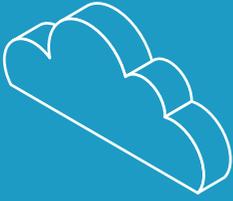


Joining the International Copyright System: What's at Stake?





**Creative industries have
unprecedented opportunities
to thrive in a global market,
driven by innovative
technologies and
worldwide demand.**

How can countries and their national creative industries benefit from the smooth flow of creative works within this global market?

The international copyright system is part of the answer.



The international treaties administered by the World Intellectual Property Organization (WIPO) in the field of copyright and related rights are the building blocks of the international copyright system.

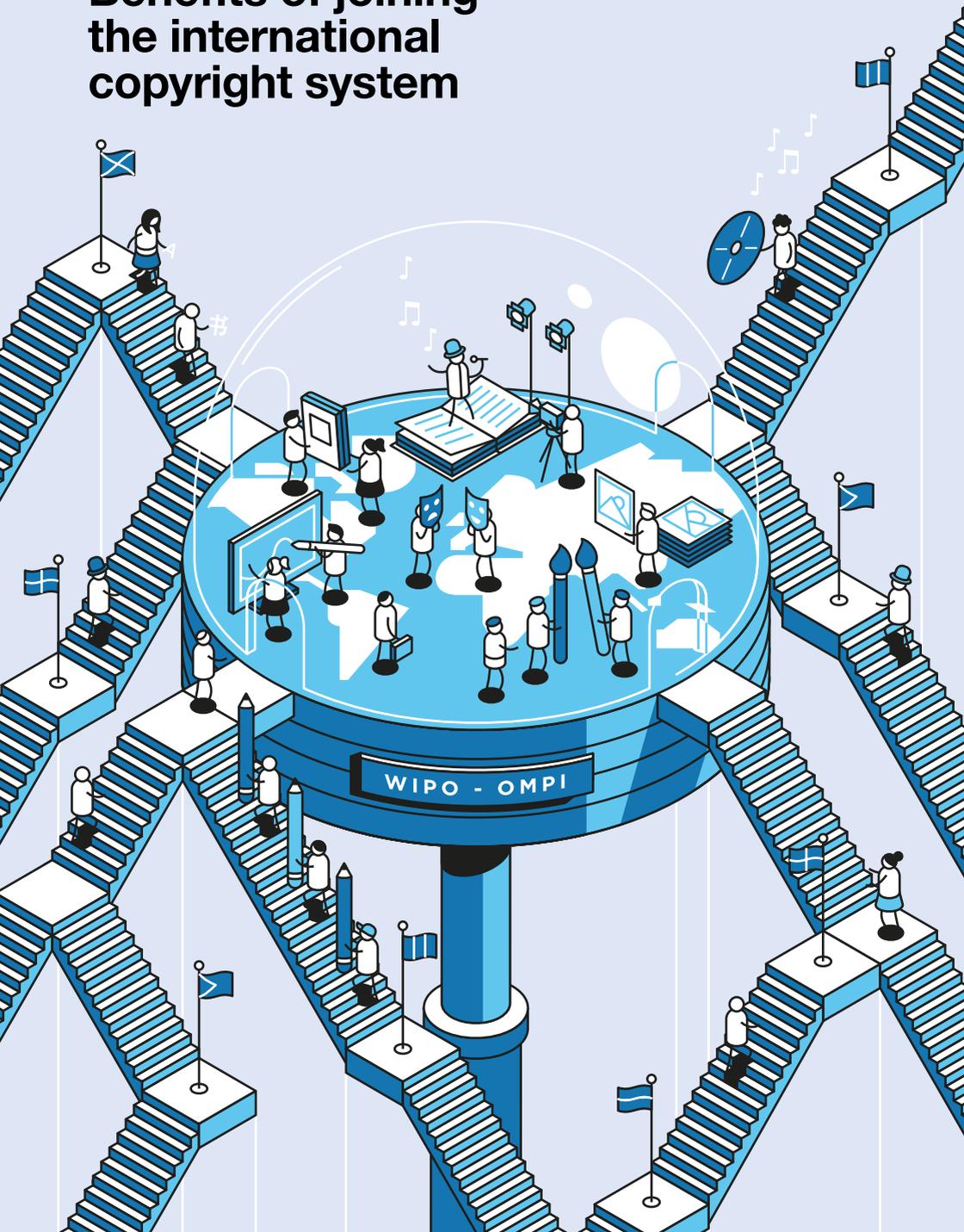
They are key in levelling the playing field for creative industries.

