

AN ANALYSIS OF INTERNATIONAL LEGAL PROTECTION OF COPYRIGHT

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Introduction to Copyright Law

Copyright is an important form of intellectual property and plays a significant role in the economic activity of modern society. However, as there is no international copyright law ordaining the same policies, the potential conflicts and contradictions posed by different national copyright laws often lead to disputes and controversies. Therefore, an understanding of international copyright law and the specifics of national copyright laws is necessary.

In the United States, copyright law has historical roots and has continuously developed throughout the years in areas including economic rights, moral rights, exceptions and limitations, protection of rights owners, digital copyright law, national and international copyright law, international cooperation, international and domestic treaties, and legal principles. Laws governing attitudes toward creativity, freedom, and private ownership vary over time and across regions. Such cross-border differences in policies make solving international copyright problems particularly complex.

Before the Statute of Anne granted literary copyright in England, books and other publications were usually controlled by the Government's pre-publication censorship. After enactment of the Statute of Anne, the sudden special treatment enjoyed by authors in relation to works (property rights) and social public interest was recognized. The statute provided that the maximum term of copyright protection for published works, the machinery for protecting works, and the limitation on copyright protection was 14 years, but at most 42 years. The statute also confirmed that authors should have exclusive control over their works during those years. These rules significantly influence the current international

copyright law system. Many of the principles from the Statute of Anne gradually spread and were adopted by other governments over time, largely on a worldwide basis through WIPO, UPOV, and TRIPS.

Definition and Purpose of Copyright

The passage and implementation of copyright laws in international law and the high level of protection those laws provide for the rights of authors represent an ever-expanding trend. Therefore, it is necessary to understand the nature of copyright in current international law. The international legal protection of copyright is a right guaranteed by the 1886 Berne Convention and the 1952 Universal Copyright Convention. According to those international treaties, in the signatory countries whether or not the author's work is registered or stated the copyright will be protected for a period of time, and in the absence of termination of the protection the copyright will be extended. Each convention provides for the minimum term of protection, and the actual protection that a country will grant to a foreign creator is according to inter-government agreements of the signatory states which the factory changed at that time.

It is accepted that authors and artists of certain literary and artistic works should have the right

to restrict the use of their work by others and to receive remuneration for their use. Through copyright laws, the works will be protected, so that the authors are encouraged to engage in their works and obtain appropriate economic benefits, and the society can also gain. The United States Supreme Court has pointed out that the constitutional and economic foundations of copyright laws are to encourage personal creative efforts and promote the public welfare by securing contributions to the public store of knowledge, culture, and the arts. Each country is required to have its copyright laws in compliance with some kind of collective agreement, and therefore has granted certain copyright protection to the ready in the Berne Convention and the Universal Copyright Convention.

Historical Development of Copyright Law

Copyright law has a quite long history dating back to the 6th century B.C., in ancient Greece. Solon had made a copyright law which provided the author with the right to acknowledge their own works and to ban unlawful reproductions. In addition, Table 8 of the old Roman Laws stated that "if anyone shows up and has recited for the public any part of a written composition, in the morning at the call of the praetor, action be taken on the same principles of the law of the Twelve Tables. If, however, anyone has been ordered not to recite because his recitation has been against the interests of good morals or customs in public. Laws generally regarding protection of copyright had not been produced until the invention of a printing press in the mid-15th century.

In the 15th century, after the invention of printing with movable metal types by Johannes Gutenberg, the Deutsch Reich adopted a legal system of printing and the first comprehensive text of a copyright law was enacted by the city of Strassburg following regulations in 1466 at the instance of a circle of printers. They petitioned to be given the exclusive right to publish the city's official statute book, all previous such

statutes having been transcribed manually for individual customers. In 1556 Venice granted a 5-year exclusive right to publish acting texts. The grant of exclusive charters for "copying" was, in fact, an issue in high Renaissance Italy. With the advent of book publishing and a burgeoning literature on a variety of topics, competition began growing in the book trade, leading to disputes over the publication of certain works. On May 10, 1557, in Italy each literary man had the exclusive right to the publication of his work for ten years, and from 1559 onwards the privilege was widely bestowed in practice on the prominent figures of Italian literature related to the Medicean grand dukes.

