

Copyright Law applicable to translation tools

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WIPO Copyright and Related Rights Sector

Copyright

- I. Scope of Copyright Protection: literary and artistic works
 - Books, pamphlets
 - Works of art, architecture
 - Dramatic and musico-dramatic works
 - Maps, plans, charts
 - Audiovisual works
 - **Computer programs and databases**
 - **Translations.**

Translations

- I. Translations as original works
- II. Translations as alterations.
- III. Right of Translation.
- IV. Joint Exploitation.

Basic Principles

- I. Copyright and Related Rights: Authors vis a vis other contributors: performers; producers, broadcasting organizations.
- II. Absence of Formalities. The role of Registries.
- III. National Treatment
- IV. Minimum Protection

International Treaties

- The Berne Convention 1967/1971
- The TRIPS Agreement 1994
- WCT 1996 (into force in march 2002)

Copyright Digital Agenda

- Right of Reproduction
- Right of Making Available on Interactive Networks
- Limitations and Exceptions
- Technological Adjuncts to Protection:
Technological Protection Measures/
Rights Management Information

Protection of databases

- Subject matter of protection
 - Non limited to creative content.
 - Original compilations not ideas, procedures, methods of operations. Non-original databases
- The condition is originality
 - Some kind of personal involvement or creativity
- The protection is automatic
 - No formality is required

Basic rights granted

- Reproduction
- Adaptation and translation
- Distribution and rental of copies
- Broadcasting and communication to the public
- Making the work available
- Moral rights: paternity and integrity

Limitations and exceptions

- Quotation
- Private use: back-up copies
- Use in schools or for teaching purposes: decompilation and reengineering
- Archival purposes
- Public security
- 3-step-test

Authorship and ownership

- The creator of the database is generally the owner of the copyright
- By contract or by law the rights can be transferred to third parties (including legal entities)
- Moral rights remain with the author even after the transfer of his economic rights
- Derivative works: without prejudice of the rights on the pre-existing work

Term of protection

- Economic rights: minimum 50 years pma
- 50 years from publication if term not measured from life of author
- Moral rights: at least 50 years pma but often not limited in time

The way forward

- Non-original databases
- Jurisdiction and applicable law in Internet
- Contractual law and overridability of rights and exceptions by contract
- Organizations' policies regarding IP issues
- The thin line between computer-assisted and computer-generated content

Protection of software

- Software as a literary work
- Main features of Copyright protection of software
- Open Source Software and Proprietary Software

Rights Management Information (RMI)

- The Concept of Identifiers.
- How they apply to copyright: examples in the industries.
- Protection by International Conventions: The WIPO Internet Treaties.
- Further information: [WIPO Information Seminar on Rights Management Information: Accessing Creativity in a Network Environment](#)

A word on Licensing in the Digital Environment

- Transfer of Rights and Licensing of Copyright
- Regulation of E-Commerce
- Licensing on the Internet. Collaborative Creativity/ Networking
- CC and other licensing models applied to User- Generated- Content (UGC)

The End

Thank you