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Assistance to the States

As the last session of the Committee took place in June 2001, the report covers UNESCO's assistance to Member States from July 2001 to April 2005:

1. Information and awareness-raising activities

1.1. Electronic Copyright Bulletin in six languages: Arabic, Chinese, English, French, Russian and Spanish versions

Created as a traditional quarterly legal journal and first published in 1948 in French and English, UNESCO Copyright Bulletin gradually developed as a genuine international legal journal in the field of copyright, and is currently published in all six official languages of UNESCO. After the Spanish version in 1957, Russian in 1985 and Chinese in 1994, a new Arabic-language version was launched in December 2004.

Starting from the year 2001, the printed format of the Bulletin has gradually been replaced with an electronic one for all language versions, which are now available on the Internet and are accessible free of charge. The main objective of the change was to make the content of the Bulletin more widely and rapidly accessible. After the English, French and Spanish versions were made available on-line in 2001, the first on-line Chinese version was published in 2003 and the Russian language edition in the first quarter of 2004. The Arabic language version was launched directly as an electronic edition in December 2004. All versions can be consulted through the following link: www.unesco/culture/copyrightbulletin.

The Copyright Bulletin assists copyright lawyers, as well as government officials, collecting societies, law professors, researchers, industry experts and students in studying and understanding the complex and ever-evolving copyright landscape by publishing doctrinal articles, information on national, regional and international developments, new legal instruments and case law. The authors include scholars, academics and practitioners from all regions of the world in both industrialised and developing countries. By way of example, it may be noted that in the course of the period 2001-2004, the Bulletin has published more than 15 articles by renowned experts in the copyright field. (Yves Gaubiac, Paul Spurgeon, Silke von Lewinski, Christophe Seuna, Mihaly Ficsor, Jürgen Becker, Reinhold Kreile, Lucie Guibault, Igor Gliha). The largest number of articles were devoted to copyright and neighbouring rights questions emerging from the digital environment. Several articles focused on issues related to the collective management of rights.

1.2. Publications in the field of copyright and neighbouring rights

The complete list of available UNESCO publications can be found at www.unesco.org/culture/copyright

1.2.1. In relation to its activities in support of the teaching of copyright law (cf.2), UNESCO commissioned in the 1990's the first international manual on Copyright and Neighbouring rights. Written by Professor Delia Lipszyc, the book is set out as a university manual which presents, in a clear and comprehensive manner, all aspects of this legal discipline as reflected in the different laws throughout the world, i.e. the relevant international conventions and current international thinking on the subject, in the light of technological progress in the methods of creation, production and dissemination of the works of the mind.

Published initially in Spanish (1993), French (1997) and English (1999), the Manual was translated into Chinese in 2001, into Russian in 2002 and into Arabic in 2004 and constitutes one of the rare exhaustive manuals for the teaching of copyright and related rights in these languages.

1.2.2. In November 2004, UNESCO published *Nuevos temas de derecho de autor y derechos conexos - New Topics in Copyright and Related Rights* – second volume of UNESCO's Manual on Copyright and Neighbouring Rights, a joint publication with the Regional Centre for book promotion in Latin America and the Caribbean (CERLALC) and Víctor P. de Zavallá Publishing S.A. The manual addresses the challenges of the digital technology that copyright has faced over the last ten years, as well as the legislative and case law response to these concerns at the international, regional and national levels. The new manual comes to complete the first one, which continues to be a reference title, and is meant to serve as a basic study tool for UNESCO Copyright Chairs around the world. Its publication in French and English is foreseen.

1.2.3. UNESCO, in collaboration with CERLALC, provided support for the publication of a manual for distance learning of copyright and related rights by enforcement authorities, elaborated by Dr Antequera Parilli and the Dominican National Judicial School.

1.2.4. *The ABC of Copyright*, originally published by UNESCO in 1981 and later translated into more than 10 languages, aimed to facilitate the understanding of the complicated subject of copyright by replacing sophisticated legal language and terminology with a language that could be easily understood by everyone.

The ABC of Copyright has now been updated taking into account the technological changes that have occurred in the world in the last two decades. Changes introduced in the international legal regulation of copyright have also been taken into account. It is currently ready for an initial publication in English and French, in the second half of 2005.

1.3. On-line tools for copyright experts and the general public

1.3.1. The development of UNESCO's electronic Collection of National Copyright Laws started in the 1990's, and has been completely restructured. The new on-line collection was launched in three languages (English, French, Spanish) in December 2003. The Collection allows rapid and free-of-charge access to the national legislations on copyright and related rights of more than 100 states. The texts of the laws and their official translations are communicated to UNESCO by the official copyright authorities of Member States. The collection is constantly being supplemented and updated.

