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## INTRODUCTION TO COPYRIGHT

Internet is a global network that connects billions of people through computers. Hundreds of countries are linked together for exchanges of information. Millions of websites offer information of different kinds to billions of people. With the growth of internet, everyone gets access to everyday information, the obvious negative result being copyright infringement.

Copyright is the body of laws which grants authors, artists and other creator's protection for their literary and artistic creations, which are generally referred to as "works".<sup>1</sup>

Copyright is a universal legal notion, which gives the creator of an original work some exclusive rights over that work, generally for a limited time. It is not only a right to copy but also gives is the exclusive right to do or authorise others to do certain acts in relation to his work.

Copyright law is a branch of that part of the law which deals with the rights of intellectual creators. Copyright law deals with particular forms of creativity, concerned primarily with mass communication. It is concerned also with virtually all forms and methods of public communication, not only printed publications but also such matters as sound and television broadcasting, films for public exhibition in cinemas, etc. and even computerized systems for the storage and retrieval of information.<sup>2</sup>

Copyright is the right of an author based on originality of the work, rather than based on its uniqueness; two persons may own copyright on two similar works, if it is proved that the duplication was coincidental, and that neither was copied from the other. Copyright law looks to encourage authors, composers, artists and designers to create original works by granting them the exclusive right to exploit the work that they have produced for more monetary gain for a limited period of time.

The notion that an author should have an exclusive copyright in his creation took firm shape at the beginning of the eighteenth century. It derived from a confusion of earlier strains and there was still a major evolutionary conflict to come before its modern form was finally fixed.<sup>3</sup>

The first 'copyright' was granted in England by royal degree in 1556, not long after the introduction of printing press in England.<sup>4</sup>

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1 What is Intellectual Property

< [http://www.wipo.int/freepublications/en/intproperty/450/wipo\\_pub\\_450.pdf](http://www.wipo.int/freepublications/en/intproperty/450/wipo_pub_450.pdf) > accessed 08 May 8, 2008

2 WIPO Intellectual Property Handbook: Policy, Law and Use < <http://www.wipo.int/about-ip/en/iprm/pdf/ch2.pdf> > accessed 08 May 8, 2008

<sup>3</sup> WR Cornish, Intellectual Property: Patents, Copyright, Trademarks And Allied Rights (Third Edition Universal Law Publishing Co, 2003) p 315

<sup>4</sup> Robert P.Merges(ed), Peter S. Menell, Mark A. Lemley, Intellectual Property Law in the New Technological Age(Second Edition Aspen Law& Business, New York 2000)p345

Copyright developed with the growth of the printing press, though the publishers themselves benefited from it, infringement of copyright became easier. This may perhaps be the earliest example of technology aiding copyright infringement. Since then, technology has grown to unimaginable dimensions. Though it is not disputed that the primary aim of technology may be of a non-infringing nature, it may often be susceptible to misuse. The importance of Copyright as an intellectual property has increased in recent times largely due to rapid technological advancement in the fields like printing, music, communication, entertainment as well as computer industries. Not only has technological progress made reproduction and infringement of copyright easy as well as inexpensive, but also makes it difficult to control the piracy of copyrighted works. As technology has developed further, copyright infringement has become effortless. In fact with the emergence of the internet, it is just a click away.

When the World Wide Web was first developed in the 1990s, it transformed the Internet from a technological infrastructure into a popular network linking people in diverse communities throughout the world. The Internet, and ‘killer apps’ such as the Web, became the instrument by which people throughout the world exchanged and shared ideas, information and, gradually, goods and services.<sup>5</sup>

What had begun as a military and research tool became the conduit for electronic commerce forecast to be worth US\$6 trillion by 2004,<sup>6</sup> and the harbinger of the ‘information age’. The Web now contains several billion pages of information, growing at the rate of more than seven million pages each day. It is this ready availability of information on every conceivable subject, combined with advancements in digitization, which has made the Internet such a revolutionary tool.<sup>7</sup>

With billions of people using the World Wide Web every day, the magnitude of copyright infringement over the Internet can only be imagined. More importantly, the greatest benefit to these people is that the Internet grants anonymity to the actual infringer. In such a situation, it is almost impossible to catch the actual offenders and make them liable for damages. Again, the fact that the cost and complexity of the proceedings are very high when copyright infringements are made through internet, force many not to go for legal remedies.

