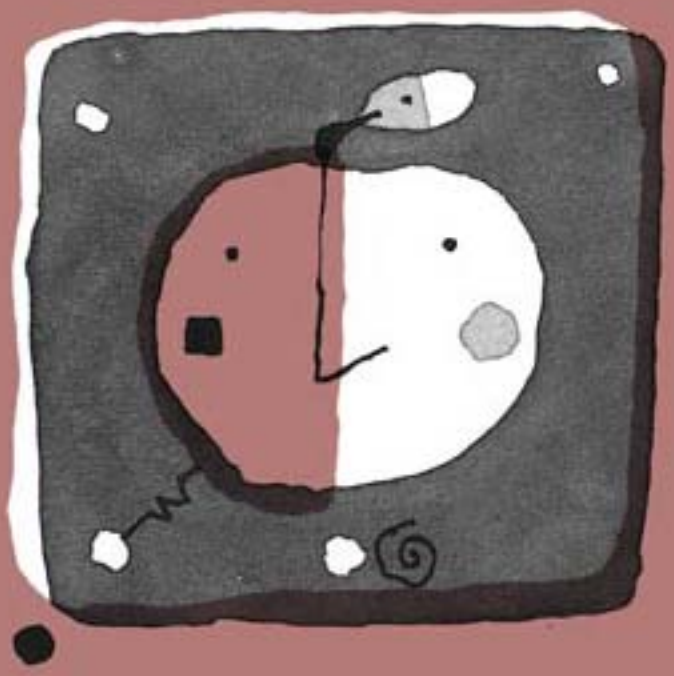
Asian Copyright Handbook



Written by Tamotsu HOZUMI
Illustrated by Taro GOMI

ACCU
Asia/Pacific Cultural Centre for UNESCO

Asian Copyright Handbook (English Master Edition)
By Tamotsu HOZUMI
©Asia/Pacific Cultural Centre for UNESCO 2004
Illustrations by Taro GOMI ©2004

First Publication Date: November 1st, 2004

ISBN4-946438-61-0

Published by Asia/Pacific Cultural Centre for UNESCO
Tokyo, Japan 2004
Sponsored by Japan Copyright Office, Government of Japan

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission of the publishers.

Edited and produced by Medialynx Japan
Book design by airs/Takanori FUJINE
Cooperation in English by Cathy HIRANO

Printed and bound in Japan

Asian Copyright Handbook

CONTENTS

◆ **Foreword** 7

1 About Works 13
List of Works 14

2 The Rights of the Author Consist of Copyright (Property Rights), Moral Rights and Neighboring Rights 17
About Author's Copyright 18
Concerning Property Rights to the Work 20
About Rights in Exploitation of Derivative Works and Subsidiary Use of Published Works 26
What Are Moral Rights? 27
About Neighboring Rights 29
About Term of Copyright Protection 30
Term of Protection for Copyright (Property Rights) 30
Term of Protection for Neighboring Rights 31

3 How International Protection Works 33

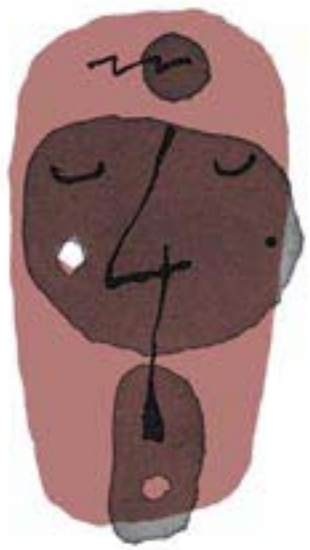
4 Exploitation of Copyright 37
Ways of Exploiting Works 39
Limitations on Copyright 40
Reproduction for Private Use 40
The Difference Between Exploiting and Quoting 41
Conditions for Quotations 41
Infringement of Copyright 42

5 The Changing Environment Surrounding Works 45
Digitalization, Networking and Copyright 48

● Q&A ● 50
Q&A Are book titles, advertising slogans, etc. works? 50
Q&A Are ideas protected by copyright? 50
Q&A Are there any cases when even something that is a work is not protected by law? 50
Q&A What about copyright for websites? 51
Q&A What is a joint work? 52
Q&A Are folktales subject to copyright? 52
Q&A Can anyone become an author? 53
Q&A To whom does the right of translation belong? 53
Q&A What about copyright for countries that have not joined treaties? 54
Q&A Various Questions Concerning Quotations 54

◆ Appendix ◆ 61
International Conventions, Treaties and Trends 62
List of Member Nations of International Treaties 69

Foreword



Copyright is one of the Human Rights stipulated in the Universal Declaration of Human Rights and the UN International Covenants as well as a very important legal right protecting cultural works. A cultural work is anything a person makes that enriches the human mind and heart. It does not include things that directly contribute to a more convenient lifestyle or job such as the invention of machines or technology. These are not considered cultural works because they are mainly related to the technological development of civilization and therefore the legal rights that protect them are separate from copyright. Patents, for example, protect people's rights to technological or mechanical inventions; trademark rights protect products, brands and logos that belong to companies, etc.; and designer rights protect product designs. These rights are sometimes referred to collectively as "industrial property rights." Because a great deal of thought and effort are invested in the conception and production of products that contribute to the development of either culture or civilization, the legal rights protecting them have also come to be referred to by the generic term "intellectual property rights."