<http://www.unesco.org/culture/copyrightlaws>

1.3.2. In cooperation with CERLALC and the American Institute of Copyright (IIDA), UNESCO published in 2003, an on-line collection of approximately 1500 jurisprudence cases in the field of copyright from the Latin American region. This database was developed to serve mainly, the needs of the universities in the RAMLEDA network of UNESCO Copyright Chairs, the needs of academics, experts, national copyright offices, judges, attorneys and researchers, but also those of other universities where copyright law is taught.

2. Teaching and training activities

2.1. Support for teaching of copyright by setting up UNESCO Copyright Chairs in universities throughout the world

UNESCO started this activity in 1988 following the recommendations of the World Congress on Teaching of Copyright. Its objective is to develop the teaching of copyright and provide ongoing training so that a certain number of qualified specialists could come to work in the national economy on a regular basis, especially in developing countries, and thus contribute to the development of modern legal framework and enforcement of copyright laws. This also plays a role in ensuring a balanced international co-operation between the actors in the field of cultural development and allows Member States to participate in the elaboration and updating of the international codification of copyright and related rights laws.

2.1.1. To date, 15 UNESCO Chairs on Copyright have been created at the universities in various regions, namely in Algeria, Argentina, Brazil, Chile, Colombia, Cuba, China, Georgia, Jordan, Spain, Paraguay, Puerto Rico, Venezuela, Russian Federation and Tunisia. In 1998, the 8 Latin-American UNESCO Chairs were grouped in a network called RAMLEDA to encourage inter-university cooperation. Thanks to the joint effort of UNESCO and CERLALC, this network has led to the creation of more than 80 specialised Chairs at universities in the countries of the region. Since the last Intergovernmental Copyright Committee in 2001, UNESCO Copyright Chairs have been established in Georgia and China, the latter solemnly inaugurated by the Director-General of UNESCO at the Department of Law of Renmin University in China on 24 August 2001. Copyright chairs are about to be created in Cameroon and Moldova. The possibility of creating chairs in Egypt, Nigeria and Senegal is currently under discussion.

UNESCO's support for the Copyright Chairs takes the form of assistance by providing documents, publications, studies, teaching material free of charge; financial assistance for purchasing legal literature and subscription to specialised periodicals (Algeria, Argentina, Brazil, Cameroon, Chile, Colombia, Cuba, China, Georgia, Jordan, Moldova, Paraguay, Puerto Rico, Spain, Venezuela, Russian Federation, and Tunisia); short-term fellowships for future Chair-holders to strengthen their practice of teaching at a foreign university; financing participation in international experts' seminars; long-term fellowships to postgraduate students for research purposes (Brazil, Chile, China, Uruguay, Venezuela and Senegal) as well as assistance for editing and publishing their own copyright newsletters (Georgia).

2.1.2. In November 2002, Professor Delia Lipszyc (Argentina), Professor David Dzamukashvili (Georgia), Professor Mikhail Fedotov (Russian Federation), Professor Amor Zahi (Algeria) and Professor Bassam Al-Talhouni (Jordan), Chair-holders in their respective countries, participated in the World Forum of UNESCO Chairs and reported on the activities and experience of the Chairs for which they are in charge.

2.1.3. In 2003, UNESCO contributed to the training of 40 private law teachers by organising with CERLALC and the Copyright Chair of the University of Chile, two specialized training courses on copyright provided by renowned international academics. It also allocated six grants for the participation of law teachers (from Argentina, Chile, Colombia, Panama, Peru and Dominican Republic) in copyright and related rights postgraduate courses held under the auspices of UNESCO Chairs, at the University of Buenos Aires (Argentina) and the University of Los Andes (Venezuela).

2.1.4. In collaboration with CERLALC, UNESCO organized a meeting of the UNITWIN/UNESCO Ibero-American network in 2004, for university teaching of copyright and neighbouring rights (RAMLEDA), which provided an opportunity for the network members to study the ways and means of strengthening the transfer of specialised and general knowledge in this field, with particular emphasis on distance learning.

2.1.5. An international Network of UNESCO Copyright Chairs to promote cooperation and the transfer of knowledge in a fair and equitable context has been planned and is currently under discussion.