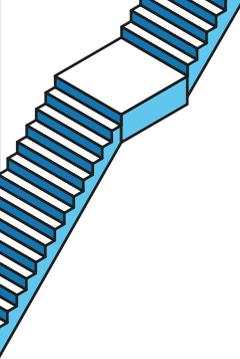
Together, they form **a consistent, comprehensive and complementary legal system** which creates, generates and preserves value from the rights of authors, performers, producers of sound recordings and broadcasting organizations. They invigorate and boost the diverse industries associated with these professions – books, music, film, press, broadcasting, video games, computer programs, apps, databases, and more.

Through their norms and standard-setting, the treaties enable the efficient international exchange of creative products by bringing **clarity, certainty and fairness** to transactions and exchanges within the global marketplace.

This booklet introduces the copyright treaties administered by WIPO, identifies some of the potential benefits they offer, and outlines the steps that countries need to take in order to join the international copyright system.

Benefits of joining the international copyright system





Over almost 200 years, a system of international rights recognition has progressively developed. It has demonstrated its continuous relevance in an evolving technological and economic environment.

Today, it works through multilateral treaties and conventions, most of which are administered by WIPO. By joining the key WIPO copyright treaties, governments will be more empowered to support their copyright-based industries and to drive the dissemination and monetization of their national creative content.

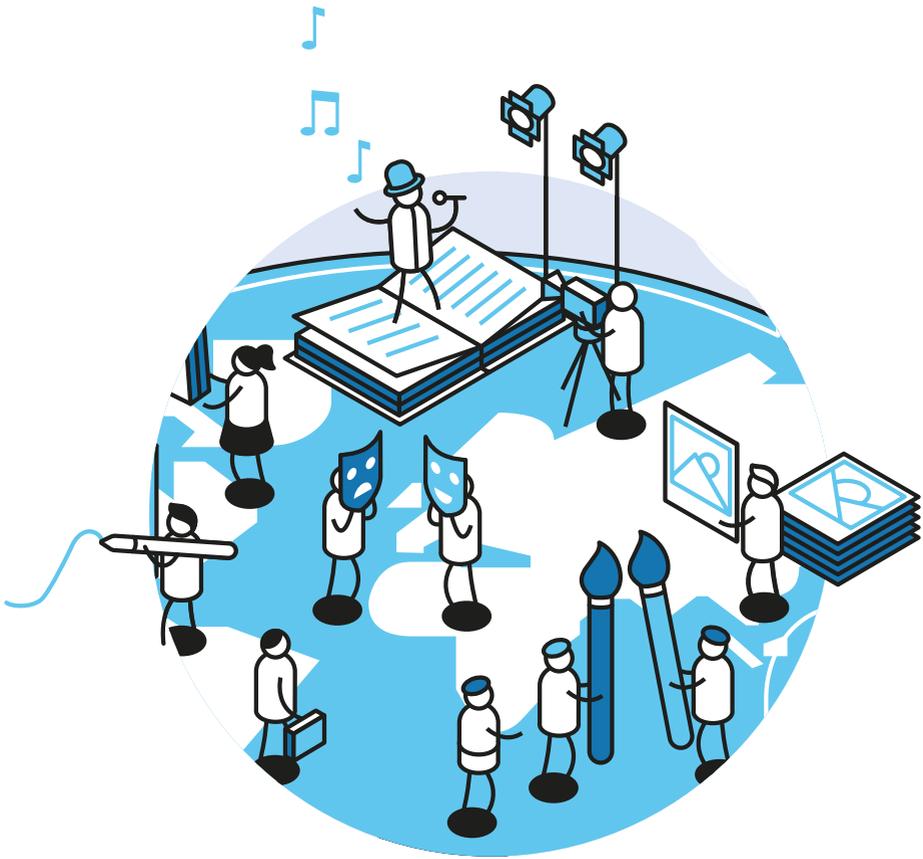
It is commonly recognized that significant benefits can flow when a country joins and implements these treaties in its national law.