Origins of Copyright Protection

It has been traditionally accepted that the first mention of an author's right appeared in the congratulatory address of Renaissance Rome at the University of Bologna to several professors of Civil Law, including Francesco d'Accolti of Arezzo, in the middle of the fifteenth century. The Bolognese Jurist, shortly before he passed away, was considered to have gained through his lectures not only good reputation and much honor, but also profits. Consequently, the University addressed him in the following way: "For you have taken the greatest pains in arming your mind, through the science of law, with the most beautiful arms, and now in the time of peace you can rest from your military work and with the greatest honor seek your reward. Many have done similar things and presently they are enjoying and will enjoy many honors among the Latins, the Greeks, and others: adds renown to things accomplished and makes the doers pleasing to God and the world. This is because one cannot be called 'good' who does not strenuously strive for these three Ornaments: wisdom, glory, and wealth."

At the request of the Emperor Julian Agricola and his son Mario who sent a letter through an intermediary, the citizens of Classe, the Roman Senate granted to Francesco d'Accolti the exclusive right to publish for a year, at his own

expense, his own lectures or those which had been gathered by students, and ten years after the grant of privilege, the right to his widow Clotilde or his children, who, after distributing Francesco's writings and the manuscripts used by him during his lessons, had to provide that all the leaves and pages had been arranged in the proper sequence, had to have the text carefully copied, printed on the "good" paper, and finally corrected by a master whose reputation in the subject was known. As a further condition for the grant of the right, it was necessary for Clotilde to provide that the printed volume should not be displayed for sale or sold too frequently or too cheaply so that there would not be any detriment to the reputation.

International Treaties and Conventions

Although some measure of international protection for copyright did exist in the form of bilateral copyright conventions, little use was made of these in practice. The overall level of copyright protection afforded to foreign nationals under these conventions was generally unsatisfactory and the system was cumbersome and expensive. In recognition of these deficiencies, some Western countries attempted to remedy the situation by concluding multilateral conventions to ensure more effective international copyright protection. The Berne Convention for the Protection of Literary and Artistic Works of 1886 was adopted as a model by several Western countries and aimed to provide reciprocal protection for work originating in a foreign Berne country. The most recent development in international regulation of copyright has been through the adoption of a detailed multilateral agreement negotiated as part of GATT.

This document integrates intellectual property aspects into GATT. The Uruguay Round GATT Agreement effectively 'Berne' its WTO members to adhere to a minimum level of protection following, to a large extent, the rules and principles established under the two main existing International Conventions for the protection of copyright, i.e. the Berne

Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention for the protection of copyright, and the World Intellectual Property Organization (WIPO) for the provision of financing and technological help in the field of intellectual property.

Berne Convention for the Protection of Literary and Artistic Works

The protection of one creative work is subject to the rules for international copyright protection, mainly by the Berne Convention for the Protection of Literary and Artistic Works, by the WIPO Copyright Treaty, by the Bilateral and Multilateral Treaties. However, the rules for international copyright protection will also vary because of the differences in legal systems and ideologies. This dissertation will try to illustrate the evolution of international legal rules for copyright protection. Considering the need for the reflection of multiculturalism, legal transplantation, and relative law, it would not necessarily involve the issue of the positive harmonization of international rules, but the comparative theme.

The Berne Convention for the Protection of Literary and Artistic Works, often referred to as the Berne Convention, is one of the later successful acts of international harmonization of laws and treaties for the protection of intellectual properties. This was not the first international convention of its type, but it was the most famous and enduring one produced during the nineteenth century. In fact, the Berne Convention of 1886 was not the first multilateral treaty to protect copyright.

Key Principles of Copyright Protection

1. In the establishment of the internal logic of copyright law, principles ensuring the creation of objects of copyright legal protection, the content of which constitutes the public domain, exclusive rights of authors and other right holders, copyright limitations and exceptions, as well as the rules for their use should be observed. These principles are the cornerstone

of copyright law, outlined in its most general form. The legal effect of any subsidiary norms of copyright law is determined by the extent to which these norms comply with the established principles.