2.2. Development of study programmes and instructional and teaching materials

In view of the above, UNESCO elaborated a special teaching programme, which was discussed by committees of law professors in all regions of the world to adapt it to the needs of each region and was circulated to the Ministries of Higher Education of the States and universities of these regions. After having been used for more than 20 years as a basic syllabus for copyright undergraduate and postgraduate courses, the programme was updated in 2004 by Professor Delia Lipszyc. It has been reviewed and approved by the Chair-holder members of the UNITWIN/UNESCO Ibero-American network for university teaching of copyright and neighbouring rights (RAMLEDA) and will be submitted to committees of law professors in other regions for adaptation to their specific needs.

In relation to this programme, UNESCO commissioned the first international manual on *Copyright and Neighbouring rights* and its second part *Nuevos temas de derecho de autor y derechos conexos* (cf. 1.2.1 and 1.2.2).

2.3. Training seminars and workshops

Along with the support provided for the teaching of copyright law at university level, during the period 2001-2005, UNESCO has organised or contributed to the organisation of a number of training seminars in the field of copyright and neighbouring rights for creators, professionals from the creative industries and enforcement authorities:

In 2002, UNESCO supported the organisation of a copyright training workshop in Sierra Leone.

In 2003, UNESCO supported a training workshop for artists and musicians in Zimbabwe.

Within the framework of the UNESCO Global Alliance for Cultural Diversity and in cooperation with the Instituto Superior de las Artes de la Universidad de Cuba (ISA), a training workshop for musicians was organised in Cuba in 2004, with a focus on the basic principles of copyright and neighbouring rights and the contractual practices applied in the music industry. The seminar was organised in partnership with the International Confederation of Societies of Authors and Composers (CISAC), the French performers' collecting society ADAMI and the Cuban copyright office CENDA.

In October 2004 UNESCO supported a regional workshop for the Southern African Development Community (SADC: Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe), organized by the Copyright Society of Malawi (COSOMA), which focused on collective management of copyright and related rights, impact of cultural goods on the economies of the countries of the sub-region, and harmonisation of methods and systems to combat piracy.

A discussion panel on copyright issues was organised by UNESCO and the Ministry of Culture of the Palestinian Authority within the framework of the UNESCO-sponsored Book Fair in Ramallah in 2005, with the participation of government officials, representatives of the publishing and music sectors, researchers and other stakeholders.

A training workshop for creators was organised in Vietnam in March 2005, jointly with the Asia-Pacific Cultural Centre for UNESCO (ACCU), the Vietnam Copyright Office and the Kim-Dong Publishing House.

A copyright conference in collaboration with the Goethe Institute and the Royal Cinematography Office is scheduled to take place in Jordan in May 2005.

3. Studies and research

3.1. Reaffirming and promoting a fair balance between the interests of right-holders and the interests of the public in the digital environment

In the light of the ever more evolving digital environment and the challenges it poses to copyright, UNESCO undertook in 2002, a study on the exceptions and limitations to copyright protection, particularly in the field of scientific research, education and culture, and the striking of a fair balance between the general interest tasks of the transmission of knowledge and protecting the legitimate rights of authors and other rights holders. This was

done in the framework of the 2002/2007 Medium Term Plan further to the 31st session of the General Conference decision that a research on this sensitive and complex problem should be undertaken, with the concerted participation of representatives of authors and other rights holders' organisations and those of sectors responsible for general interest tasks of knowledge transmission throughout the world. The contributions to the study bore essentially on an analysis of the practice of limitations and exceptions of various sectors of users and rights holders, the nature and scope of conventional law and the possibilities it offers with regard to the new requirements and the approaches of the national legislations to meeting their international obligations in this field, particularly, in Africa, Latin America and the Caribbean, Asia and the Pacific, the Community of Independent States (CIS), and in the Arab States. Most documents were published in the *Copyright Bulletin*, including the major contribution “ *Nature and scope of limitations and exceptions to copyright and neighbouring rights with regard to general interest missions for the transmission of knowledge: prospects for their adaptation to the digital environment*” by Dr. Lucie Guilbaut under the supervision of Prof. Bernt Hugenholtz.

3.2. Copyright Perspectives

Jointly with the Max Planck Institute (Germany) and IRPI, the Research Institute of Intellectual Property Henri-Desbois (France), UNESCO is co-organising a series of meetings aimed at discussing polemic issues in the field of copyright and neighbouring rights and to contribute to the debate on copyright in the digital environment. The topics of the five conferences, taking place between December 2004 and November 2005 include the scope of copyright protection, the alternatives to copyright protection, exceptions to copyright, collective management and contractual aspects of copyright.

3.3. Copyright and the Internet

In June 2004 UNESCO co-organised the Second International Review of the Internet, Computer Science and Telecommunications in Latin America, with The Regional Centre for Book Promotion in Latin America and the Caribbean (CERLALC), the Law Faculty of the Andes University and the Colombian National Copyright Office (DNDA). The Forum focused on the academic and technological challenges of copyright, studied more particularly the technological protection measures and analysed the implications of the technological advancement on the protection and access to works.