A level playing field

The international copyright treaties create a level playing field for the production and exchange of creative content, by providing for mutual recognition and establishing minimum standards. The principles of **national treatment** and **minimum protection** lie at the heart of the treaties. They ensure a certain degree of mutuality among the countries that have signed up to the same treaty – works, performances and sound recordings are recognized in the same way in other countries as they are in the home country of the rights holder.

The broad membership of international copyright treaties facilitates the international adoption and application of these important principles. Everyone plays by the same rules.

This sets the scene for national creativity to find its way into the global market.



Research shows that creative industries – those predominantly based on the exploitation of copyright and related rights content – contribute around 5 percent of gross national product (GNP). Rates of growth and employment creation also outstrip other economic sectors.

Local culture, global appeal

Culture is locally rooted, based on the lives and specific experiences of the people who create it, yet it can have a strong appeal beyond borders. Culture transcends territoriality and has vast potential to reach international audiences.

To name just a few examples, Jamaican reggae, Mexican *telenovelas*, Malian blues, Algerian *rai*, Indian Bollywood, Japanese *manga*, Russian ballet and Italian lyric opera are enjoyed by people all around the world.

Creative products, big business potential

The international copyright system enables each country to strategically use the global regime of economic and moral rights, which can be used to secure a return on the investment made in producing and distributing creative works.

Within a robust national copyright framework, creative works become valuable economic assets that can be leveraged to create employment, spur business growth, and contribute to the development of a vibrant creative economy and cultural landscape.

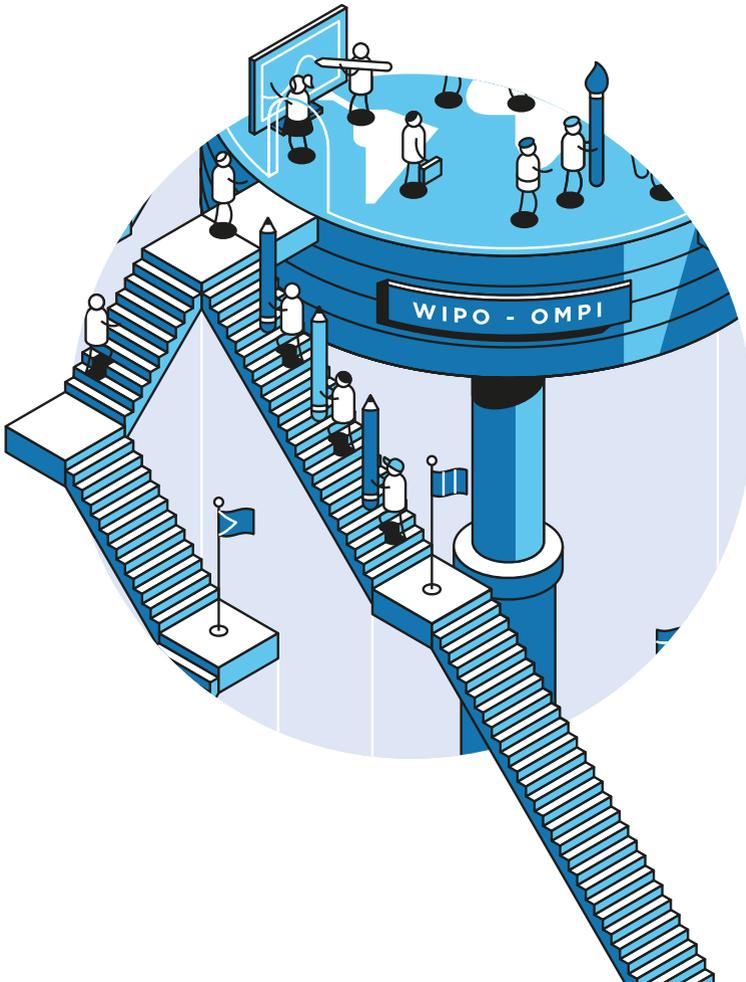
Cross-fertilization between creative industries and new digital technologies