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5 The migration of intellectual property to the internet

<[http://www.wipo.int/copyright/en/ecommerce/ip\\_survey/chap2.html](http://www.wipo.int/copyright/en/ecommerce/ip_survey/chap2.html) > accessed 08 may 2008

6 Intellectual property on the internet: a survey of issues

<<http://www.wipo.int/copyright/en/ecommerce/doc/survey.doc>> accessed 08 may 2008

7 Unfinished business: are today’s p2p networks liable for copyright infringement? Christine Pope< <http://www.law.duke.edu/journals/dltr/articles/pdf/2005dltr0022.pdf>> accessed 08 may 2008

## ROLE OF TECHNOLOGY IN COPYRIGHT INFRINGEMENT

As mentioned before, with the development technology copyright infringement has become easier than ever before. Further, placing liability on actual offenders is becoming increasingly difficult. Due to this, there has been a lot of debate about the liability of those who developed technology that aids infringement.

Copyright laws have been made consistent through international conventions such as the Berne Convention and Universal Copyright Convention. These treaties have been ratified by nearly all countries, and international organizations such as the European Union and World Trade Organization require their member states to comply with them.

## COPYRIGHT LAW OF THE EUROPEAN UNION

The copyright law of the European Union was made as an attempt to coordinate the differing copyright laws of European Union member states. There are a number of Directives that the member states are obliged to enact into their national laws.

Attempts to coordinate the copyright law in Europe can be dated to the signature of the Berne Convention for the Protection of Literary and Artistic Works on 9th September 1886. All European Union Member States are signatories of the Berne Convention. The first major step taken by the European Economic Community to coordinate the copyright laws came with the decision to apply common standard for the copyright protection of computer programs, enacted in the directive on the legal protection of computer programs (91/250/EEC) in 1991.<sup>8</sup>

The implementation of directives on copyright has been controversial as can be seen by the judgments for non-transposition of the EU Copyright Directive (2001/29/EC)<sup>9</sup> like *Commission of the European Communities v Kingdom of Spain*<sup>10</sup>, *Commission of the European Communities v Republic of Finland*<sup>11</sup> and *Commission of the European Communities v French Republic*. Traditionally, copyright laws vary considerably between common law jurisdictions like the United Kingdom and the civil law countries. Changes in copyright law have also become linked to protests against the World Trade Organization and globalization in general.

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<sup>8</sup> <[http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:031:0003:0004:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:031:0003:0004:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:031:0003:0004:EN:PDF)>

<sup>9</sup> Case C-31/04, (OJ C171 9 July 2005)

<sup>10</sup> Case C-56/04, (OJ C31 5 February 2005)

<sup>11</sup> Case C-59/04, (OJ C082 2 April 2005)

## **THE INTERNATIONAL CONVENTIONS ON COPYRIGHT**

### **1. Berne Convention for the Protection of Literary and Artistic Works**

As mentioned before, The Berne Convention for the Protection of Literary and Artistic Works, known as the Berne Convention, is an international agreement on copyright, which was first accepted in Berne, Switzerland in 1886. The aesthetic creations traditionally associated with copyright are the subject matter of the Convention, and accordingly it covers literary, dramatic, musical and artistic works and also cinematographic films and analogous audio-visual works. Under the Convention, copyrights for creative works are automatically in force at creation. Foreign authors were treated equivalently to domestic authors, in any country that signed the Convention. The UK signed in 1887 but did not implement large parts of it until the passage of the Copyright, Designs and Patents Act of 1988. There are 163 countries that are parties to the Berne Convention.

The Berne Convention requires its signatories to recognize the copyright of works of authors from the members of the Berne Union in the same way it recognizes the copyright of its own nationals. In addition to this the agreement also required member states to provide strong minimum standards for copyright law. The Berne Convention states that all works except photographic and cinematographic shall be copyrighted for at least 50 years after the author's death, but parties are free to provide longer terms, as the European Union did with the 1993 Directive on harmonizing the term of copyright protection. For photography, the Berne Convention sets a minimum term of 25 years from the year the photograph was created, and for cinematography the minimum is 50 years after first showing, or 50 years after creation if it hasn't been shown within 50 years after the creation. Countries under the older revisions of the treaty may choose to provide their own protection terms, and certain types of works (such as phonorecords and motion pictures) may be provided shorter terms. Because of legal differences and tendencies towards mutual suspicion, the Berne Convention has gone further than any other Intellectual Property Treaty to impose minimum standards on its members.<sup>12</sup>

