

## **A presentation on WIPO, intellectual property, and their relevance to the promotion of the arts and culture.**

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### What is the World Intellectual Property Organization (WIPO)?

WIPO is the sole international organization wholly dedicated to intellectual property matters. It has 175 Member States, is based in Geneva, Switzerland, and employs about 1,100 people from over 80 countries.

In the field of copyright and related rights, WIPO promotes the worldwide harmonization of laws, standards and practices relating to the protection of those rights. It does this by administering a number of basic international treaties including the Berne Convention for the Protection of Literary and Artistic Works, by acting as the forum for worldwide discussions and negotiations on new issues, including those arising from protecting rights on the Internet. In carrying out such work, the Organization is in close touch with government authorities, associations of different interest groups such as publishers, record producers, writers, software producers, journalists, actors and other performers.

### What is Copyright?

When a person creates a literary, musical, scientific or artistic work, he or she is the owner of that work and is free to decide on its use. That person (called the "owner of rights") can control the destiny of the work. Since, by law, the work is protected by copyright from the moment it comes into being, there is no formality to be complied with, such as registration or deposit, as a condition of that protection. Mere ideas in themselves are not protected, only the way in which they are expressed.

The economic rights are the rights of reproduction, broadcasting, public performance, adaptation, translation, public recitation, public display, distribution, and so on. The moral rights include the author's right to object to any distortion, mutilation or other modification of his or her work that might be prejudicial to his or her honour or reputation.

Both sets of rights belong to the creator who can exercise them. The exercise of rights means that the creator can use the work can give permission to someone else to use the work or can prohibit someone else from using the work. The general principle is that copyright protected works cannot be used without the authorization of the owner of rights. Limited exceptions to this rule, however, are contained in national copyright laws. In principle, the term of protection is the creator's lifetime and a minimum of 50 years after his or her death.

These legal aspects are specified in international conventions to which most countries are now party. On their accession, member States should have national legislation that is in line with international standards.

At the international level, the economic and moral rights are conferred by the Berne Convention for the Protection of Literary and Artistic Works, commonly known as the "Berne Convention".

### What are Related Rights?

Whereas the rights provided by copyright apply to authors, "related rights", also known as "neighboring rights", concern other categories of owners of rights, namely, performers, the producers of phonograms and broadcasting organizations. Related rights differ from copyright in that they belong to owners regarded as intermediaries in the production, recording or diffusion of works. The link with copyright is due to the fact that the three categories of related rights owners are auxiliaries in the intellectual creation process since they lend their assistance to authors in the communication of the latter's works to the public. A musician performs a musical work written by a composer; an actor performs a role in a play written by a playwright; producers of phonograms - or more commonly "the record industry" - record and produce songs and music written by authors and composers, played by musicians or sung by performers; broadcasting organizations broadcast works and phonograms on their stations.

At the international level, related rights are conferred by the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, better known as the "Rome Convention".

There are still other international treaties that concern copyright and related rights' protection, e.g., the 1994 Agreement on Trade-Related Aspects of Intellectual Property Rights (or TRIPS Agreement), which is administered by the World Trade Organization (WTO).

### Protection on the Internet

Two treaties were concluded in 1996, under the auspices of WIPO, to respond to the challenges of protecting and managing copyright and related rights in the digital age. Known as "the Internet treaties", the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty (WCT and WPPT respectively) deal among other things with obligations concerning technological protection measures and rights management information in the digital environment; they ensure that the owners of rights are protected when their works are disseminated on the Internet; they also contain provisions requiring national legislators to provide efficient protection for technological measures, by prohibiting the import, manufacture and distribution of illicit circumvention tools or material and also outlawing acts detrimental to rights management information systems.