2. The key principles of protection of the individual and the legal protection of the individual are the principles of material creation, which correspond to the rights of authors and other right holders; the personality of the creator, forming the basis of personal non-property rights; the dependence of the use of material creation on the requirements stipulated by the law regarding the balance of the interests of the author, other right holder, and society, and the principles of global and territorial protection of objects of copyright. By these principles, exclusive copyrights are granted to authors and other right holders, which allow them to protect their material and moral interests in relation to material creation, recognition of which as the object of copyright defines its initial legal status - the existence of copyright (the rule of law since its creation).

Originality and Creativity

The concept of originality and creativity is at the root of copyright. "Originality" is a basic requirement for a work to be protected by copyright. Detailed qualification of "originality" varies among legal systems. As for the United States, the concept of "originality" has been well known and utilized in copyright law. The conceptual foundation of "originality" is the result of the conflict. The American jurisprudence has never been satisfied with a work merely failing within one of its established categories. A condition of "originality" was created in the works to prevent copyright from becoming a system of law whereby someone can acquire a virtual guarantee that his work would not only be granted copyright protection but be granted a monopoly. Such a result would reward an owner for very thin contributions and lock up future works.

In the material composition, the originality and creativity are essentially recognized for

purposes of protecting and regulating copyright. Due to the lack of an appropriate international definition, the category "originality" is most widely accepted in the academic world, perhaps most concretely defined by the United States. For the purpose of strengthening cooperation among copyright owners, copyright content, and copyright managers, stricter regulatory conditions are a must. It is an act of applying the originality that can be recognized and protected by law. The problem of originality consists of a person's ability to think with the human brain. The purpose of protecting originality includes at least the existence of plagiarism and the fact that the person is responsible for their own behavior. The essential significance of originality is that the originality of the object of the act makes sense to the person who created the object. In the material production, the emotional-purpose feeling of the author defines how to apply the act, and the creation can satisfy the purpose. This dictates the essence of the originality. Choosing to enjoy copyright now, it is not possible to maintain an unchanging moment of originality. The originality and creativity must make possible the process to apply the set of acts, events to evolve. In short, the foundation of the originality-notchannah are that they apply to the rights of the proprietary beneficiary and to the event of the act, with the intended purpose to meet the emotional and rational will of the act, which is to be compliant with the value of human's internal system, to achieve the development of this value.

Scope of Copyright Protection

Granting copyright protection over the entire work does not mean granting protection for every aspect of the creator's work. Protection is limited to expression, not the idea. That is, the work must not contain an idea element or fall under an idea specifically excluded from protection, of which an example is lacking the criterion of originality. The more extensive the right of control possessed by the creator in relation to the use and exploitation of the idea embedded in the work, which involves

considerable original contribution reflecting a drop in functionality per se, the less likely the idea can be freely used or exploited by third parties. This, in turn, may bar others from enforcing their rights over the released information, thus creating a risk of restricting the public domain, either directly or indirectly. It can be said here that by creating a work with protection status protected by the creator, the free exchange of ideas may be somewhat hampered.

Works Protected by Copyright Law

Any production of the human brain works, no matter what its content, form of expression, or value, is protected by copyright law. Such works are involved in different fields of human creative skills and activities. They can be highly artistic; they can provide entertainment; they can present artistic beauty, strength, and durability; or they can express vital social friendship, compassion, sexual preference, anger, and inner struggle. Aesthetic value and social function of these works play no role in the granting of copyright. These works can be photocopied, scanned, digitized, and transferred through telecommunication networks. These works could be stored, printed, or played on user access on a computer or server and be commercially circulated through bookstores, museum shops, schools, and universities. These widespread commercial use and piratical acts of infringement challenge the rationale of copyright and finally have been recognized and protected by TRIPS. Besides, the protection requirement of authors' nationality has been relaxed to protect the intellectual property rights of foreign authors.

