

# **THE WIPO INTERNET TREATIES**

## **WHAT ARE THE WIPO TREATIES?**

This refers to 2 treaties adopted at a Diplomatic Conference in Geneva in December 1996 i.e.:-

1. WIPO Copyright Treaty (WCT) which came into force March 6, 2002
2. WIPO Performances and Phonograms Treaty (WPPT)- came into force May 20, 2002

## **HOW MANY COUNTRIES HAVE SIGNED THE TREATIES?**

About 70 countries. A significant number have implemented the treaties by passing /amending Legislation.

## **WHEN DID JAMAICA SIGN THE TREATIES?**

In March 2002

## **WHAT DOES 'WCT' DO?**

The WCT protects authors, composers and creators of literature, art, films, software, music and creators of such creative works.

## **WHAT DOES 'WPPT' DO?**

The WPPT protects performers and producers of phonograms i.e. Music CD's, cassettes and other sound recordings.

## **WHY ARE THE INTERNET TREATIES IMPORTANT?**

Simply put the Treaties protect copyright material over digital networks. This is especially important for to give local creators performers, creators and producers of phonograms international protection for their works over the Internet and other computer networks.

Treaties give the legal framework needed to fight Internet piracy and enhance electronic commerce (by protection of online content).

## **WHAT CHANGES TO COPYRIGHT ACT DO THE TREATIES REQUIRE?**

1. **TECHNOLOGICAL PROTECTIONS:** Specific Protection Against the Unlawful Circumvention of Effective Technologies used by rights holders to prevent unauthorised access to, reproduction, distribution or performance of their works, performances and phonograms. Thus it will be unlawful to decode encryptions created by rights holders.
2. **RIGHTS MANAGEMENT INFORMATION (RMI):** Specific Protection Against Unlawful Tampering with Codes /Tags called Rights Management Information (RMI) which is attached to protected works, performances or phonograms to ensure legitimate licensing and distribution. RMI consists of digitally attached or electronic notice data identifying the author, the work or the terms and conditions of its use. Such RMI's are seen on website contents- articles etc. and alteration/removal will be unlawful.
3. **MAKING AVAILABLE RIGHT:** Inclusion of New Right of Making Available to the Public and an Exclusive Right to communicate a work, performance or phonogram to the public. This means authorization by an author, performer or phonogram producer is required before a work can be 'made available'/posted on the Internet, a computer network or other communication device.
4. **PERFORMERS MORAL RIGHTS:** Expansion of moral rights of performers by requiring consent of performers for all types of exploitation i.e. recording, selling, distributing, making available to the public the performance of an artist. Performer will also have right to be identified and object to any distortion.

Note SERVICE PROVIDER LIABILITY- is not a requirement under the Treaties and depends strictly on national law.