is their potential to be used for malicious purposes, such as spreading misinformation or fake news. The technology can be used to create convincing videos of politicians, celebrities, or other public figures saying or doing things that they never did. Such videos could be used to manipulate public opinion, incite violence, or defame someone's character. Another issue is the potential impact on privacy and consent. Face-swapping videos could be used to create fake pornographic content or blackmail individuals by creating false evidence of their involvement in illegal or embarrassing activities. Despite these concerns, there are also positive applications for face-swapping videos, such as in the film industry, where they can be used to create realistic visual effects or to replace an actor's face with a stunt double's face. They can also be used in scientific research to simulate facial expressions and emotions for studies on human behaviour.



“Face-swapping process”

B. Facial Reenactment

Facial reenactment is a type of technology that utilises machine learning algorithms and artificial intelligence to reconstruct and manipulate human faces in videos. It is a technique that has been used for a wide range of purposes, from creating lifelike CGI characters in movies and video games to producing deepfake videos that can manipulate public opinion. Facial reenactment algorithms work by analysing a source video of a person's face and then mapping the facial movements onto another person's face in a target video. This allows the target video to be manipulated in various ways, such as changing the facial expressions, lip movements, and even the overall appearance of the person's face. The process involves several steps, including face detection, face alignment, and facial feature extraction, which are all handled by the machine learning algorithms. One of the main applications of facial reenactment technology is in the film and video game industries. It allows filmmakers and game developers to create realistic characters that can emote and interact with other characters in a believable way. This can enhance the overall immersive experience for viewers and gamers alike.

However, facial reenactment technology has also been used for more nefarious purposes. Facial reenactment technology can be used to create such deepfake videos by superimposing the face of one person onto the body of another, making it appear as though the person is saying or doing something they never actually did. Facial reenactment technology has also been used in medical research, particularly in the study of facial expressions and emotions. It has been used to analyse facial expressions of patients with various medical conditions such as Parkinson's disease and autism. Overall, facial reenactment technology has a wide range of potential applications, from enhancing the entertainment industry to aiding in medical research.

C. Lip Synchronisation

Lip synchronisation is a technique used to make a person or character's lip movements match the audio that is being played. This technique is used in various fields such as film, television, video games, and even in music videos. In film and television, lip synchronisation is achieved by recording the dialogue separately from the visuals and then matching the two in post-production. The process involves the actors re-recording their lines while watching the footage of their performance. The

new audio is then synced to the footage, ensuring that the lip movements match the new dialogue. In video games, lip synchronisation is achieved using a similar technique to film and television. The dialogue is recorded separately, and then the lip movements of the character are animated to match the audio. This process is known as lip sync animation and is often done using motion capture technology. In recent years, lip synchronisation has become an important tool in the creation of deepfake videos. Using artificial intelligence and machine learning algorithms, it is possible to manipulate videos of people speaking to make them say things that they never actually said. This technology has raised concerns about the potential for misinformation and the impact it could have on society. Overall, lip synchronisation is a crucial technique in various fields and has evolved with the advancement of technology. While it has been used for creative purposes, it is important to be aware of its potential misuse in the form of deepfakes and take steps to prevent the spread of misinformation.

7. Deepfake and the Threats It Presents

7.1 Deepfake and Political Dangers

The misuse and abuse of deepfake technology can pose potential dangers, including the spread of fake news, political damage, and the targeting of vulnerable demographic groups such as minorities. The absence of a central authority to verify online information and the ability of viral media to be viewed millions of times in a single day have contributed to the erosion of trust in the news cycle and media. The increase in deepfake-generated fake content is likely to exacerbate the problem. It is widely accepted that deepfakes will lead to political problems at both the national and global levels. A famous example is when Jordan Peele created a deepfake video of former US President Barack Obama appearing to say, "President Trump is a complete idiot," which gained worldwide attention due to its realism. In response, the United States has enacted laws to prevent the manipulation of national security and political elections and combat misinformation. These legislative efforts involve placing a watermark to indicate that the content was created with deepfake technology or similar software. Texas was the first state in the United States to ban the creation and distribution of deepfake videos that harm or influence candidates for

public office, with violators facing up to one year in county jail and a fine of $4,000 for creating and causing the distribution of deepfake videos with the intent to injure a candidate or influence an election during the election period.