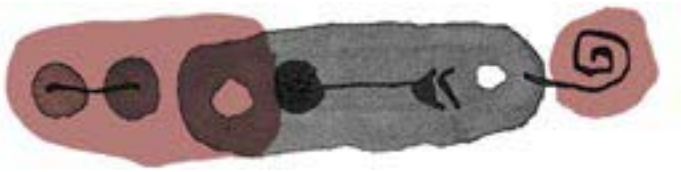
Let me explain the meaning of cultural works in more detail. Cultural works appeal directly to the mind and heart and therefore this term includes all forms of literature, such as novels, poetry or scripts as well as visual and audio forms of expression such as paintings, music and movies, and the results of complex scientific studies. Cultural works can also be defined as the creative expression of human thoughts or feelings. Such expressions can affect the thoughts and emotions of other people. Have you ever been deeply moved by reading literature, looking at a beautiful painting, listening to music or watching a movie that allows you to experience a totally different world? The feelings these inspire in us are not always beautiful or comfortable. Sometimes they may make us sad or depressed or cause us to think deeply. Artistic expression speaks directly to our minds and hearts and moves us in some way.

In order to survive, people must eat. Food is essential to maintain the human body. Eating gives us nourishment and keeps us alive. But we are highly advanced primates who need nourishment not only for the physical body but also for the heart and mind. It is easier to understand the definition of cultural works if you think of them as food for the emotions and intellect. Imagine a world without any cultural works to nurture our souls. What would the world be like without novels, poetry, music, or paintings? The cultural works that enrich our hearts are a precious heritage preserved by human history. They emerged long before the concept of copyright. Over the years they became the cultural heritage of a tribe, a region or a country. At the same time, while the people born in each age are on the one hand influenced by this cultural heritage, they also add their own originality to it, developing it further. It is these cultural works that continue to sustain us today. They are, I believe, essential to human life. The concept of copyright comes from the idea that legal rights to such works should be defined and protected and that the people who make them should be socially and economically protected.

This guidebook was written for everyone in Asia, including those who are or aspire to be creators of cultural works and those who use them. I hope that it will deepen understanding of the concept of copyright. It will make me very happy if it contributes to the protection and use of copyrighted works that enrich our souls and supports the hard work of those who are involved in copyright in some way. My greatest wish is that not only those involved in making creative works such as authors, painters, scriptwriters, designers, poets, and musicians and those who work in such mass media as publishing, broadcasting, printing and advertising, but also users, such as students and the general public, and people who hope to work in these fields- in other words, all those responsible for supporting copyright now and in the future -- will read this book.

Although some claim that copyright is difficult to understand, it is actually quite simple. Copyright Law, which includes all laws concerning copyright, consists of very natural and reasonable rules that anyone can accept, such as respecting what another person has worked hard to produce, making a promise in advance if you want to use it, and agreeing to pay a certain fee for that privilege. Copyright is a very important right for all of us because, by obeying these rules, we provide the driving force that creates enriching cultural works.

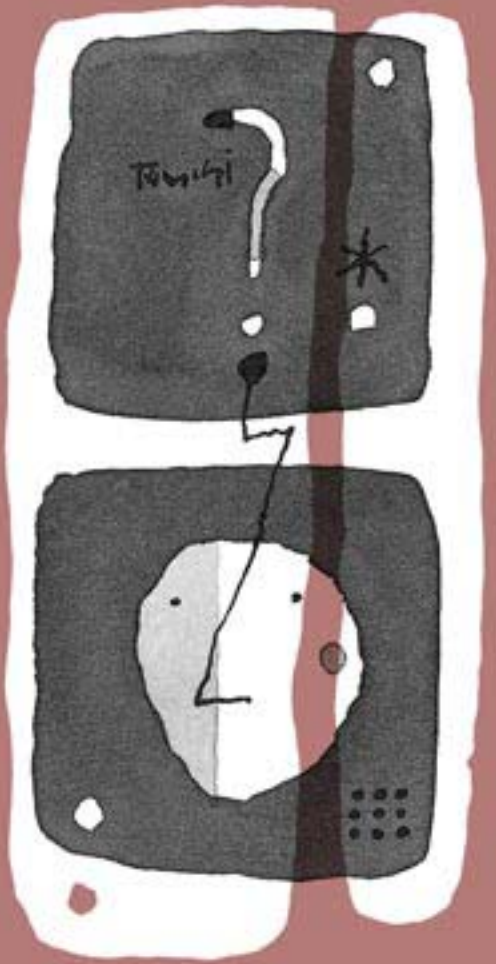
Every country in Asia and many countries in the world currently have copyright laws.