4. Enforcement and management of rights

4.1. Prevention and fight against piracy

In accordance with its 2004-2005 Regular programme and budget, UNESCO's activities in this area are developed largely through innovative public/private partnerships within the framework of UNESCO Global Alliance for Cultural Diversity, the main objective of which is to contribute to the development of sustainable cultural industries in developing countries and countries in transition through capacity-building, policy advice, development of infrastructure and piracy prevention.

4.1.1 Prevention of piracy through training

In 2004 UNESCO developed and launched the Anti-Piracy Training for Trainers project, consisting of a series of regional and/or sub-regional courses for copyright law enforcement

officials. The development objective of the project is to contribute to the reduction of intellectual piracy rates, while its immediate objective is to provide knowledge and expertise in the field of copyright law and intellectual piracy, at a first stage, to the participants in the course, and, at a second stage - to a much larger circle of national authorities which have to be involved in the anti-piracy activities - law-makers, government, police, customs, magistrates etc.

The first advanced course for copyright enforcement officials was funded by the Government of Norway and was organised by UNESCO in the sub-region of South-East Europe. It took place in Sofia, Bulgaria in May 2004.

The participants included representatives of the national authorities responsible for the enforcement of copyright protection, notably second-instance court judges specialising in intellectual property, high-level prosecutors, customs and police officers. The beneficiary countries included Albania, Bosnia & Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Serbia and Montenegro and Romania. South-East Europe was selected as a first target area with a view, on the one hand, to the high piracy rates in this region and, on the other, to the ongoing efforts of legal restructuring in these countries.

The advanced level training course focused on intellectual property protection, forms of piracy, mechanisms for detecting and measuring piracy, investigation of piracy and mechanisms for prevention and reducing the rate of piracy. Along with the theoretical part, the course addressed practical aspects, which included a visit to a lawful CD manufacturing site. Professionals with hands-on experience made a presentation of illegal products and methods in order to distinguish them from the original ones. At the end of the session, a case study exercise allowed testing the acquired knowledge in close-to-real-life situations.

Partners in the implementation of the project were the Bulgarian Copyright Directorate at the Ministry of Culture, the International Federation of the Phonographic Industry (IFPI), the Motion Picture Association (MPA), the IPR Group of the World Customs Organisation (WCO), BULLACT (Bulgarian video anti-piracy association), BAMP (Bulgarian association of Music Producers), BSA-Bulgaria (Business Software Association), ARSIS Consulting (law office specialising in IPR), and the Bulgarian National Commission for UNESCO.

The Anti-Piracy Training for Trainers project aims to achieve a multiplied effect, as the participants commit themselves to organise national follow-up seminars in order to convey the acquired knowledge and expertise to a much larger circle of national authorities involved in anti-piracy activities. UNESCO contributes to these national events with a methodological, technical and financial assistance.

The first follow-up national Anti-Piracy Training for Trainers seminar took place in Romania in December 2004 and brought together some 50 participants. The follow-up seminar in the former Yugoslav Republic of Macedonia is scheduled for April 2005, the seminars in Bosnia and Herzegovina (in cooperation with CISAC) and Bulgaria will take place in May 2005.

Further to this pilot project, UNESCO intends to continue its anti-piracy 'training for trainers' activities in other regions of the world.

In April 2005 UNESCO organized a training workshop on copyright and the fight against piracy for national authorities, copyright administration, and rights owners from Burkina Faso, Mali and Niger.

4.1.2. Prevention of piracy through public awareness-raising and information

In the framework of the Global Alliance for Cultural Diversity, a representative of UNESCO participated in the World Music Market (WOMEX 2004) and made a presentation on the importance of prevention and fight against piracy in developing countries.

With the aim to promote a culture of respect for copyright amongst the general public, particularly young people, UNESCO supported an advertising anti-piracy campaign monitored by the National Copyright Administration of Colombia through the public means of transport of the city of Bogotá (Colombia) by using the 'Mafalda' character created by the famous Argentinean illustrator Joaquín Quino.

UNESCO and CERLALC contributed to the elaboration of a copyright handbook entitled *Los oficios de la imaginacion - The skills of imagination* – which aims to promote a culture of respect for copyright among children in early school age. The handbook will be widely distributed in Latin America and translated into English and French.

As part of the Global Alliance for Cultural Diversity tools, UNESCO summarised and edited a survey on best practices in the fight against piracy in Latin America.