7.2 Financial Dangers

Deepfakes can cause confusion not only in politics but also in other social spheres. Depending on the deepfake's content, it could potentially trigger another financial crisis similar to the one in 2008. False or misleading news already causes fluctuations in the stock market, and introducing a misleading deepfake during a time of market instability or related to other market news could amplify these effects. Furthermore, terrorist organisations frequently use social media as a recruitment tool, and they may use deepfake content as part of their efforts to radicalise members against countries they oppose. Given that deepfakes can create more convincing and eye-catching propaganda, terrorist recruitment efforts from within opposing countries are likely to increase, leading to a significant and difficult-to-track danger.

7.3 Fraud, Intellectual Property Infringement

Technology has significantly increased the rate of many types of crimes, including cyberbullying and other crimes that can be committed with the help of deepfake technology. With the ability to manipulate people's perception of reality and their willpower, fraud can take on a new dimension. For instance, criminals have used artificial intelligence-based software to mimic the voice of a CEO and made a large payment to their own accounts, which highlights the risks associated with deepfake technology. According to cybersecurity firms, there has been a 350% increase in voice fraud since 2013, with artificial voices being used in one out of every 638 phone calls. The constantly evolving deepfake technology can lead to the capture of confidential information, including that of individuals, companies, and even governments. Additionally, the violation of intellectual property rights is a concern, as there are channels on the internet where only content produced with deepfakes is shared, including videos that feature famous voices with unexpected dialogues.

7.4 Cyber Bullying

One of the crimes is cyber bullying. Cyber bullying, also known as online harassment, is the act of exhibiting malicious behaviour towards individuals or groups through the internet, social media, and other online platforms. Such harassment can be directed towards a person or a group. However, with the development of deepfake technologies in recent years, the dimensions of cyber bullying have also begun to change. Cyber bullying poses a threat not only individually but also corporately and socially. Especially when combined with deepfake technologies, the reputation of many individuals and institutions can be seriously damaged. For example, a deepfake video of a celebrity can harm their career and personal life."

8. Deepfake Pornography

The technology behind deepfakes involves the use of machine learning algorithms to create convincing facial animations that mimic the movements and expressions of the target individual. While the use of deepfake technology has many potential positive applications, such as in the film and video game industries, its misuse in the creation of non-consensual pornography has become a growing concern. The production of deepfake pornography has become increasingly accessible in recent years with the rise of AI and machine learning technology. It is estimated that tens of thousands of deepfake pornographic videos exist online, with many targeting women in the public eye such as celebrities, politicians, and social media influencers. The victims of deepfake pornography often have their faces superimposed onto the bodies of pornographic actors without their consent or knowledge, which can result in severe emotional and psychological harm.

Addressing the issue of deepfake pornography requires a multi-faceted approach. Legal measures are one important component, including criminalizing the creation and distribution of non-consensual pornography. Technology companies can also play a role in preventing the spread of deepfake pornography by developing algorithms to detect and remove such content from their platforms. Educating the public about the harms of deepfake pornography and how to identify manipulated content can also be a valuable tool in preventing its spread.

8.1 Celebrity Deepfakes

Addressing the issue of deepfake pornography requires a multi-faceted approach. Legal measures are one important component, including criminalizing the creation and distribution of non-consensual pornography. Technology companies can also play a role in preventing the spread of deepfake pornography by developing algorithms to detect and remove such content from their platforms. Educating the public about the harms of deepfake pornography and how to identify manipulated content can also be a valuable tool in preventing its spread.