The International Copyright will protect the economic and moral interests of authors resulting from the creative and intellectual process of written and artistic works, published editions, sound recordings, and broadcasts and performances using the "(1) origin principle that recognizes any work protected in one of the member States being given the same treatment as other domestic works, taking into

account the exceptional nature of sub-national territorial languages and cultural expressions, with respect to the rights of authors in distinctive expressions and (2) the minimum right rule, that grants compulsory licenses to third parties to publish or publicly execute or display works under certain circumstances, such as national emergencies or related to the use of copyrighted works by the government without the authorization of the author."

Duration and Term of Copyright Protection

6.1 Concept and significance of protection duration and tenure rules. The duration and time of copyright protection are an important part of the substantive legal norms of copyright, which restrict the term of the people who enjoy the privilege of the right of the copyright owner and balance the interests of the creator and the public. In a broader sense, the duration and tenure of copyright protection rules are important components of the public interest. The duration and tenure of the copyright protection stipulate that the protection of the copyright assumes conditional protection attributes, that is, with the passage of time, the content that limits the copyright remains in the public domain, and the public may receive non-property-related copyright content. Protection interests, as one of the important factors restricting the content of copyright ownership and providing conditions for public access to knowledge, science, and technology. In a narrow sense, the duration and tenure of copyright protection rules provide answers for the issues of the recognized copyright expression subject matter protection and its transition from fully protected objects to non-fully protected objects.

The international norms in which the rules of the duration and tenure of the copyright protection are included are mainly two parts, including the 1858 Berne Convention norms and the 1996 Berne Convention revised norms. The 1858 Berne Convention did not stipulate the term rule. The Berne Convention was first established in 1886 to make some rules. In 1896, the Berne

Convention revised the schedule with 1687 contents, which recorded the authoritative rules. The universal term for the general protection of the country's copyright creative works is the author's life and the following 50 years count from the date of first public publication. The 1996 Berne Convention revised the international rules in the yearly term recognize the protected rights of the country's various types of copyright legal subjects. The German-style general recognition formula was adopted in the preamble of the AD Implementation Gift Protocol and the WCT.

Calculation of Copyright Term

When discussing the copyright term, we mean the length of time the exclusive rights of an author are protected under copyright law. Before we delve into this issue, we might need to discuss two related problems. We mentioned before that copyright protection is provided when the work is fixed and becomes tangible. In light of this, shall we consider the period before a work is fixed copyrightable and is it protected by law? Similarly, should the period after the work loses this nature be protected by law? The second problem seems simpler, for it is common sense that a work no longer has the attribute of fixedness and tangibility cannot continue to be copyrightable. The real problem involves the derivative works based on the original work: is it legitimate to consider them as original works of authorship?

The 1996 Berne Convention once again provides the most authoritative answers to these problems. In providing the most detailed time limits of copyright protection, the Berne Convention distinguishes between authors' rights and related rights according to fixedness and tangibility and at the same time lists four different situations. In general, copyright arises independently of the duration of the person identified as the right holder, taking for example the King Lear experience, and does not protect only authors who invested their human labor and creativity.

Rights of Copyright Owners

Organized Law Enforcement: The owner of copyright or the interested person is entitled to put preservation and law description on the copyright and put charges against somebody infringing upon the copyright. The owner of copyright or interested person can request and organize other people, can apply to other organs for investigating the case of infringing upon the copyright and the act and take all measures as investigating the breach of law of its hometown. The owner of the copyright or an interested person can search the house, the car, and body of the person infringing upon the copyright or carrying out the copyright infringement act or use the police and customs in accordance with the law to take the measures as entrusting examination, sealing, and seizing the evidence and nature of the infringement. Upon the specific request of the owner of the copyright or people authorized by the right holder, the administrative law enforcement people as designated in the entrustment can get to the spot to witness and inspect.

Economic Rights

In international law, economic rights of the author are given primary importance. Article 9 (2) of the Berne Convention provides that the enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. Article 9 (1) (2) of TRIPS specifies the range of protection of these rights.