As has been explained, Copyright Law recognizes that the persons who make a cultural work have specific rights to it and ensures that they benefit when others exploit their work. The term "work" used here means an original, creative expression of thoughts or sentiments within the literary, scientific, musical or artistic domain. The person who creates the work is called the "author." As copyright is conferred by law on the person who made the work, i.e. the author, you might expect it to be called the "author's rights." In fact, however, the person who holds the rights to a work is known as the "copyright owner." In many cases, the copyright owner is the author. However, as the copyright owner has the right to transfer (sell), lend or bequeath his property rights to the work (see page 18) to an individual or a company, the owner of the copyright can change. This means that the "copyright owner" is not always the "author."

If you compare the copyright laws of each country in Asia, you will find slight differences in terms and concepts. Strict interpretation of the law will likely reveal that something protected in one country is not protected in another county. These differences, however, are minimal, as international treaties have helped to establish consensus with regards to copyright protection. First we must acquire basic copyright knowledge shared by all countries. I hope that this guidebook will serve as a standard for copyright in the Asian region.

1 About Works



1 About Works

What types of things are recognized as "works" protected by law?
Let's look at what types of works are internationally subject to legal protection (which of course includes Asia). In Japan, works are divided into the following categories:

Literary works: novels, essays, scripts, poetry, etc.

Musical works: musical pieces, lyrics, etc.

Dance, pantomime works: choreography for dance such as ballet or modern dance and for pantomime, etc.

Artistic works: paintings, prints, sculptures, comics, calligraphy, stage sets, arts or crafts, etc.

Architectural works: architectural designs and buildings

Maps and diagrams: maps, blueprints, diagrams, design drawings, figures, models, etc.

Cinematography: movies for theaters, TV programs, video-game software, etc.

Photographs: photographs, photogravure, etc.

Programs: computer programs, etc.

Other categories of legally protected works include any works made by translating, arranging, modifying or adapting an original work (derivative work), and any works that have been edited such as encyclopedias, poetry collections, magazines and newspapers (compilations). The first step is to remember which types of works are subject to protection by the law. (Please check the copyright laws of each country to identify the categories of works.)

2 The Rights of the Author Consist of Copyright (Property Rights), Moral Rights and Neighboring Rights

2 The Rights of the Author Consist of Copyright (Property Rights), Moral Rights and Neighboring Rights

This section will describe in detail the rights of the author. These are copyright (property rights), moral rights, and neighboring rights, which belong to transmitters of the work.

About Author's Copyright

As I explained at the beginning, copyright was made to protect cultural works and therefore it is a little different from other rights. For example, when a person owns something, they are usually recognized as having ownership or property rights. Property rights can be transferred to another person. As copyright is also the right of ownership and it can be transferred to another person, it, too, can be called "property rights." In other words, it is a right that can be converted into money. In addition, because it is a right accrued to a creative work produced by the human intellect, it can also be considered an intellectual property right (right of intellectual ownership) like patents, design rights and trademark rights.

Does this mean that copyright is simply one kind of property right?

Countries under English and American law historically emphasized the property right characteristics of copyright. The word "copyright" in English originally meant exactly that - the right to copy - and copyright was basically the right to reproduce a work. In contrast, other countries like France and Germany placed greater emphasis on the element of moral rights, a concept influenced by the development of social thought in Europe. Accordingly, literal translations of the French and German words for copyright mean "rights of the author." In brief, these countries gave more importance to the concept of protecting the intellectual world of the author, in other words his philosophy and principals, than to increasing the property value of the work by making and selling many copies. Thus the idea that copyright has two distinct characteristics - property rights and moral rights - developed primarily in Europe. This concept was introduced to Asia relatively recently. With the exception of a few countries, copyright law was only introduced from the mid to the end of the twentieth century.

From the above explanation, you can see that copyright has two major characteristics: property rights to the work and the moral rights of the author. Care must be taken when using the word copyright. Many people use copyright simply to mean property

rights to the work while others lump both characteristics under the same word. In this guidebook, I will use the word copyright to cover all rights, the term property rights to refer to property rights to a work and moral rights to refer to the moral rights of the author. It is important to understand that copyright is a universal human right clearly stipulated in international human rights declarations and agreements. Property rights, which are recognized by the laws of every country, make it illegal to take another person's property and exploit it without their permission. Similarly, moral rights, like the right to privacy, etc., are legally protected from infringement.