8.2 Revenge Contents

Revenge porn is the distribution of sexually explicit images or videos without the consent of the subject, often by an ex-partner seeking to humiliate or harm the individual. This type of non-consensual pornography is a violation of privacy and can have significant emotional and psychological consequences for the victim. Revenge porn can be created through various means, including hacking, theft, or sharing of intimate images or videos that were originally meant to be private. The distribution of such material can lead to severe emotional distress, including anxiety, depression, and even suicide. Many countries have implemented laws criminalizing the creation and dissemination of revenge porn. Victims of revenge porn can also seek legal recourse through civil lawsuits, which can help them to seek damages and hold those responsible for their victimization accountable.

8.3 Non-Consensual Pornography

Non-Consensual Pornography (NCP) is a term used to describe the creation, distribution, or possession of sexually explicit material without the consent of the person depicted in the material. This can include images, videos, or audio recordings, and may involve an individual who was unaware that the content was being created or who did not provide consent for it to be shared.

8.4 Custom Deepfakes

Custom deepfakes refer to the creation of manipulated videos or images that use artificial intelligence (AI) and machine learning to create pornographic content featuring specific individuals, often commissioned by clients who want to see

someone they know in a pornographic context. These deepfakes can be created using existing content, such as images or videos of the individual, or by generating new content using AI and machine learning algorithms. Custom deepfakes can have significant negative impacts on the individuals featured in the content, particularly if the content is created without their consent or knowledge. The distribution of such content can lead to feelings of shame, embarrassment, and victimization. Victims of custom deepfakes may also suffer from reputational damage, including damage to their personal and professional relationships.

9. Current Legal Regulations and Countries' Policies

United States of America**:** United States, the National Defense Authorization Act has extensively worked to legislate in this emerging field. In 2019, two states passed laws criminalising certain deepfakes, and Texas became the first state to ban the creation and distribution of deepfake videos."The US government has taken legal and technological measures to prevent the spread of deepfakes. In 2019, the Senate started working on a bill that would make deepfake videos illegal. In addition, organizations such as the American Technology Institute (ATI) and Defense Advanced Research Projects Agency (DARPA) are conducting research to detect and prevent deepfakes."

Germany: Germany has taken several legal steps to combat the spread of deepfakes, particularly those that are created and distributed without an individual's consent. The country has criminalized the creation and dissemination of non-consensual pornography, which includes the creation and distribution of deepfake pornographic content. Under German law, anyone found guilty of creating or distributing non-consensual pornography can face up to two years in prison or a fine. The German government has also established a task force to address the spread of disinformation and fake news, including deepfakes, and has provided funding to support research on deepfake detection and prevention.

Singapore: In Singapore, content that damages social, moral, political, religious, and societal values is illegal, and the service provider is held responsible for such content by law. In 2019, the country's parliament passed the Protection from Online Falsehoods and Manipulation Act (POFMA)[1], which aims to prevent the spread of false information and disinformation, including deepfakes.

United Kingdom: The UK government has taken legal and technological measures to prevent the spread of deepfakes. In 2021, the government started working on a bill to make deepfakes illegal. In addition, the Technology and Industry Strategy Unit has launched a research project to develop new technologies for detecting deepfakes.

Canada: In Canada, there is a growing concern about the potential negative impact of deepfakes on society, and the government has taken steps to combat their spread. In January 2020, the Canadian government announced that it would invest $40 million over five years to create a Digital Citizen Initiative, which would include efforts to combat the spread of disinformation and deepfakes. Additionally, Canada has introduced new legislation to address the issue of deepfakes. The proposed legislation includes criminalizing the creation, distribution, and possession of deepfake material that is intended to deceive the public during an election period, as well as making it easier for victims to obtain court orders to remove deepfakes from the internet.

Japan: the Japanese government has established a research program to develop new technologies for detecting and

[1] vernment has the power to issue correction orders, take-down orders, and ess the spread of false information and disinformation, including deepfakes. Individuals found guilty of creating or distributing deepfakes with the intent to deceive the public can face fines and imprisonment.

analyzing deepfakes. Furthermore, Japan's Intellectual Property High Court has started hearing cases related to deepfakes and their potential impact on intellectual property rights. The court has also established guidelines for the use of deepfake technology in the entertainment industry to protect the rights of performers and prevent the spread of unauthorized deepfake content. Despite these efforts, experts warn that Japan is still vulnerable to deepfake attacks, particularly during elections and other high-profile events.