The main economic rights are the following. The authors shall have the right to authorize or to prohibit performances, broadcasts and communications to the public of their works by any other means, the reproduction of their works in any manner or form, the distribution of the original or copies of their works by rental or by sale. The rights may be licensed and transferred to one or more persons in whole or in part. The Berne and TRIPS Conventions provide that book translations shall not be

considered as original works. The making of translations, power to edit or abrogate them are given to the authors of the work.

The Conventions confer economic rights upon the authors to enjoy or allow for enjoying income from rental of cinematographic works or television motion pictures, the public performance of works other than the same – such as drama, plays, music, films. The latter will include playing a sound recording in any cinema hall or theatre, in public, and/or broadcasting the same. The Berne Convention provides that phonogram producers and performers of all kinds of audio-visual productions shall enjoy the property rights in the use of their works. They specifically have the rights to authorize or to prohibit the direct, indirect, or ephemeral recordings. These rights can be licensed or fully transferred. Additionally, they may be waived. The Berne Convention does, however, permit its member states to allow certain limitations and exceptions to the rights conferred, but only in specific legal cases.

Articles I and 13 of the Berne Convention and Articles 9 and 11 of the TRIPS Convention contain provisions to restrict the scope. Under these, the Conventions: (1) Presume that the use of copyrighted works, certain acts do not amount to contraventions. (2) Deny protection for official legislative and administrative texts and treaties. (3) Allow the right institution of any licensee or transferee of an economic right to apply for a court order for the performance of any valid court order.

Limitations and Exceptions to Copyright Protection

The concept of a "limitation" or "exception" to the rights which copyright owners can enjoy comes from the exceptions to the protection of all economic rights recognized under the pertinent international agreements. Most international conventions which define the exclusive rights sanctioned by a country to a copyright owner list those rights, and then go on to specify some exceptions that the owners of the rights must allow as limitations to their identified economic

rights. Since the Berne Convention does not have its own detailed list of exceptions to the exclusive rights for the copyrighted works, the preparatory documents mentioning the necessity of exceptions have been relied upon by some countries to establish their national exceptions. The moral and neighboring rights are discussed in Part III of the text and are also not covered by the Berne Convention.

Most countries (though not all) therefore portray the enjoyment of such protection as tempered by a list of limitations and exceptions. Historically, the concept of balancing the exclusive rights granted to a creator of an informational work was a way to acknowledge that the copyright laws being proposed tended to be more appropriately designed to create incentives for new works that are published in traditional print media than for alternative systems of publication (such as in performance). The use of exceptions was a way to reduce the proprietor's or author's level of control over a protected subject matter, so as to allow free communication to occur. The tension was characterized as an instance of the proposition that persons could seek to control dissemination practices at the price of reducing the consumption of the products by potential users who might not be able to afford the price of proper access. The international regime currently applies a listing approach to establishing a country's obligation upon rights-owners to make specified exceptions from their identified exclusive rights. It is understood that there exists no international consensus concerning the economic entitlements to be granted to the author or owner of an informational work.

Fair Use and Fair Dealing

The approach of international conventions to limitations of exclusive right through fair use or equivalent institutions seems to be characteristic for the whole international copyright system. As comparative and historical analyses demonstrate, national traditions in this area significantly differ. Some

legal systems have a more flexible system of fair use and allow a broader scope of use without the authorization of a copyright holder, whereas in some relations this doctrine is applied in more narrow fields. Nevertheless, international conventions, for the sake of preserving cultural exchanges and promoting public interest, provide a limited regulation. Specifically, Article 9(2) and 10(1) of the Berne Convention, as well as Article 13 of the TRIPS Agreement offer obligatory recommendations to contracting states to provide certain limitations to exclusive right. The Three-Step Test is required to balance the interests of authors and the interests of society. It should provide for certain special cases that do not conflict with a normal exploitation of a work or another subject matter and do not unreasonably prejudice the legitimate interests of the right holder.

