



**FORUM:** Second Committee of the General Assembly (ECOFIN)

**QUESTION OF:** Taking measures to secure international copyright laws on the internet and social media

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**POSITION:** Main Chair

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## INTRODUCTION

The copyright forms part of the intellectual property rights. In general, it is a legal protection given to content creators through the assignment of specific rights to works which qualify for protection due to an artistic and/ or scientific achievement with a certain originality and/ or creativity. Copyright has been created in order to encourage the development of culture, science and innovation, to provide a financial benefit to copyright holders for their works and to facilitate access to knowledge and entertainment for the public.

In 1886, nearly 180 countries ratified the Berne Convention for the Protection of Literary and Artistic Works, administered by the World Intellectual Property Organization (WIPO), which establishes a minimum set of standards for the protection of copyrighted works around the world. Nevertheless, copyright is a creation of law in each country, and therefore an international copyright law does not exist. Still, in ages of modern technology – the internet and social media – the information industry is an international oriented economic sector, naturally ubiquitous. Information can effortlessly be reproduced – e.g. via international data networks – and transferred within seconds, without high expenditure. The Internet in particular has demonstrated that national borders are no longer particularly important in this respect. However, the differences between national copyright laws can represent a challenge for global organizations having employees who work in different countries and share content across borders. In addition, they may pose a threat to copyright in general. Hence, it is of utter importance to take measures to secure international copyright laws on the internet and social media.

## BACKGROUND INFORMATION

### 1. Copyright Basics

As mentioned, the copyright is an intellectual property right, protecting the rights of content creators of qualifying work, such as a literary work, a musical composition, a film or a software program, a painting or any other expression of creative ideas. It grants the creator the exclusive right to determine whether and under what conditions his work may be copied and used by others. One

of the principles established in the Berne Convention, is its automatic protection, meaning that copyright protection commences automatically as soon as a work is fixed in a tangible medium. Typically, the public law duration expires 50 to 100 years after the creator dies, depending of the country's jurisdiction. As already stated, copyrights are granted by public law and considered a national issue. This implies that copyrights allocated by the law of a certain country do not extend beyond the borders of its jurisdiction. Nevertheless, many countries have made agreements upon procedures on how to deal with copyright across borders or signed international treaties to encourage a reasonable coherent protection of copyrights from one country to another.

## **2. International Treaties**

### *a) The Berne Convention*

The Berne Convention for the Protection of Literary and Artistic Works, adopted in 1886, is the oldest and most important treaty. It has been ratified by nearly 180 countries, among them being Belgium, France, Germany, Haiti, Liberia, Spain, Switzerland, Tunisia and the United Kingdom. The Convention establishes minimum standards of protection, regulates the types of works protected, which are, according to article 2 of the Convention, all “production(s) in the literary, scientific and artistic domain, whatever the mode or form of its expression”. Moreover, it establishes rights exclusive to the authorization of the creator, such as the right to translate, the right to make adaptations or to perform in public, and introduces principles such as the “national treatment”, which states that “works originating in one signatory country are given the same protection in the other signatory countries”, and the principle of “automatic protection”.

### *b) The Universal Copyright Convention (UCC)*

The Universal Copyright Convention was adopted in 1952 and developed by the United Nations Educational, Scientific and Cultural Organization (UNESCO). It is the other principal convention besides the Berne Convention. It was established for those countries who disagreed with aspects of the Berne Convention, but still wanted to join a multilateral copyright protection system. These states included the United States and most of the Latin American countries.

### *c) The WIPO Copyright Treaty*

The World Intellectual Property Organization Copyright Treaty was adopted in 1996 by the member states of the WIPO. It responds to the advances made in information technology and clarifies that computer programs and databases are protected by copyright. It observes that the transmission of works via the Internet belongs to the exclusive rights of the creator established in the Berne Convention and categorizes copyright infringements.

### *d) The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)*

The Agreement on Trade-Related Aspects of Intellectual Property Rights was adopted in 1996 by the member states of the World Trade Organization (WTO). The TRIPS was the first treaty to introduce intellectual property (IP) law into the multilateral trading system and remains the most comprehensive up to today. It states that national laws must facilitate the enforcement of IP rights and describes how to address such.

## **DEFINITION OF KEY TERMS**

### **- Collective Management Organizations (CMOs)**

Copyright law states that the purchase of a work does not enable the buyer to reproduce, publicly perform or make any other copyright-sensitive use of such. If a copyright-sensitive use needs to be performed, permission can be obtained directly by the rightsholder or from a third-party organization that has been granted the authority on a work on behalf of the rightsholder. Those third-party organization are called CMOs. The are CMOs specialized in certain categories, such as the Reproduction Rights Organisations (RROs) dealing with text and image-based works. Most RROs belong to the International Federation of Reproduction Rights Organizations (IFRRO).