9.1 World Intellectual Property Organization - “Intellectual Property Policy and Artificial Intelligence About the Draft Statement of Problems”

The World Intellectual Property Organization (WIPO) has emphasised that, while deepfakes can pose several issues such as infringement of privacy and personal data breaches, copyright concerns are the most significant. WIPO has raised the question of whether deepfake content should be protected by copyright. According to WIPO, deepfake content can be created without any relation to the source person's life or status and therefore should not be eligible for copyright protection. WIPO asserts that the "Creation Reality Principle" dictates that the creator of the work is the author, and thus, copyright for deepfakes should belong to the creators. WIPO has provided examples to clarify its stance, stating that the copyright for a deepfake featuring a deceased actor created by an artificial intelligence could be given to the producer. However, if the deepfake was created using a commercially procured AI algorithm, the copyright should belong to the person who created the deepfake. Regarding the use of people's images in deepfakes without their consent, Article 84 of Law No. 5846 on Intellectual and Artistic Works states that anyone who records, reproduces, or legally distributes an image, picture, or sound for commercial purposes can prohibit third parties from using the same means to reproduce or publish it. This provision applies to anyone who violates it, regardless of whether they are merchants. Violators may be subject to provisions relating to unfair competition. The article also covers all forms of photographs and cinema products that are not artistic works.

Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence

10. Points to Cover

a. How can it be ensured that justice is fairly determined by the party to bear the consequences caused, despite the anonymity of deepfakes?

Ensuring justice in cases involving deepfakes requires a multifaceted approach that involves the development of forensic tools, promoting responsible behavior, strengthening legal frameworks, and encouraging collaboration and information sharing among different entities.

b. How can online behavior change be achieved at a global level?

A diverse range of strategies is needed to bring about a transformation in online behavior on a global scale.This involves education and awareness campaigns, incentives and penalties, strengthening laws and regulations, collaboration and partnership, and technological innovation. Governments, companies, NGOs, and individuals can work together to promote responsible online behavior and combat harmful behavior such as cyberbullying and hate speech. By creating a safer, more responsible online community, we can promote positive behavior and create a better digital world.

c. What strategies can countries adopt to tackle the issues posed by weaponized deepfakes, while also strengthening societal resilience against the problems they amplify?

To address the challenges of weaponized deepfakes and strengthen societal resilience against their negative effects, countries can adopt various strategies such as investing in technology and research, raising awareness campaigns, developing legal frameworks, collaborating with different stakeholders, and promoting media literacy. These strategies can help in mitigating the negative impact of deepfakes on society and building resilience against the problems they amplify.

11. External Links

- The Emergence of Deepfake Technology: A Review
- A Survey on Deepfake Video Detection - Yu - 2021 - IET Biometrics - Wiley Online Library
- Deepfake Detection: A Systematic Literature Review | IEEE Journals & Magazine
- https://www.researchgate.net/profile/Zeno-Geradts/publication/329814168_Detection_of_Deepfake_Video_Manipulation/links/5c1bdf7da6fdccfc705da03e/Detection-of-Deepfake-Video-Manipulation.pdf
- https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=4583385f235668cb9a5818f5b6bad65b27ec4c9d
- Detecting Deep Fake Evidence with Artificial Intelligence: A Critical Look from a Criminal Law Perspective by Francesca Palmiotto
- It's Getting Harder to Spot a Deep Fake Video
- Vocal Synthesis - YouTube

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GA6: LEGAL

STUDY GUIDE

Agenda Item 2: Strengthening anti-monopoly efforts in pharmaceutical industry by reviewing Intellectual Property Rights

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12. Introduction to the Committee

The General Assembly Sixth Committee, also known as the LEGAL committee, is one of the six main committees of the United Nations General Assembly. The committee focuses on the development and codification of international law, including issues such as terrorism, criminal accountability, and the peaceful settlement of disputes. The GA6: Legal committee serves as a forum for member states to discuss legal issues and make recommendations to the General Assembly on legal matters. The committee also works to ensure the effective functioning of international legal frameworks, as well as promoting the rule of law and encouraging states to adhere to international legal standards and conventions.

