

# Copyright – intellectual property rights

## I. Key institutions governing copyright

### a. Global:

- i. [WIPO](#) (World Intellectual Property Organization): WIPO is the global forum for intellectual property services, policy, information and cooperation
- ii. [WTO](#) (World Trade Organization): the WTO is administering the TRIPS Agreement
- iii. [CISAC](#) \*

### b. European:

- i. EC (European Commission): the Commission monitors the timely and correct implementation of the EU copyright law
- ii. [Court of Justice of the European Union \(CJEU\)](#) has developed a substantive body of case law interpreting the provisions of the Directives.
- iii. [GESAC](#) - GESAC groups 33 of the largest authors' societies in the European Union, Iceland, Norway and Switzerland. It represents about 1 million creators and rights holders in the areas of music, audiovisual works, visual arts, and literary and dramatic works.

### c. Advocacy:

- i. [Creative Commons](#) - helping to realize the full potential of the Internet—universal access to research and education, full participation in culture
- ii. [COMMUNIA](#) - advocates for policies that expand the public domain and increase access to and reuse of culture and knowledge
- iii. [Electronic Frontier Foundation](#) - nonprofit organization defending civil liberties in the digital world

## II. Policy milestones

### a. Global:

- i. Copyright-related treaties administered by WIPO
  - [Beijing Treaty on Audiovisual Performances](#)
  - [Berne Convention for the Protection of Literary and Artistic Works](#)
  - [Brussels Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite](#)
  - [Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms](#)
  - [Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled](#)
  - [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#)
  - [WIPO Copyright Treaty \(WCT\)](#)
  - [WIPO Performances and Phonograms Treaty \(WPPT\)](#)

- ii. [TRIPS Agreement](#) (Agreement on Trade Related Aspects of Intellectual Property Rights) – TRIPS came into effect on 1 January 1995, is to date the most comprehensive multilateral agreement on intellectual property
- iii. [North American Free Trade Agreement](#) (NAFTA) – NAFTA came into effect, creating one of the world’s largest free trade zones and laying the foundations for strong economic growth and rising prosperity for Canada, the United States, and Mexico
- iv. [MERCOSUR-EU Trade Agreement](#) - interregional Framework Cooperation Agreement between the European Community and its Member States, of the one part, and the Southern Common Market and its Party States, of the other part - Joint Declaration on political dialogue between the European Union and Mercosur
- v. [ACTA](#) (Anti-Counterfeiting Trade Agreement) - to strengthen the international legal framework for effectively combating global proliferation of commercial-scale counterfeiting and piracy
- vi. [TPP](#) (Trans-Pacific Partnership Agreement) - multinational trade agreement to extend intellectual property (IP) laws and their enforcement globally
- vii. [SOPA](#) (Stop Online Piracy Act) - Authorizes the Attorney General (AG) of the US to seek a court order against a U.S.-directed foreign Internet site committing or facilitating online
- viii. [PIPA](#) (PROTECT IP Act) – Act of 2011 of the US Congress preventing real online threats to economic creativity and theft of intellectual property

b. **European:** the EU's regulatory framework for copyright and neighbouring rights (*acquis*) is a set of ten directives, addressed to the EU Member States:

- Directive on the harmonisation of certain aspects of copyright and related rights in the information society ("[InfoSoc Directive](#)"), 22 May 2001
- Directive on rental right and lending right and on certain rights related to copyright in the field of intellectual property ("[Rental and Lending Directive](#)"), 12 December 2006
- Directive on the resale right for the benefit of the author of an original work of art ("[Resale Right Directive](#)"), 27 September 2001
- Directive on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission ("[Satellite and Cable Directive](#)"), 27 September 1993
- Directive on the legal protection of computer programs ("[Software Directive](#)"), 23 April 2009
- Directive on the enforcement of intellectual property right ("[IPRED](#)"), 29 April 2004
- Directive on the legal protection of databases ("[Database Directive](#)"), 11 March 1996
- Directive on the term of protection of copyright and certain related rights amending the previous 2006 Directive ("[Term Directive](#)"), 27 September 2011