Comprehensive Analysis of Intangible Property. Numerous international agreements are developed and implemented within the framework of the World Intellectual Property Organization (WIPO). This organization is mainly concerned with intellectual property rights as they relate to industrial property. It means that the primary objective of WIPO is granting patents and trademarks. Intellectual property rights in their broader sense, including copyright, are of little importance for the WIPO. Other international organizations develop international agreements on relevant regulation. For instance, substantively the most important international agreements are Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms of 29 October 1971 (the Geneva Convention), the Treaty on Performances and Phonograms of 26 October 1996 (the WPPT), the Rome Convention of 26 October 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the Bern Convention of 29 October 1971 for the Protection of Literary and Artistic Works (the Berne Convention and the TRIPS Agreement. Unlike other international

London and Brussels conventions that regulate only certain points of the protection of copyright, namely, protection of rights, the Berne Convention and the TRIPS Agreement, at least in the world-byberne area, provide a comprehensive framework for protection of intellectual property.

Enforcement of Copyright Law

The concept of the best possible enforcement of copyright interests is essentially based on the idea that if no or little enforcement took place, an economic value which has been created would be difficult to protect. In respect of copyright interests, this means that the producers of copyrighted works who have created an economic value which can be utilized by others, and who have fulfilled certain preconditions (in many cases through a high intellectual effort and by the use of constructive expenditure), should not be put into a position which would, in many cases, correspond to being denied the benefit of their own efforts. This formulation does not mean that the protection of copyright should be absolute, but it must ensure the possibility of realizing the interests of producers in a practically feasible way.

Therefore, international copyright conventions deal not only with the creation or the definition of the author's rights, but also contain provisions on enforcement of the rights. The principal obligation contained in this field is to ensure effective legal protection of the interests in question, particularly by means of civil proceedings and remedies. This positive obligation is derived from the recognition of the creative and commercial interests underlying the protection of the economic potentiality of author's rights.

Civil Remedies

Once an infringement is substantiated, the copyright owner typically invokes civil court action to seek remedies. The infringing party may be enjoined to stop the infringement, to forward profits, and to pay damages as

provisional equivalents for the harm caused to the copyright owner. The civil remedies available for copyright infringement are implemented in the copyright laws resting on three international treaties. Trip-wire international treaty instruments have been concluded to settle harmonized regulations in the scope of copyright and intellectual property; the Berne Convention for the Protection of Literary and Artistic Works being a key treaty that establishes norms regulating the protection of copyright between countries that are part of the International Union for the Protection of Literary and Artistic Works.

The Rome Convention for the Protection of Performers, Phonogram Producers and Broadcasting Organizations is an international treaty providing protection to those rights. Finally, the Trade-Related Aspects of Intellectual Property Rights (TRIPs) Agreement pursuant to the establishment of the World Trade Organization as an international institution incorporates necessary provisions for the application of all intellectual property rights, particularly the copyright. Although the three treaties embody international protection toward copyright, the Berne Convention is the linchpin for defining the basic rules protecting copyrights in today's international legal order.

International Cooperation in Copyright Enforcement

Copyright is a societal institution that channels private incentives to create and distribute informational goods to ensure a public domain of works of authorship and thereby promote the broad dissemination of knowledge and understanding. Like all institutions that carry forward the values and exceptional nature of information, copyright, subject to international legal protection, does indeed reflect a global consensus. As is apparent in the provision of the Berne Convention and most clearly enunciated in the fundamental principles delineated in the text of the TRIPs Agreement itself, which incorporates all that students of copyright informally describe as the "three-step test," the

protection regime embodies core value choices such as the need to balance private incentive for creating information goods with the public interest need to ensure access to a rich public domain of works of authorship.

WIPO and its Role

From 1852 to 2000, the principal international convention in the field of copyright is the Berne Convention for the Protection of Literary and Artistic Works. From 1962 to nowadays, it was supplemented on the regional level by the Universal Copyright Convention. However, the huge flow of goods and information, the continuous rapid development of science and technology, and the profound changes in the international relations in the field of intellectual property brought the problems to an unprecedented scale.