Overall, the LEGAL committee plays a crucial role in promoting the development of international law and ensuring that states adhere to legal frameworks and conventions to maintain peace and security worldwide.

13. Key Terms and Definitions

Intellectual Property Rights (IPRs): Legal rights that grant exclusive control and ownership of creative and innovative ideas, such as patents, copyrights, trademarks, and trade secrets.

Monopoly: A situation where a single entity or company has control over a particular market, allowing them to set prices and limit competition.

Evergreening: The practice of making minor changes to a drug's formulation or packaging to extend the life of a patent and prevent the production and distribution of generic drugs.

Patent: Exclusive rights granted to pharmaceutical companies to manufacture, sell, and distribute a drug for a specific period, usually 20 years.

Compulsory Licensing: A policy that allows governments to licence a patented drug to a third party to manufacture and sell at a lower price.

Generic Drugs: Cheaper versions of the original drug produced by other companies after the patent has expired or been invalidated.

Trade-Related Aspects of Intellectual Property Rights (TRIPS): An international agreement that sets minimum standards for intellectual property rights, including patents, trademarks, and copyrights.

14. Introduction to the Agenda Item

The pharmaceutical industry is one of the most important and profitable sectors in the world, and it is also an industry where the issue of monopolies is of great concern. Monopolies in the pharmaceutical industry can lead to high prices for medications, which can limit access to essential medicines, particularly in low- and middle-income countries.

Developing countries have a path to creating their own pharmaceutical industries - World Bank Blogs

There are several factors that have contributed to the monopolisation of the pharmaceutical industry. One of the main reasons is the high cost of research and development for new drugs. It takes a significant amount of time and money to develop a new drug, and pharmaceutical companies must redeem their investment to continue developing new drugs. This creates a barrier to entry for smaller companies or startups, and larger companies with more resources are better positioned to develop and market new drugs.

Another factor is the granting of patents for drugs. Patents allow pharmaceutical companies to have exclusive rights to manufacture and sell a drug for a certain period of time, usually 20 years. This prevents competition from generic drug manufacturers, who can offer cheaper alternatives once the patent has expired. In addition, some companies engage in "evergreening," a practice of making minor

changes to a drug's formulation or packaging to extend the life of a patent and prevent competition.

The high cost of marketing and advertising also contributes to the monopolisation of the industry, as only larger companies can afford to invest in extensive marketing campaigns. Finally, regulatory barriers to entry, such as the complex and expensive process of obtaining regulatory approval for new drugs, also make it difficult for smaller companies to enter the market and compete with established pharmaceutical companies.