The international copyright system makes it possible to enhance the position of every country's creative content in the online environment, offering their creators unprecedented opportunities to share and monetize their works.

Rising demand for online creative content fuels expansion of digital communications infrastructure. Through the international copyright system, creators can meet that demand, for instance by allowing access to music, films and other works across borders through subscription and micro-payment schemes.

International recognition of rights and the growth of information and digital communications facilities become mutually supportive.

What does it take to join the international copyright system?



To benefit fully from joining the international copyright system, countries need to create a supportive environment for the use of rights.

They need a sound legislative framework intertwined with an efficient administrative infrastructure.

They also need to devote adequate resources to establish and develop an effective national copyright system.

Legislative framework and infrastructure

A first step is to consider national legislation in light of the key principles and features of the main international treaties.

A second important consideration is to set up an effective and reliable operational infrastructure to implement the legislation, ensure the efficient management of rights, and foster policies that support creativity.

A further consideration to maximize the benefits of participation in the international copyright system is the consistent involvement of crucial players, ranging from government copyright authorities, collective management organizations (CMOs) and law enforcement authorities to judicial bodies. A well-functioning copyright system will seek collaboration among all

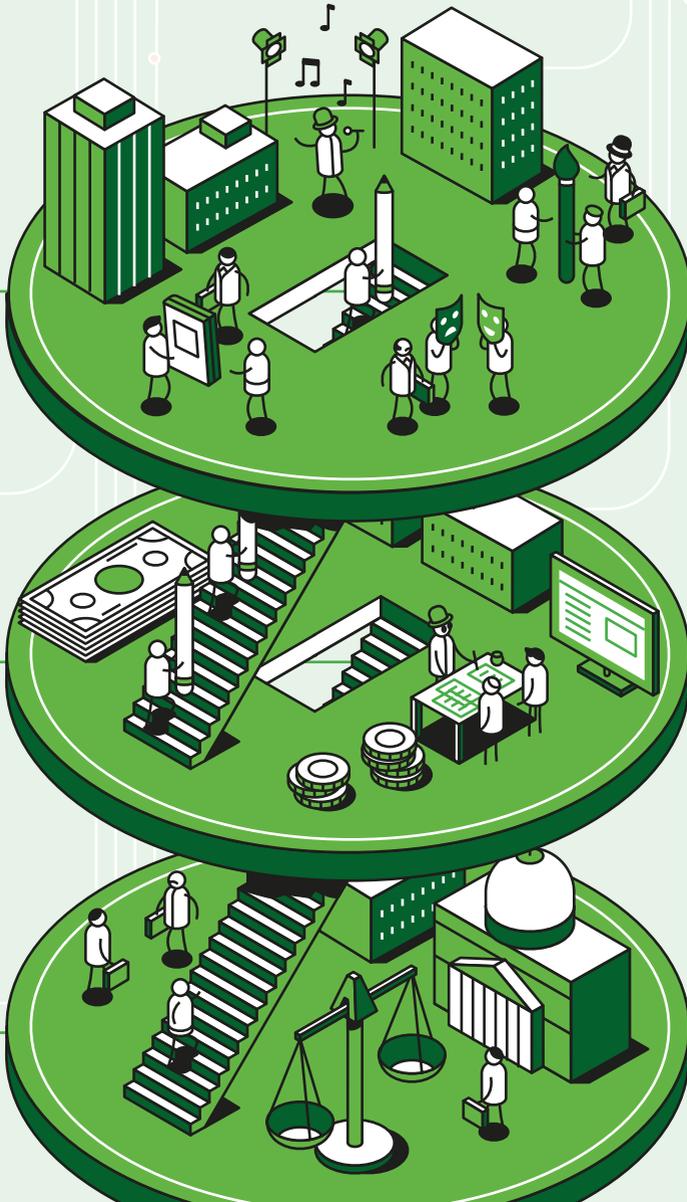
stakeholders, including public authorities and professional and business associations in the private sector.