### **2. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations**

The Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations was achieved on October 26, 1961. At that time neither sound recordings nor films could be copied so as to produce a version just as good. The Convention requires each Member State to apply national treatment in respect of the rights which it accords to performers, record producers and broadcasting organizations. The Convention extended copyright protection from the author of a work to the creators and owners of particular, physical manifestations of intellectual property, such as audiocassettes or DVDs. Broadcasters are to have exclusive rights over fixation reproduction, re-broadcasting and public

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<sup>12</sup> WR Cornish, Intellectual Property: Patents, Copyright, Trademarks And Allied Rights (Third Edition Universal Law Publishing Co, 2003) p 312

communication.<sup>13</sup> Nations drew up the Convention in response to new technologies like tape recorders that made the reproduction of sounds and images easier and cheaper than ever before. Whereas earlier copyright law, including international agreements like the 1886 Berne Convention, had been written to regulate the circulation of printed materials, the Rome Convention responded to the new circumstance of ideas variously represented in easily reproduced units by covering performers and producers of recordings under copyright. The convention guaranteed protection for a term of 20 years, from fixation, performance or broadcast as appropriate.

### **3. World Intellectual Property Organization Copyright Treaty**

Established in 1970, The World Intellectual Property Organization (WIPO) is an international organization dedicated to helping to ensure that the rights of the creators and the owners of intellectual property are protected worldwide and that inventors and authors are, thus, recognized and rewarded for their ingenuity. This international protection acts as a spur to human creativity, pushing forward the boundaries of science and technology and enriching the world of literature and the arts. By providing a stable environment for the marketing of intellectual property products, it also oils the wheels of international trade.<sup>14</sup>

Through its work, WIPO plays an important role in enhancing the quality and enjoyment of life, as well as creating real wealth for nations. With headquarters in Geneva, Switzerland, WIPO is one of the 16 specialized agencies of the United Nations system of organizations.

The World Intellectual Property Organization Copyright Treaty on copyright law was adopted by the member states of the World Intellectual Property Organization (WIPO) in 1996. It gave additional protection for copyright to meet the challenges posed by technology. Article 4 of the treaty ensures that computer programs are protected as literary works, and Article 5 ensures that the arrangement and selection of material in databases is protected. Articles 6 to 8 provide authors with control over their rental and distribution of their works which were not included under the early Berne Convention. The European Council approved the treaty on behalf of the European Community.

European Union Directives which largely cover the subject matter of the treaty are: Directive 91/250/EC: directive on computer programs [may 14, 1991]: requiring programs to be treated as literary works for copyright purposes and defining infringement extensively, while allowing special exceptions relevant to such novel

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<sup>13</sup> WR Cornish, Intellectual Property: Patents, Copyright, Trademarks And Allied Rights (Third Edition Universal Law Publishing Co, 2003) p 313

<sup>14</sup> What is Intellectual Property

<[http://www.wipo.int/freepublications/en/intproperty/450/wipo\\_pub\\_450.pdf](http://www.wipo.int/freepublications/en/intproperty/450/wipo_pub_450.pdf)> accessed 08 May 2008

and distinctive subject-matter among authors rights, implemented in the U.K from January 1 , 1993.<sup>15</sup>

Directive 96/9/EC: directive on the legal Protection of databases: introducing a double form of provision, partly by copyright and for the rest by a short term right against un authorized extraction of the contents<sup>16</sup> and Directive 2001/29/EC: prohibiting devices for circumventing "technical protection measures" such as digital rights management.