Capitalising on this experience, UNESCO is currently elaborating a survey analysing the practices of the fight against piracy in Africa with the purpose of supporting the reinforcement and networking of the various institutions concerned.

4.2. Assistance to the States in collective management of authors' rights

UNESCO has regularly encouraged Member States, notably the developing countries, to organize and develop the collective administration of rights of authors and other rights holders as an essential element in the construction of modern national systems of protection of copyright, which would effectively promote a dynamic cultural development. UNESCO's assistance has borne particularly on the creation of structures adapted to the administration of rights, the training of professional personnel and the provision of expertise leading to a competent organization of the various technical activities related to the administration of rights.

4.2.1. The *Guide to the Collective Administration of Authors' Rights* was published by UNESCO in 2000. Written by Ms Paula Schepens from the Belgian collecting society SABAM and developed by UNESCO in collaboration with CISAC, the Guide is a useful and practical tool for copyright professionals. It was initially published in French and English, and, since 2001, has been translated and published in Lithuanian and Russian in cooperation with the European Commission. It is currently available free-of-charge on UNESCO's website: <http://unesdoc.unesco.org/images/0012/001206/120677e.pdf>

The wide distribution of this Guide assists, in particular, developing countries and countries in transition towards a market economy, to organize more efficiently their system of collective

administration of rights. UNESCO will willingly grant publication rights to any country wishing to produce another language version of the guide.

4.2.2. In June 2004 UNESCO contributed to the reinforcement of collective management of copyright and related rights in the Democratic Republic of Congo by organizing an experts' committee, which elaborated a new framework and a new structure for the collective management and formulated proposals for the adaptation of the legislation to the international legal environment.

In July 2004 a copyright workshop, focusing on the role and functioning of collective management of rights, was jointly organised by UNESCO and ZIMRA (the collective management society) in Zimbabwe.

The reinforcement of the copyright system, and more particularly, of the collective management of rights is also the main objective of a project developed in Namibia with CISAC. In the framework of the Global Alliance for Cultural Diversity UNESCO aims to assist in the efficient collective management of the rights of authors and performers.

5. Legal and technical assistance provided on specific request by Member States

5.1. In 2001, the UNESCO Office to the Pacific Community Cluster (Australia, Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia (Federated States of), Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu) provided technical assistance for the elaboration of provisions on the protection of folklore. A Pacific Regional Framework has been developed in close consultation with the Secretariat of the Pacific Community and the Forum Pacific Island member countries and territories and the Council of Pacific Arts. The Regional Model Law for the Protection of Traditional Knowledge provides a basis for Pacific Island countries wishing to enact legislation in this field. It was approved by the Heads of the 16 Independent countries in 2001. It is now the responsibility of each country to process its implementation. At this stage, two countries have already drafted laws based on the Model Law to go to parliament. About 7 other states are taking steps and the rest are examining some amendments.

5.2. UNESCO supported the International Publishers' Association (IPA) and the African Publishers' Network (APNET) in organising a Copyright Conference in Ghana in 2002 entitled "Encouraging creativity through copyright protection". The conference addressed all essential copyright topics (implementation of Internet treaties; copyright protection and on-line distribution; legal protection of databases and traditional knowledge; licensing rights in the digital environment; the role of law enforcement and copyright education).

5.3. In 2002 UNESCO provided technical and financial support for the production of an information brochure for authors and performers, presenting the essentials of copyright protection in an accessible way. Support was also given to translate the Copyright and Neighbouring Rights Act into one of the most commonly spoken languages in Zimbabwe.

5.4. In 2003, with the objective of raising public awareness, UNESCO provided support to Bosnia and Herzegovina, through the collecting society Sine Qua Non, to translate selected international instruments in this area, as well as to publish and distribute instructive and informative brochures, including a survey of existing laws, to the general public and specific target groups.

5.5. In 2003 UNESCO supported the Federal Council for Literary and Artistic Works in Sudan to finance study visits abroad for 2 members of the Council, and to organise training for 75 stakeholders from public and private bodies, civil society, media, and cultural industries.

5.6. In 2003 UNESCO undertook and monitored the elaboration of a survey entitled "Music and Copyright", by Anwar Abu Eisheh and Mounir Anastas, on the economic and legal environment of musical and artistic production in the Palestinian Authority. Assistance was provided for designing a training plan for experts and a general copyright protection policy including the drafting of copyright legal framework, institutional enforcement infrastructure, collective management and fight against piracy.

5.7. In 2004 UNESCO provided legal assistance to the Syrian Arab Republic in studying the functioning of copyright protection and provided consultancy on legal and technical issues concerning copyright protection.