Resource considerations

To reap the benefits of the international copyright system, adequate resources are required to establish and foster the development of an effective national copyright system, enabling it to operate both domestically and internationally.

In most cases, the cost of investing in building the infrastructure tends to be reasonable and is amortized over time, as the creative industries develop and perform in an enabling environment.

A strengthened creative sector will boost the identity and the economy of each member, and brighten the prospects for creativity for future generations.





At the **government** level, immediate costs will arise from the need to establish or strengthen certain administrative and legal functions. For example, funds to set up and staff a national copyright office will have to be allocated in the national budget unless they are generated by revolving funding from the private sector. The training of key actors, including policymakers, administrators, law enforcement officials and judges, also has to be anticipated.

Collective management organizations (CMOs) play a key role in facilitating access to creative works, ensuring that users of the works recognize the rights of creators, and pay for them. CMOs provide an essential link in the value chain by representing the interests of the creative community across thousands of outlets – no individual could manage that many relationships.

CMOs are meant to be self-sufficient, though their establishment involves initial investments and administrative expenses which can be amortized or recouped over time.

The **creative community** will also benefit from better organization, for example by setting up professional associations. The establishment and administration of these trade associations may entail administrative costs for the creators themselves, but the investment will pay off in the long run from the advantages gained by strengthening their negotiating power with national and international users.

What's at stake?

Joining the international treaty system involves a number of precise, concrete and consistent steps, but the returns are highly significant and far-reaching, in light of the economic value generated by creative industries.

The Key WIPO Copyright Treaties



The international copyright treaties are designed to fit together seamlessly, to ensure all relevant creative sectors benefit from an appropriate level of rights recognition.

They include:

- the Berne Convention for the Protection of Literary and Artistic Works;
- the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations;
- the WIPO Copyright Treaty;
- the WIPO Performances and Phonograms Treaty;
- the Beijing Treaty on Audiovisual Performances;
and
- the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

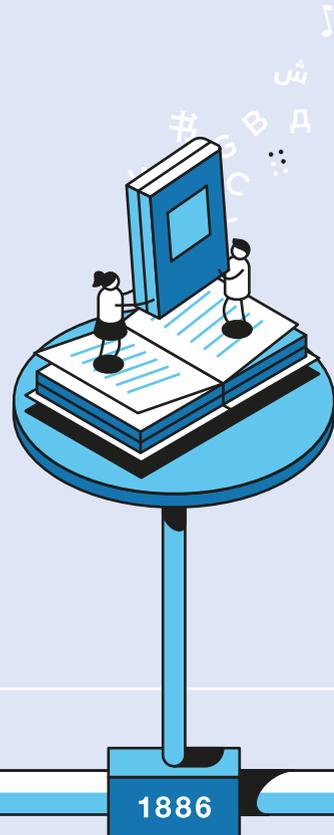
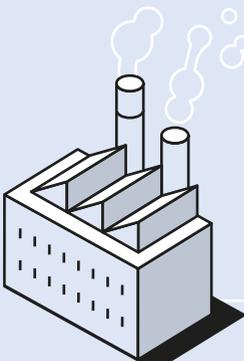
The Berne Convention for the Protection of Literary and Artistic Works (1886, updated in 1971) grants consistent rights to authors and creators (writers, musicians, film producers, painters, etc.) across member countries.

