

# ITU-WIPO Symposium on Dispute Resolution at the Crossroads of ICTs and IP

**ITU TELECOM WORLD 2009**

Geneva 5-9 October

Richard Owens, Director  
Copyright E-Commerce, Technology and Management  
Division

*Encouraging creativity and innovation*



WORLD  
INTELLECTUAL  
PROPERTY  
ORGANIZATION

# The state of copyrights - Challenges and Opportunities

- A- Development of technology to support creativity and growth of the creative industries;
- B- Incentivizing creativity and culture;
- C- Striking the balance between the interests of creators, distributors and consumers in a networked environment.



WORLD  
INTELLECTUAL  
PROPERTY  
ORGANIZATION

ORGANISATION  
MONDIALE  
DE LA PROPRIÉTÉ  
INTELLECTUELLE

ORGANIZACIÓN  
MUNDIAL  
DE LA PROPIEDAD  
INTELLECTUAL

# Alternative Dispute Resolution (ADR) and Copyright – a good fit?

- Specialized nature of copyright disputes → legal and technical experts
- Trans-border (e.g. application of IT systems, Internet) → neutral and global solutions
- Continuing relationships (e.g. licensor, licensee, joint venture) → confidential and less adversarial approach
- Fast development of IT systems → speedy solution



WORLD  
INTELLECTUAL  
PROPERTY  
ORGANIZATION

ORGANISATION  
MONDIALE  
DE LA PROPRIÉTÉ  
INTELLECTUELLE

ORGANIZACIÓN  
MUNDIAL  
DE LA PROPIEDAD  
INTELLECTUAL

# Example: access to DRM-protected content under copyright exceptions

Gowers Report (UK, 2006):

*"recommends that the procedures in place for circumventing DRM to allow copying for uses deemed legitimate under copyright exceptions ought to be made easier, for example through a model email form available on the Patent Office website."*



WORLD  
INTELLECTUAL  
PROPERTY  
ORGANIZATION

ORGANISATION  
MONDIALE  
DE LA PROPRIÉTÉ  
INTELLECTUELLE

ORGANIZACIÓN  
MUNDIAL  
DE LA PROPIEDAD  
INTELLECTUAL

# Example: notice-and-takedown procedures

- User Generated Content (UGC) Principles (2007):
- Developed by CBS Corp., Dailymotion, Fox Entertainment Group, Microsoft Corp., MySpace, NBC Universal, Veoh Networks Inc., Viacom Inc. and The Walt Disney Company.
- Objectives
  - deal with infringing content and encouragement of uploads
  - respect fair use principles
  - Respect users' privacy rights
- Cooperation with users for locating infringing content
- Use of identification technology by UGC services to locate infringing content: e.g. fingerprinting, watermarking
- Balanced notice and take down procedures, including procedures for disputed cases

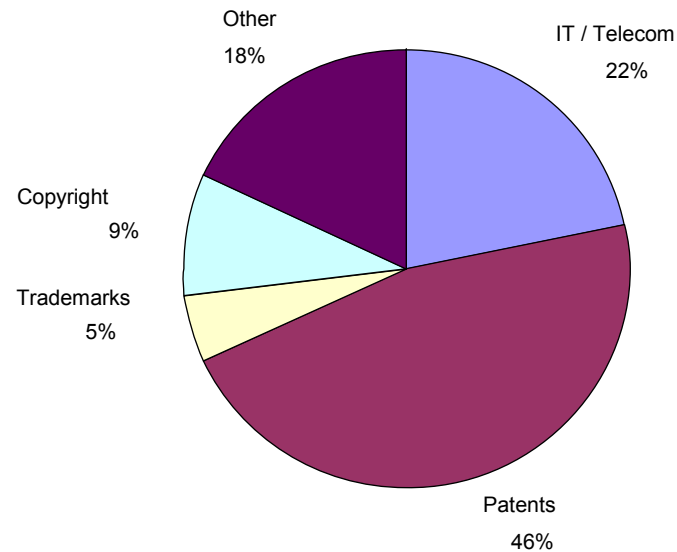


WORLD  
INTELLECTUAL  
PROPERTY  
ORGANIZATION

ORGANISATION  
MONDIALE  
DE LA PROPRIÉTÉ  
INTELLECTUELLE

ORGANIZACIÓN  
MUNDIALE  
DE LA PROPIEDAD  
INTELLECTUAL

# WIPO AMC and Copyright Disputes



WORLD  
INTELLECTUAL  
PROPERTY  
ORGANIZATION

ORGANISATION  
MONDIALE  
DE LA PROPRIÉTÉ  
INTELLECTUELLE

ORGANIZACIÓN  
MUNDIAL  
DE LA PROPIEDAD  
INTELLECTUAL

# WIPO Expedited Arbitration for AGICOA

## *Collective Management of Audiovisual Works*

### AGICOA Conflict Resolution:

- simple conflict resolution procedure launched in 2003, €7.5 million distributed to legitimate right holders
- First mandatory phase: AGICOA Conflict Resolution Procedure
- Second Optional Phase: WIPO Expedited Arbitration for AGICOA (into force at the end of 2008; first cases expected in 2010)



WORLD  
INTELLECTUAL  
PROPERTY  
ORGANIZATION

ORGANISATION  
MONDIALE  
DE LA PROPRIÉTÉ  
INTELLECTUELLE

ORGANIZACIÓN  
MUNDIAL  
DE LA PROPIEDAD  
INTELLECTUAL

# WIPO Mediation and Expedited Arbitration for Film and Media

*Possible conflict areas: online distribution of film and media content; broadcasting; production agreements; television licenses; music synchronization agreements; Internet privacy issues and personality rights; mobile and Internet merchandising agreements*

Establishment of a new Office of the WIPO Arbitration and Mediation Center in Singapore, to open officially in January 2010

WIPO and the Government of Singapore are developing a WIPO Mediation and Expedited Arbitration Scheme for Film and Media Related Disputes



WORLD  
INTELLECTUAL  
PROPERTY  
ORGANIZATION

ORGANISATION  
MONDIALE  
DE LA PROPRIÉTÉ  
INTELLECTUELLE

ORGANIZACIÓN  
MUNDIAL  
DE LA PROPIEDAD  
INTELLECTUAL





<http://www.wipo.int/copyright>

[\*\*richard.owens@wipo.int\*\*](mailto:richard.owens@wipo.int)



WORLD  
INTELLECTUAL  
PROPERTY  
ORGANIZATION

ORGANISATION  
MONDIALE  
DE LA PROPRIÉTÉ  
INTELLECTUELLE

ORGANIZACIÓN  
MUNDIALE  
DE LA PROPIEDAD  
INTELLECTUAL