a. Consequences of Monopolization in the Pharmaceutical Industry

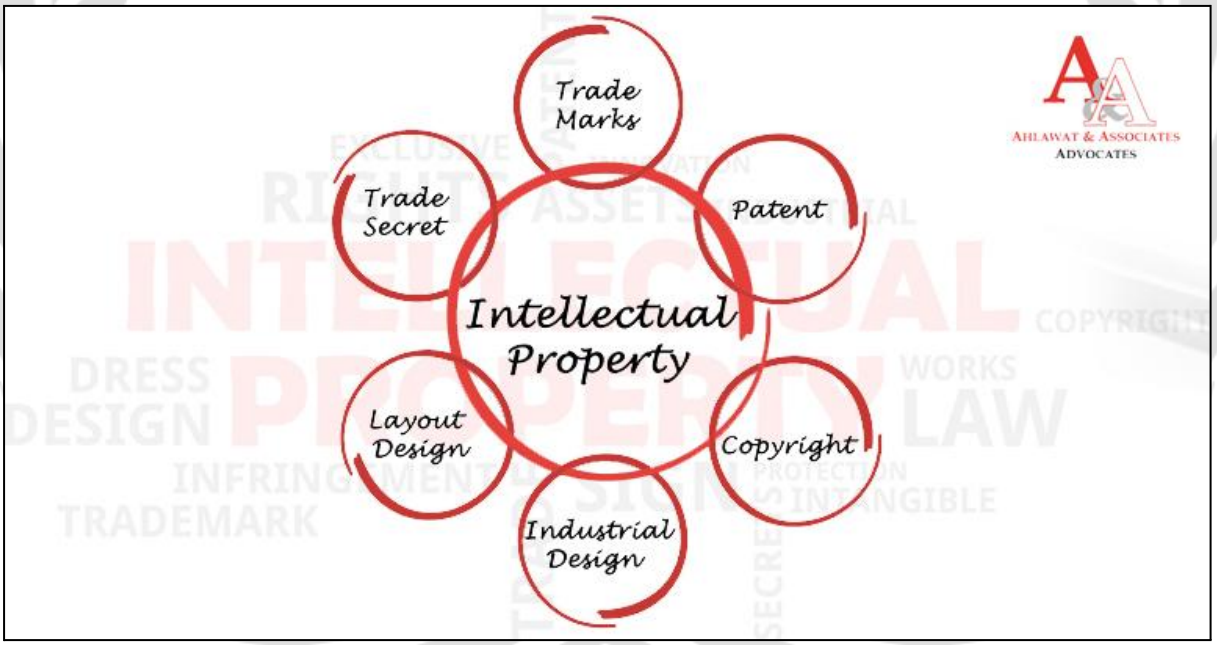
The monopolisation of the pharmaceutical industry presents several challenges that can have a significant impact on public health and access to affordable medications. The main challenges of monopolisation of the pharmaceutical industry are as follows:

- ➢ High drug prices: When a single company has a monopoly on a particular medication, they can set the price as high as they wish, making it difficult for patients to afford treatment.
- ➢ Limited competition: A monopoly in the pharmaceutical industry can limit the competition, reducing the incentive for innovation and stifling new research and development. This can lead to fewer treatment options for patients.
- ➢ Intellectual property rights: Intellectual property rights can be exploited by pharmaceutical companies to maintain a monopoly on a particular medication. This can lead to extended patent protection, blocking generic versions of the medication, and increasing drug prices.
- ➢ Access to medicines: Monopolies can restrict access to essential medicines, particularly in low- and middle-income countries, where high drug prices can prevent patients from accessing life-saving treatments.
- ➢ Inequities in healthcare: Monopolies in the pharmaceutical industry can perpetuate inequities in healthcare, particularly for marginalised communities who may not have access to the latest treatments due to high costs.

Also mentioned above, as it causes the situation of monopolisation of the industry, one way to prevent this monopolisation goes by reviewing the Intellectual Property Rights.

b. Intellectual Property Rights

Intellectual Property Rights, also known as IPRs, are a set of legal rights granted to individuals or organisations to protect their creative works. IPRs provide exclusive control and ownership of creative and innovative ideas, such as patents, copyrights, trademarks, and trade secrets. Patents protect inventions, while copyrights protect artistic and literary works, and trademarks protect a company's branding and identity. Trade secrets are confidential information that a company uses to gain a competitive advantage.



Everything You Need To Know About Intellectual Property In India - Ahlawat & Associates

IPRs aim to promote innovation and creativity by providing incentives to inventors and creators. They enable inventors and creators to profit from their work, which, in turn, encourages them to continue producing new and innovative ideas. IPRs also allow inventors and creators to control how their works are used, ensuring that they are not misused or exploited by others.