Today, most countries of the world are party to this treaty, which ensures that works enjoy protection outside their country of origin as regards both their economic exploitation and their artistic integrity.

The Convention also enables rights owners to monetize their assets under mutually agreed terms. In addition, it provides a foundation for a comprehensive regime, including a mechanism known as the “three-step test” that establishes the terms under which exceptions and limitations to rights may be granted.

It is devised as a scale that enables a fine balance between the interests of authors and creators on the one hand and those of other stakeholders and society at large on the other.

Almost all WIPO Member States are now Contracting Parties to the Berne Convention. Fewer than 20 have yet to join.

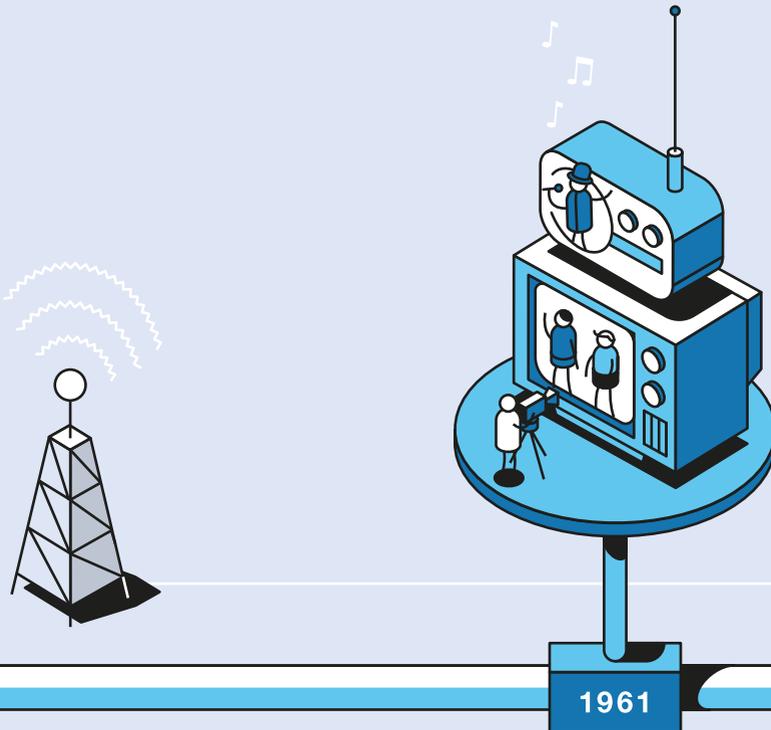


The Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961) was the first convention to grant a set of rights known as related or neighboring rights at the international level.

Related rights are granted to three main categories of players who contribute to the creation and dissemination of works:

- performers such as actors, singers and musicians;
- producers of recorded music; and
- broadcasters (television and radio stations).

The Rome Convention has gained broad acceptance worldwide. Nearly half of WIPO Member States are Contracting Parties.



The WIPO Copyright Treaty (1996), known as the WCT, is the first WIPO Treaty devoted to copyright in the digital environment. Building on the main features of the Berne Convention, the Treaty, among other provisions:

- explicitly grants protection to software and databases;
- recognizes a right, specific to the digital environment, of making works available, which addresses “on-demand” and other interactive modes of access; and
- provides the framework for creators and rights owners to use technical tools to protect their works and safeguard information about their use.

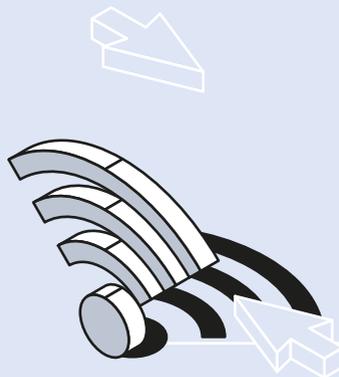


The WIPO Performances and Phonograms Treaty (1996), known as the WPPT, is in the same vein as the WCT in that it addresses related rights in the digital environment. It gives two categories of rights owners – performers and producers of recorded music – transaction tools to empower them in their negotiations with new digital platforms and distributors.