The crucial role in meeting these problems had to be, and indeed played by, the World Intellectual Property Organization. The destination of WIPO is to promote the protection of intellectual property throughout the world through cooperation among the member states and the administrative union established by two conventions which became effective more than a decade before the creation of WIPO in 1967. These conventions are the Paris Convention on industrial property and Berne's counterpart on copyright.

The United Nations Organization and a group of specialized organizations, including those dealing with economic reconstruction and social welfare, among which was the International Labour Organization (ILO), were established simultaneously with specialized regional bodies. The organization of the United International Bureaux of the World Literary and Artistic Copyright Union led to the conclusion in 1886 of the celebrated Berne Convention for the Protection of Literary and Artistic Works, which initially protected only the image of literature and art. Only in 1886 was it supplemented by the Paris Convention for the Protection of Industrial Property, which also only extended its protection to industrial property. Both, on the

one hand, were established as a special administrative agency and possessed legal personality, and, on the other hand, became the Secretariats of independently responsible international unions.

Emerging Issues in Copyright Law

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Work for companies today, the home country principle is no longer justifiable as a matter of principle of international protection of copyright. If and when the international community can reach a consensus on the practical aspects of the copyright law that applies, all countries will now have to respect this consensus. In practice, one may have to wait to see if the consensus is reached in the area of copyright and related rights that is still highly active.

Panel 1: If the recent experience of the Contracting States of the Berne Convention, of the Member States of the European Communities (EC), and of the Signatories to the TRIPs agreement of the WTO is anything to go by, crystallization will not come rapidly. While WTO Member States undertook to observe the provisions of the Berne and Paris Conventions, the constitution of the latter Organization, of 1971, stated in Article 3.2 that it was not to be considered as constraining the Member States other than to San Francisco, November 1947, which established the General Agreement on Tariffs and Trade, signed in Geneva on 30th October 1947.

Digital Rights Management

A lively discussion is currently being had in many countries about the legal protection of technological measures, including digital armor and access control procedures. Almost all countries have provided such technological protection means with legal protection, often in the form of relatively severe penalties. The provisions about circumvention technology development, manufacturing, and trading, as well as reception, have not been acceptable to many countries. International legal agreement

is hard to reach, mainly because the nature of circumvention is passive and lacks strong incentive to gain the interests of the intellectual. Some European Union countries object to making such activities carry legal liabilities, believing that the so-called consumer's right to fair use, such as secure the right of the blind to use electronic books. Their objection evinces the primary drawback of the old international intellectual property rights legal system -- namely, a nonuniform adaptation of existing rules across different countries has been an insurmountable problem for a substantial time.

Almost all comint members have inserted intermediate liability protections for network service platforms when the platforms have either actual or constructive knowledge of infringers' activities. These parallel liability approaches appear to be reactions to future challenges and should, at the very least, highlight several globally coherent issues. The first is whether these national legal regulations will make digital content more mass-oriented instead of being controlled by a few enterprises. Another important issue is that it is difficult to establish and maintain an effective management mechanism based on market standards throughout the entire digital content trade chain, thus firmly positioning security management as a nonmarket order.

Conclusion and Future Directions

To conclude, the international legal systems for copyright have been developed since the 19th century. In addition, the current situation shows that, with the current absence of an international judicial body regarding copyright, every country shall be responsible for enforcing copyrights within their official legal system. At the same time, any legal issue which is confronted in the global context is possible to be resolved by an international agreement. And the establishment of international law developments could also be from national law.

The development of the internet evoked a new era in human life where the cyberworld has begun to play a more important role compared

to the traditional way of life. The cyberworld, in addition to being a means for receiving information and communicating, is now also attractive for creating works of any type, including online games. Online games, as one of the products of technological advancement, have an intelligent and unique value that can bring excitement and joy. Due to the unique design of the online games, the works of it can be vulnerable to copyright infringement. For an online game developer, the copyright protection mechanism will be critical. Given that copyright can only exist if it has passed the moral filtration and its physical implementation, combined with the fact that the money that is spent on copyright infringement suits is too great, then the use of traditional copyrights in the protection of online games involves great uncertainty. In view of this, it is necessary to generate an appropriate protection legal system.

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