The current state of Intellectual Property Rights (IPRs) in the pharmaceutical industry varies by country and region, as different countries have different laws and

regulations governing intellectual property. In general, the pharmaceutical industry relies heavily on patents to protect their research and development investments, which can result in high prices for drugs and limited access to medicines.

Some countries have implemented measures to balance the protection of intellectual property with the public's access to affordable medicines. For example, in some countries, compulsory licensing allows a government to licence a patented drug to a third party without the permission of the patent holder, if it is deemed necessary to protect public health.

In recent years, there has been increased debate and scrutiny around the role of IPRs in the pharmaceutical industry, with some arguing that the current system prioritises profits over public health. As a result, there have been calls for reforms to the patent system to promote greater access to medicines and address anti-competitive behaviour in the industry.

c. IRP's Role Regarding the Monopolization of Pharmaceutical Industry

Patents are the most crucial form of IPRs in the pharmaceutical industry, since they are providing pharmaceutical companies with exclusive rights to manufacture, sell, and distribute a drug for a specific period, which is usually 20 years long. The patent given allows the company to recoup their investments in research and development, promoting innovation and creativity during this time period.

However, these exclusive rights can also lead to monopolies. Pharmaceutical companies can use minor changes to extend the life of their patents, preventing the production and distribution of generic drugs, which are cheaper versions of the original drug, which is also known as “evergreening”, as explained above. The cases of evergreening can significantly limit competition in the market, leading to high drug prices and limited access to essential medicines.

To prevent monopolies in the pharmaceutical industry, governments have implemented policies that encourage competition and limit the abuse of IPRs by pharmaceutical companies. One of these policies is the introduction of legislation that prevents companies from extending their patents through minor changes in the drug's formulation or packaging. This policy limits evergreening and promotes

competition in the market, allowing for the production and distribution of generic drugs.

Another policy that governments have implemented to prevent monopolies in the pharmaceutical industry is compulsory licensing. Compulsory licensing allows governments to licence a patented drug to a third party to manufacture and sell at a lower price. This policy can significantly reduce drug prices, improving access to essential medicines for people who cannot afford them.

International agreements have also played a role in preventing monopolies in the pharmaceutical industry. The World Trade Organization's (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) includes provisions that allow for the production and importation of generic drugs in certain circumstances, such as during public health emergencies.

d. Trade-Related Aspects of Intellectual Property Rights (TRIPS)

Trade-Related Aspects of Intellectual Property Rights (TRIPS) is a set of international regulations on the protection and enforcement of intellectual property rights (IPRs) that are enforceable by member countries of the World Trade Organization (WTO). The TRIPS agreement sets minimum standards for the protection of IPRs, including patents, trademarks, copyrights, and trade secrets, and provides a framework for the protection of these rights in international trade. It aims to balance the interests of creators and users of intellectual property by ensuring that IPRs are protected while promoting innovation, technological transfer, and access to knowledge and medicines.

What is Trade Related Intellectual Property Rights (TRIPs)? - IndianEconomy.net

The TRIPS agreement remains important as a result of its promotion and protection over the innovations. It encourages research and development activities by providing incentives to inventors and creators through the grant of exclusive rights to use and commercialise their creations. It also ensures that the benefits of innovation are shared by all countries and that developing countries have access to affordable medicines and technologies. Moreover, the TRIPS agreement provides a level playing field for all countries in international trade, thus contributing to the promotion of fair competition and the growth of the global economy. By establishing common standards for the protection and enforcement of IPRs, the TRIPS agreement provides a stable and predictable legal environment for businesses and investors, thereby fostering economic growth, job creation, and sustainable development.

15. Timeline of Important Events

- July 2nd, 1890: The Sherman Antitrust Act was passed in the United States to prevent monopolies and promote competition in all industries.
- 1951: The U.S. Congress passed the Humphrey-Durham Amendment, which requires that all drug advertisements include information about side effects and contraindications.
- August 23rd, 1962: The Kefauver-Harris Amendment was passed in the U.S., requiring pharmaceutical companies to prove the efficacy and safety of their drugs before they can be marketed.
- 1984: The Hatch-Waxman Act was passed in the U.S., which makes it easier for generic drug manufacturers to enter the market by allowing them to rely on the safety and efficacy data of the original drug.
- January 1st, 1995: The World Trade Organization (WTO) established the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement, which set minimum standards for intellectual property protection, including patents for pharmaceuticals.