In addition, the Treaty for the first time recognizes moral rights for performers.

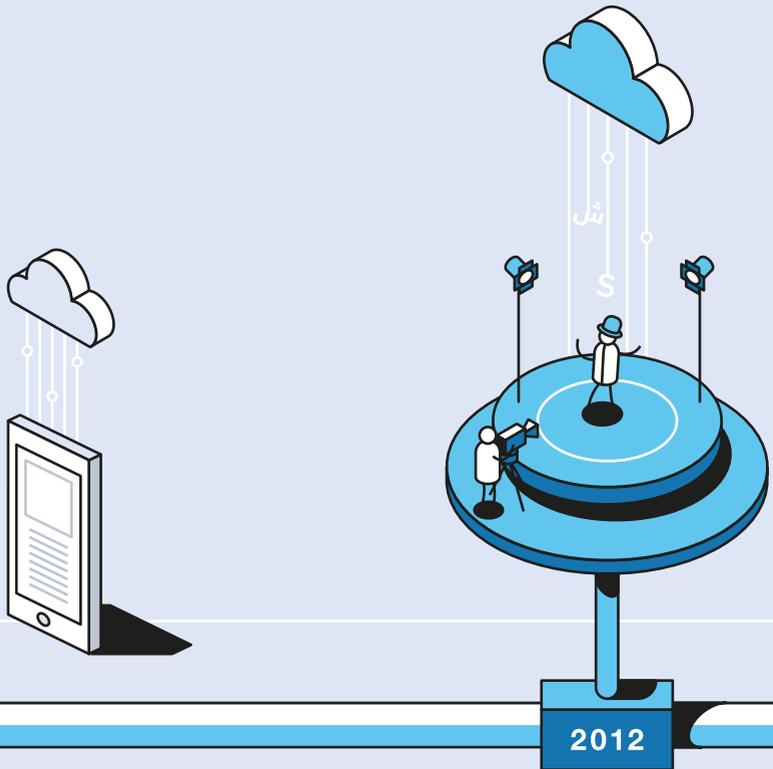
Two categories of related rights were left uncovered by the WPPT: those of audiovisual performers (to a great extent) and broadcasters. Audiovisual performers' rights were covered later by the Beijing Treaty (see below), while discussions are ongoing among WIPO Member States with a view to updating the rights of broadcasting organizations.

More than half of all WIPO Member States have joined the WCT and the WPPT.



The Beijing Treaty on Audiovisual Performances (2012) grants protection to audiovisual performers, whose rights were not fully covered by the WPPT.

Protection of audiovisual performers' rights is particularly important in the online age, as television programs, films and videos are increasingly being transmitted or made accessible across borders through digital channels.



The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled

(2013) establishes, for the first time, a set of mandatory limitations and exceptions to permit, under certain conditions, the conversion of works such as books, newspapers, manuscripts and audiobooks into accessible formats for the visually impaired community.

The Marrakesh Treaty was concluded to serve a universal cause that merited special treatment, as was recognized by all interested parties.

The consensus in favor of this exception was triggered by the need for all countries to benefit from the same terms to facilitate access under most favorable financial conditions and allow the cross-border exchange of works in special formats for persons with print disabilities.



Joining the International Copyright System

Frequently Asked Questions

Are there any conditions for countries to become party to the treaties?

Any country may become party to any copyright treaty, but in some cases this depends on other memberships. For instance, the Rome Convention is open to States already party to the Berne Convention or to the Universal Copyright Convention, and the WPPT is open only to WIPO Member States and to the European Union.