#### 4. The TRIPS Agreement

The TRIPS Agreement, which came into effect on 1 January 1995, is to date the most comprehensive multilateral agreement on intellectual property.<sup>17</sup> The three main features of the Agreement are:

- **Standards.** In respect of each of the main areas of intellectual property covered by the TRIPS Agreement, the Agreement sets out the minimum standards of protection to be provided by each Member. The Agreement sets these standards by requiring, first, that the substantive obligations of the main conventions of the WIPO, the Paris Convention for the Protection of Industrial Property (Paris Convention) and the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention) in their most recent versions must be complied with. With the exception of the provisions of the Berne Convention on moral rights, all the main substantive provisions of these conventions are incorporated by reference and thus become obligations under the TRIPS Agreement between TRIPS Member countries. The relevant provisions are to be found in Articles 2.1 and 9.1 of the TRIPS Agreement, which relate, respectively, to the Paris Convention and to the Berne Convention. Secondly, the TRIPS Agreement adds a substantial number of additional obligations on matters where the pre-existing conventions are silent or were seen as being inadequate. The TRIPS Agreement is thus sometimes referred to as a Berne and Paris-plus agreement.
- **Enforcement.** The second main set of provisions deals with domestic procedures and remedies for the enforcement of intellectual property rights. The Agreement lays down certain general principles applicable to all IPR enforcement procedures. In addition, it contains provisions on civil and administrative procedures and remedies, provisional measures, special requirements related to border measures and criminal procedures, which specify, in a certain amount of detail, the procedures and remedies that must be available so that right holders can effectively enforce their rights.

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<sup>15</sup> WR Cornish, Intellectual Property: Patents, Copyright, Trademarks And Allied Rights (Third Edition Universal Law Publishing Co, 2003) p 308

<sup>16</sup> WR Cornish, Intellectual Property: Patents, Copyright, Trademarks And Allied Rights (Third Edition Universal Law Publishing Co, 2003) p 309

<sup>17</sup> TRIPS : A MORE DETAILED OVERVIEW OF THE TRIPS AGREEMENT  
<[http://www.wto.org/english/tratop\\_e/trips\\_e/intel2\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/intel2_e.htm)> accessed 08 May 8, 2008

- **Dispute settlement.** The Agreement makes disputes between WTO Members about the respect of the TRIPS obligations subject to the WTO's dispute settlement procedures.

In addition the Agreement provides for certain basic principles, such as national and most-favoured-nation treatment, and some general rules to ensure that procedural difficulties in acquiring or maintaining IPRs do not nullify the substantive benefits that should flow from the Agreement. The obligations under the Agreement will apply equally to all Member countries, but developing countries will have a longer period to phase them in.

The TRIPS Agreement is a minimum standards agreement, which allows Members to provide more extensive protection of intellectual property if they so wish. Members are left free to determine the appropriate method of implementing the provisions of the Agreement within their own legal system and practice. TRIPS makes general the Berne principle restricting the extend of exceptions in national legislations to the reproduction right.<sup>18</sup>

## 5. The Scope of Copyright

During the Uruguay Round negotiations, it was recognized that the Berne Convention already, for the most part, provided adequate basic standards of copyright protection. Thus it was agreed that the point of departure should be the existing level of protection under the latest Act, the Paris Act of 1971, of that Convention. The point of departure is expressed in Article 9.1 under which Members are obliged to comply with the substantive provisions of the Paris Act of 1971 of the Berne Convention, i.e. Articles 1 through 21 of the Berne Convention (1971) and the Appendix thereto.

However, Members do not have rights or obligations under the TRIPS Agreement in respect of the rights conferred under Article 6 of that Convention, i.e. the moral rights (the right to claim authorship and to object to any derogatory action in relation to a work, which would be prejudicial to the author's honour or reputation), or of the rights derived there from. The provisions of the Berne Convention referred to deal with questions such as subject-matter to be protected, minimum term of protection, and rights to be conferred and permissible limitations to those rights. The Appendix allows developing countries, under certain conditions, to make some limitations to the right of translation and the right of reproduction.

In addition to requiring compliance with the basic standards of the Berne Convention, the TRIPS Agreement clarifies and adds certain specific points.

Article 9.2 confirms that copyright protection shall extend to expressions and not to ideas, procedures, and methods of operation or mathematical concepts as such.

Article 10.2 clarifies that database and other compilations of data or other material shall be protected as such under copyright even where the databases include data that as such are not protected under copyright. Databases are eligible for copyright

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<sup>18</sup> WR Cornish, Intellectual Property: Patents, Copyright, Trademarks And Allied Rights (Third Edition Universal Law Publishing Co, 2003) p 314

protection provided that they by reason of the selection or arrangement of their contents constitute intellectual creations. The provision also confirms that databases have to be protected regardless of which form they are in, whether machine readable or other form

Article 11 provides that authors shall have in respect of at least computer programs and, in certain circumstances, of cinematographic works the right to authorize or to prohibit the commercial rental to the public of originals or copies of their copyright works. With respect to cinematographic works, the exclusive rental right is subject to the so-called impairment test: a Member is exempted from the obligation unless such rental has led to widespread copying of such works which is materially impairing the exclusive right of reproduction conferred in that Member on authors and their successors in title. In respect of computer programs, the obligation does not apply to rentals where the program itself is not the essential object of the rental.