- 1997: The U.S. Food and Drug Administration (FDA) approved the first direct-to-consumer (DTC) television advertisement for a prescription drug, leading to an increase in drug advertising.
- 2003: India introduced a new patent law that grants patents for pharmaceuticals but allows for compulsory licensing in certain circumstances.
- 2005: The U.S. Supreme Court ruled in the case of Federal Trade Commission v. Actavis that "reverse payment" settlements between brand-name and generic drug manufacturers can violate antitrust laws.
- September 2015: The Turing Pharmaceuticals controversy occurred when the company raised the price of its drug Daraprim by 5,000% overnight, drawing attention to the issue of drug pricing and access.
- 2018: The U.S. FDA announced a new policy to promote competition and lower drug prices by expediting the review of generic drug applications.

16. Countries' Policies Upon the Situation

United States: The U.S. has antitrust laws enforced by the Federal Trade Commission (FTC) and the Department of Justice (DOJ) to prevent companies from creating monopolies or engaging in anti-competitive behaviour. The FTC and DOJ review mergers and acquisitions to ensure they do not harm competition. The U.S. government also allows for generic drugs to be produced after a certain period of time, which increases competition and lowers prices.

Canada: Canada has a regulatory agency called Health Canada, which ensures that pharmaceutical companies do not have a monopoly on specific drugs. Health Canada also has policies that allow for the approval of generic drugs, which increases competition and lowers prices.

European Union: The European Union has antitrust laws enforced by the European Commission, which has the power to fine companies that engage in anti-competitive behaviour. The European Union also allows for the approval of generic drugs, which increases competition and lowers prices.

India: India has implemented policies that allow for the production of generic drugs, which increases competition and lowers prices. The government has also imposed price controls on certain drugs to prevent companies from charging excessively high prices.

China: China has antitrust laws enforced by the State Administration for Market Regulation (SAMR). The SAMR has the power to fine companies that engage in anti-competitive behaviour. China also allows for the production of generic drugs, which increases competition and lowers prices.

17. Questions to be Answered

a. How can we balance the need for innovation with the need for affordable medicines?

One of the key issues in the pharmaceutical industry is that the development of new drugs requires significant investment in research and development. At the same time, high prices for patented drugs can limit access to essential medicines for some patients. Policymakers need to consider how to incentivize innovation while also ensuring that medicines are affordable and accessible to those who need them.

b. How long should patents last?

Patents grant pharmaceutical companies exclusive rights to sell a drug for a set period of time, typically 20 years from the date of application. Critics argue that this

period is too long, as it allows companies to charge high prices for too long and restricts competition. However, others argue that the patent period needs to be long enough to incentivize companies to invest in drug development.

c. How can we encourage the production of generic drugs?

Generic drugs are copies of brand-name drugs that have the same active ingredients, dosage, and safety as the original drug. They are often much cheaper than the original drug, and competition from generics can help bring down prices. However, pharmaceutical companies often use legal tactics to delay or prevent the production of generics. Policymakers need to consider how to encourage the production of generics while still protecting intellectual property rights.

d. How can we prevent "evergreening" of patents?

Evergreening can allow companies to maintain their monopoly on the drug and charge high prices for a longer period of time. Policymakers need to consider how to prevent this practice while still encouraging companies to invest in drug development.

e. How can we ensure that patients have access to essential medicines?

One of the key goals of anti-monopoly efforts in the pharmaceutical industry is to ensure that patients have access to affordable and essential medicines. Policymakers need to consider how to balance the need for innovation and intellectual property rights with the need to ensure that essential medicines are available to all patients, regardless of their ability to pay. This may involve price controls, increased access to generics, or other measures.

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