- Directive on certain permitted uses of orphan works ("[Orphan Works Directive](#)"), 25 October 2012
  - Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market ("[CRM Directive](#)"), 26 February 2014
- c. [Collective Management of Copyright and Related Rights](#) (CMOs) - Collective management is the exercise of copyright and related rights by organizations acting in the interest and on behalf of the owners of rights

### III. Relevant sources on copyright governance

- a. [Access to national copyright and related rights legislation of UNESCO Member States](#)
- b. WIPO Wire
- c. [WIPO Lex](#) - search facility for national laws and treaties on intellectual property (IP) of WIPO, WTO and UN Members
- d. Primary sources on copyright - a digital archive of primary sources on copyright from the invention of the printing press (c. 1450) to the Berne Convention (1886) and beyond
- e. [Primary Sources of American Copyright Law](#): A review of the Copyright Act of 1976 and major amendments, regulations for the Copyright Office and proposed copyright legislation.

### IV. What is copyright governance?

Copyright is the exclusive and assignable legal right provided to the creator of an original work for its use and distribution. Copyright also regulates the relationships of the different actors in the content industries, as well as the relationships of rightsholders and the consumers of content.

The governance of copyright refers to the processes that have at their core the regulatory effect of several determinants on communication and communicative spaces.

### V. Media Lab research in copyright governance:

- a. Sarikakis, K. (2015). Digital rights management and rights licensing in the online music sector: A case for cultural diversity? In: E. Psychogiopoulou (Ed.), [Cultural governance and the European Union. Protecting and promoting cultural diversity in Europe](#) (pp. 106-118). Basingstoke: Palgrave Macmillan.
- b. Sarikakis, K., & Rodriguez-Amat, J.R. (2014). [iAuthor. The fluid state of creativity rights and the vanishing author](#). In L. Lievrouw (Ed.). [Challenging Communication Research](#). ICA 2013 Theme Book (pp. 141-155). Peter Lang.
- c. Sarikakis, K., & Rodriguez-Amat, J.R. (2014). [Intellectual property law change and process: The case of Spanish Ley Sinde as policy laundering](#). *first monday* 19(3).
- d. Sarikakis, K. & Rodriguez-Amat, J.R. (2014), Bullying or due process: Policy laundering in the Spanish 'anti-piracy-law', in: Pavlíckova, T., Reifová, I.C. (2014), *Media, Power and Empowerment – Central and Eastern European*

*Communication and Media Conference CEECOM Prague 2012*. Cambridge Scholars Publishing.

- e. Sarikakis, K. & Rodriguez-Amat, J.R. (2013) [Copyright and Privacy Governance: Policy Intersections and Challenges](#), in: Löblich, M. and Pfaff-Rüdiger, S. (Eds.), *Communication and Media Policy in the Era of the Internet. Theories and Processes* (pp. 147-158). Baden-Baden: Nomos.
- f. Sarikakis, K. & Rodriguez-Amat, J.R. (2013), 'A case of policy laundering? The lives and times of the Spanish copyright law', in: Löblich, M. and Pfaff, S. (Eds.), *Communication and Media Policy in the Era of Digitization and the Internet*. NOMOS, Center on Governance, Communication, Public Policy and Law at Ludwig-Maximilians-Universität Munich.
- g. Rodriguez-Amat, J.R. & Sarikakis K. (2012), The Fandom menace or the Phantom author? On sharecropping, crossmedia and copyright, in: Ibrus, I. & Scolari, C. (Eds.) (2012), *Crossmedia Innovations* London: Peter Lang.
- h. Rodriguez-Amat, J.R. (2012), *After the media. Culture and Identity in the 21st Century*, Bennett, Peter; Kendall, Alex & McDougall, Julian. 2011, Reviewed in *International Journal of Media & Cultural Politics*. (Issue 8.1).