Computer programs are required to be protected as literary works “under the Berne convention”; and so are some Compilations of data. A rental right is introduced for computer programs, and tentatively for films<sup>19</sup>

## **6. The Brussels Convention on Jurisdiction** <sup>20</sup>

The Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters was signed in Brussels on 27 September 1968 by the six original Member States of the European Community. The United Kingdom joined it by the Accession Convention signed in Luxembourg on 9 October 1978. The Convention's objective is to provide uniform rules as to the international jurisdiction<sup>21</sup> of the courts of the Member States in cases falling within its scope of application. These rules are said to be of direct jurisdiction, because they ascertain the competence of the courts even where their respective national laws would not do so.<sup>22</sup> This implies that the Convention principles take precedence over the internal laws of the Member States. In other words, the rules of the Convention are compulsory: the courts are not only entitled to exercise jurisdiction in accordance with the Convention, they are also obliged to do so. Finally, it should be pointed out that the Convention allocates jurisdiction without any regard to the law which will have to be applied to the substance of the case<sup>23</sup> Consequently, it is logical that these objectives require that the Convention should be given an autonomous pan-European interpretation, in accordance with its general principles, scheme and structure, as often as possible.

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<sup>19</sup> WR Cornish, *Intellectual Property: Patents, Copyright, Trademarks And Allied Rights* (Third Edition Universal Law Publishing Co, 2003) p 314

<sup>20</sup> P. Kaye, *Civil Jurisdiction and Enforcement of Foreign Judgments, the Application in England and Wales of the Brussels Convention of 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters under the Civil Jurisdiction and Judgments Act 1982* (Professional Books Ltd, London 1987) 17 -26

<sup>21</sup> S. O'Malley and A. Layton, *European Civil Practice* (Sweet & Maxwell, London 1989) 329, 13.10.

<sup>22</sup> S. O'Malley and Layton, *European Civil Practice* (Sweet & Maxwell, London 1989) 379, 16.06.

<sup>23</sup> A. Briggs and P. Rees, *Norton Rose on Civil Jurisdiction and Judgments* (Lloyd's of London Press, London, 1993)

Since the European Court of Justice was deliberately left to define a substantial number of key concepts of the Convention, it held that the choice between an independent interpretation and an interpretation referring to the substantive rules of the national laws of the contracting states must be made for each provision of the Convention separately, to ensure that it is fully effective in respect of its purposes.<sup>24</sup> It appears from the subsequent jurisprudence of the Court that, in practice, only procedural notions are not to be construed independently. Furthermore, the United Kingdom courts are bound by the decisions of the Court of Justice in this area, to this effect in particular that they must follow its technique of purposive interpretation.

The Brussels Convention has formed part of the law of the United Kingdom since the entry into force of the CJJA 1982 on 1 January 1987. It applies only to the European territories of the Member States and regardless of the nationality of the parties.

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<sup>24</sup> *Industrie Tessili v Dunlop* [1976] ECR 1473.

## THE NEW INITIATIVES IN THE DIGITAL ENVIRONMENT

The internet is multi-jurisdictional. Users can access the internet from almost any place on earth. Because of packet-switching technology and the complex weave of digital networks and telecommunications infrastructure, digitised information may travel through various countries and jurisdictions, each with its own legal system, in order to reach its destination.<sup>25</sup>

The internet generates new challenges in relation to issues of enforcement. All content converges into digital data on the internet. Text, music and images are reduced into strings of binary codes. As a result, vast amounts of information and intellectual property are being transmitted in digital form, to anyone with access to the network.<sup>26</sup>