### **- Creative Commons (CC)**

Although copyright protects content creators against unlawful exploitation, it is often the creator's aim to achieve distribution in order to gain publicity and popularity. Creative Commons is an American non-profit-organization at the forefront of the “copyleft” movement, devoted to expand creative works and to share them legally. Therefore, the organisation releases copyright licenses, the Creative Commons licenses, free of charge to the public.

### **- Trademarks**

A trademark is a word, name, symbol, device or combination of, used by someone to identify his product.

### **- Open Access**

Open access literature is defined as “digital, online, free of charge, and free of most copyright and licensing restrictions.

### **- Copy Protection**

Copy protection is any effort designed to avoid the reproduction of a software, films, music and other media. Copy protection schemes and technologies are, for example:

- Dongles
- Right Protection Systems (RPS)
- Regional Encoding Enhancements
- Content Scramble Systems (CSS)
- Serial Copy Management (SCMS)

### **- Fair Dealing and Fair Use**

Fair dealing and fair use are two concepts belonging to user's rights under copyright law. Fair dealing represents an exception to copyright infringement laid out in the copyright statutes of jurisdictions such as Great Britain, New Zealand, Australia and Canada. It states that the fair dealing with a copyrighted work does not infringe if dealt with for a fair dealing purpose specifically stated in the act.

Fair use, on the other hand, is a limitation to the exclusive rights of the content creator granted under U.S copyright law. Therefore, the fair use of a copyrighted work is not an infringement of copyright.

Opposed to that, most countries enumerate the exceptions made.

## **COPYRIGHT ISSUES ON THE INTERNET AND SOCIAL MEDIA**

### **1. The Ubiquitous Nature of Copyright vs. The Internet**

The original copyright law was made to deal with the creation, distribution and sale of protected works in tangible copies. The Internet, however, is precisely characterized by this. It is often difficult to identify whether a work has been copied and, if so, where it resides. In the following, some of the issues related to such will be discussed:

#### **2. Linking, Framing and Inlining**

When it comes to website developing, using deep links, frames and others' graphics can sometimes cause problems, either due to legal issues or simply because it displeases other website owners.

##### *a) Deep Linking*

Deep linking allows visitors to bypass information and advertisements at the home page and go directly to an internal page via a hyperlink. There is no law banning deep linking.

##### *b) Framing*

“Framing is the process of allowing a user to view the contents of one website while it is framed by information from another site, similar to the "picture-in-picture" feature offered on some televisions.”

<https://www.nolo.com/legal-encyclopedia/linking-framing-inlining-30090.html>

##### *c) Inlining*

“Inlining is the process of displaying a graphic file on one website that originates at another.”

<https://www.nolo.com/legal-encyclopedia/linking-framing-inlining-30090.html>

### **3. Electronic press reviews**

Copied press reports are long past. Today, digital versions circulate via mail distributors or intranet pages and offer links to full-text sources. However, not every form of electronic press review is license-free. From a legal point of view, the rights of the authors or publishers of a press review must be protected. If a company or an authority has not acquired any licence rights to the articles, the use of electronic press reviews without the consent of the owner is only permitted under certain legal conditions.

## **MAJOR COUNTRIES AND ORGANISATIONS INVOLVED**

### **- WIPO**

The World Intellectual Property Organization is the number one source for global intellectual property. It was created “to encourage creative activity (and) to promote the protection of intel-

lectual property throughout the world”. Therefore, it has been engaged in several treaties, such as the WIPO Copyright Treaty.

**- WTO**

The World Trade Organization deals with the global rules of trade between nations. Intellectual property being part of multilateral trading system, the WTO administered the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

**- European Union**

European Union has made several efforts to harmonize copyright law, which have resulted in a number of regulations, including the 2001 Directive on Copyright in the Information Society. The Directive harmonized across European Union Member States the rights of reproduction, the distribution and communication to the public and the legal protection of technical protection measures and rights management systems.

**- UNESCO**

**EXPECTATIONS FOR POSITION PAPERS**

The delegates should inform themselves about their domestic copyright law.

The delegates should be aware that there does not exist a single international copyright law, but that there are international copyright treaties.

The delegates should stay attuned to changes in copyright law at national as well as international level.

The delegates should inform themselves about the challenges that arise due to the Internet and social media in regard to international copyright law.

**USEFUL LINKS/SOURCES:**

<https://www.rightsdirect.com/international-copyright-basics/>

<https://www.wipo.int/copyright/en/>

<https://www.copyrightlaws.com/introduction-international-copyright-law/>

[https://pgeller.com/Paul\\_Geller-International\\_Copyright.pdf](https://pgeller.com/Paul_Geller-International_Copyright.pdf)