Is there any cost for a country to become party to a treaty?

WIPO Member States will incur no costs by adhering to one or more WIPO-administered treaties.

What are the steps that need to be taken to become party to a treaty?

To become party to a treaty, a country needs to deposit an instrument declaring its intention to join. This instrument must be signed by the Head of State, the Head of Government or the Minister for Foreign Affairs. WIPO can provide model instruments and information on process upon request.

Is it necessary to change national legislation prior to adhering to a treaty?

Changing national legislation to ensure compliance with treaty provisions is not a requirement to become party to a treaty, as WIPO does not conduct a review of the legislation for this purpose. This is a matter of national regulation. However, countries often need clarity and certainty, and find it beneficial to translate treaty provisions into their national law, to facilitate implementation.

Can WIPO assist in the review of the national legislation?

As part of its mission, WIPO is always ready to review national legislation in light of treaty provisions, and to propose draft language.

How can WIPO assist in the development of a copyright regime?

WIPO manages extensive legal and capacity-building programs. The assistance is tailor-made and may come in more than one form, or a combination, including, for example, providing legislative advice, supporting infrastructure development, providing training and enhancing professional skills.

Who are the beneficiaries of WIPO's technical assistance?

Technical assistance is demand-based. Its primary beneficiaries are usually copyright authorities and other stakeholders.

Is it possible for a country to make reservations to parts of a treaty?

That depends on the treaty. Reservations are available in certain treaties, such as the WPPT. The International Bureau of WIPO can provide specific advice on possible reservations to copyright treaties.

More information?

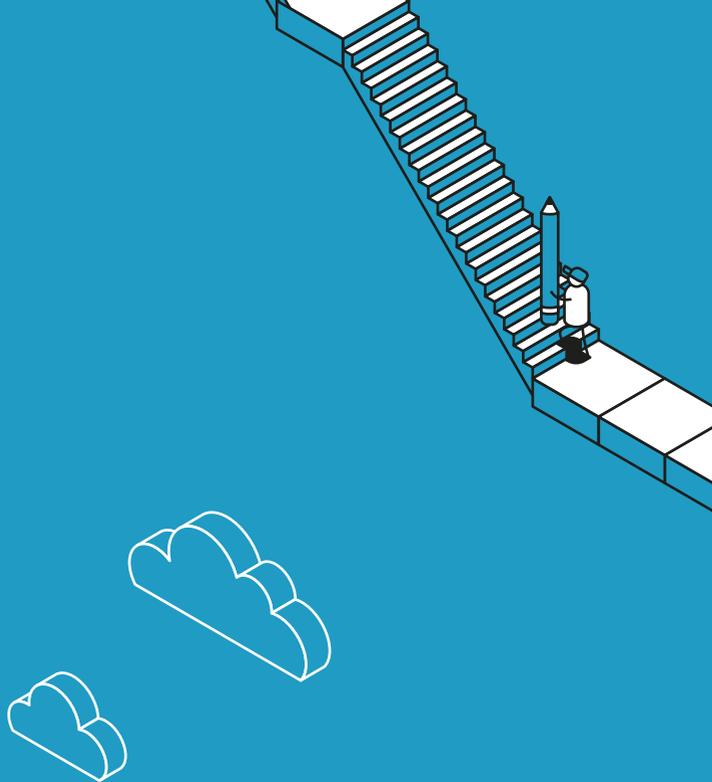


For more information, please visit the WIPO webpage at www.wipo.int/copyright

WIPO's Copyright and Creative Industries Sector may be contacted at copyright.mail@wipo.int

See also our webpage on Frequently Asked Questions about Copyright:
www.wipo.int/copyright/en/faq_copyright.html





World Intellectual Property Organization
34, chemin des Colombettes
P.O. Box 18
CH-1211 Geneva 20
Switzerland

Tel: +41 22 338 91 11
Fax: +41 22 733 54 28

For contact details of WIPO's
External Offices visit:
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