Moreover, digital data is transient. Infringing material may be on the internet for only a very short period of time, as hosts and web-page creators can delete files within a matter of hours after their posting. Even for unsophisticated users; it's easy to put content on the internet, as no significant skill is required. Sites that have been ordered to close down in one jurisdiction may easily reappear in another, or may be mirrored across multiple jurisdictions, thereby frustrating the effects of local enforcement proceedings. Under these circumstances, the burden to police the internet for infringing activity, not necessarily malicious, is a heavy one, and many most important players in the intellectual property arena may not even realise that their rights are being compromised in the cyberspace. The detection problem is so significant that it has simulated the growth of a new line of business: the professional Internet watch services, whose mission is to monitor the internet for infringing activity on behalf of right holders.<sup>27</sup>

The Two WIPO Internet treaties, the WCT and WPPT, introduced obligations with respect to the integrity of rights management information systems, without specifying how these systems should be developed and operated. In this respect, information technology systems, which enable network based rights management, hold great promise for addressing the complexities, and for improving the efficiency of rights management in a global environment such as the Internet.

With this in mind the authorities are currently undertaking projects aimed at developing Electronic copyright Management Systems (ECMS). An ECMS should contain a database containing digital copyright works that will be accessible through internet. In its simplest form, such a database provides only information about the identity of rights-holders or their agents, so that any interested person can more easily

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<sup>25</sup> International Public Regulation of internet: Who Will give You Your Domain Name? JR Mathiason and CC Kuhlman <<http://www.intlmgt.com/domain.html>> accessed 08 May 2008

<sup>26</sup> Rodney D Ryder, Intellectual Property and the Internet (LexisNexis Butterworths, 2002) p 129

<sup>27</sup> Net Searchers International Ltd <<http://www.netsearchers.co.uk>> , Cyveillance Inc <<http://www.cyveillance.com>>, and, Interdeposit <<http://www.iddn.org>>

establish contact with the relevant parties in order to obtain the necessary authorisations. This information is provided by linking each digital work to a unique identifier, such as a number or code. Such numbers or codes may be 'intelligent', containing useful information about nationality, category of work or object, licensing conditions, etc, or they may be 'dumb' or 'mute', merely referring to a database from which the relevant information may be extracted. Projects are underway to develop network-based identification systems that build upon existing numbering systems, such as, the International Standard Book Number(ISBN), the Publisher Item Identifier(PII),the International Standard Music Number(ISMN) and the 'Compositeur, Auteur,Editeur'(CAE)code. One such project is Digital Object Identifier (DOI) format.<sup>28</sup>

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<sup>28</sup> Rodney D Ryder, *Intellectual Property and the Internet* (LexisNexis Butterworths, 2002) p 520

## CONCLUSION

Neither the Current EC Directives nor TRIPS make significant legal adjustments to cater for digitised information systems serving world networks, for information superhighways are too novel and shifting a phenomenon. The implications for Copyright, as the most likely tool for shoring up their economic value, are of course, under urgent scrutiny. Whatever else, the provision of on-line services for education, information, entertainment, business and Government promises very considerable realignments in what may be loosely labelled the information industry. In conditions of such insecurity, it seems highly important at least to ensure, if possible, that creators and other providers can secure returns on the users of their material which correspond to the sale of copies and the showing of material in cinemas and on television in the world to date. There are considerable hopes and considerable dangers in a digitised world.<sup>29</sup>

Authors, and the creative works that they develop, will ultimately determine whether new digital networks and the global information society succeed or fail. People simply will not take part in the new digital networks if the content available is not sufficiently interesting, creative or useful. Maintaining strong copyright protections for authors of every kind of creative work is necessary to ensure that these authors have adequate, market-driven incentives and rewards to create such content and to make it available to the public in these new ways.<sup>30</sup>

The Berne Protocol offers thoughtful and sensitive solutions to the challenges presented by the global information society - particularly as to the issues of computer programs, temporary copying and use, distribution, digital transmissions and technical protections - while maintaining the maximum opportunity for the quality and quantity of content to grow in the new, digital environment. A successful negotiation of the Protocol will indeed help to make new laws in the digital copyright era.

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<sup>29</sup> WIPO international conference on electronic Commerce and Intellectual Property, September 1999 <<http://ecommerce.wipo.int/meetings/1999/index.html>> accessed 08 May 2008

<sup>30</sup> WR Cornish, *Intellectual Property: Patents, Copyright, Trademarks And Allied Rights* (Third Edition Universal Law Publishing Co, 2003) p 315

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