Concerning Property Rights to the Work

This section explains the content of "copyright." Let's begin with "property rights to the work," which many people simply refer to as copyright. Property rights to the work can be broadly divided into the following categories:

1) Right of reproduction, 2) Right of performance, 3) Right of presentation, 4) Right of public transmission, 5) Right of recitation, 6) Right of exhibition, 7) Right of distribution, transfer of ownership and lending 8) Right of translation, arrangement, transformation and adaptation, 9) Rights in the exploitation of a derivative work

Every country more or less categorizes property rights in this way. (Because these rights branch off from the main stem of copyright, the legal term "branch rights" is also used to refer to all of them.) These rights, which all fall under copyright, belong solely to the author. Each one is explained in more detail below.

Copyright laws in every country undergo frequent revision in response to changing social conditions such as the advancement of technology. Accordingly, new rights may emerge. It is therefore necessary to watch for new developments in copyright.

In Japan, for instance, property rights are divided into each branch right as follows,

1) Right of reproduction
(the right to protect a work from unauthorized reproduction)

The right of reproduction is the most basic and substantial property right. Reproduction means the "reproduction in tangible form by means of printing, photography, polygraphy, sound or visual recording or otherwise." To put it simply, it means to use part or all of a work to make another product, to copy it, or make an audio or visual recording, etc. Publishing is one of the oldest methods of reproduction. Generally, rights related to publishing are called publishing rights and they are one type of reproduction right.

Making visual and/or audio recordings of performances or broadcasts of plays, lectures, etc., is also exercising the right of reproduction. In fact, this right covers a very broad range of activities, including copying texts or illustrations with a scanner or copy machine and even constructing a building by following blueprints.

2) Right of performance
(the right to protect a work from unauthorized public performance)

The right of performance means the right to perform publicly a play that is based on one's own script or music that one has composed. The author has the exclusive right to do this. The point here is the word "publicly." Publicly does not include practicing on one's own or performing in front of one's family. Publicly means in front of a large unspecified or specified number of people. This applies not only to an actual performance but also to playing records, CDs, etc. in public or using speakers to broadcast a performance to people outside a hall or theater.

3) Right of presentation
(the right to protect a work from unauthorized public presentation)

The right of presentation means the right to project one's work on a screen or other object. In the past, this right was applied to movies but due to technological advances in making and projecting images, works can now be projected onto computer displays and LC screens by LC projectors, etc. Accordingly, copyright laws in many countries currently recognize the right of presentation, meaning the right to display one's work to the public audiovisually, for all types of work. This right now applies even to projecting photographs or still pictures of art works onto a screen.

4) Right of public transmission
(the right to protect a work from unauthorized public transmission)

The author has the exclusive right to transmit his work publicly. As public transmission refers to transmission by radio, television, etc., it also includes satellite broadcasts, cable broadcasts, CATV broadcasts, and transmission of works over a computer network.

5) Right of recitation
(the right to protect a work from unauthorized public recitation)

The right of recitation refers to the right of the author to recite his literary work publicly. This includes, for example, a novelist reciting from his book in front of a public audience as well as recording his recitation and playing it for a public audience.

6) Right of Exhibition
(the right to protect a work from unauthorized public exhibition)

This right concerns the display of art and photographic works. The author is recognized as having the exclusive right to publicly exhibit his works. This applies, for example, to submitting an original work to an art exhibition where many people will see it. In Japan, this right only applies to original works, not to copies, but in Korea and China it includes the exhibition of reproductions as well. In addition, in the case of photographs in Japan it only applies to unpublished photographs. In the case of paintings, which are done on canvas, paper, etc., there is only one of a kind, so it is obvious that a painting is an original work. With photographs or woodblock prints on the other hand, there may be multiple copies of the original and these are also recognized as original works.

As paintings and other works of art can be sold, the owner may change. When the owner changes, the right of ownership is transferred to the new owner, but the copyright is not transferred. It would be very inconvenient, however, if the new owner had to ask permission of the copyright owner every time he wanted to display his possession. What happens to the right of exhibition in this case?

Most countries in Asia do not have any specific rules concerning this. Japan, however, recognizes the right of the owner to exhibit an original (excluding permanent outdoor installations) in the case of unpublished works on the assumption that the author of the work has agreed to the work being made public.

7) Right of Distribution, Transfer of Ownership and Lending
(the right to protect a work from unauthorized distribution, transfer or lending)

In Asia, the right of distribution is found in the copyright laws of Japan, Korea and Hong Kong. The author of a cinematographic work has the exclusive right to sell, lend or otherwise distribute copies of that work. This right was originally intended for moviemakers and it gave them the right to distribute their own films. Today, however, the right of distribution also applies to the sale and rental of video-game software. Distribution means the reproduction of a cinematographic work for the

public, which also means selling and renting video tapes, DVDs, etc., regardless of whether or not a fee is charged. The right of transfer of ownership is the right to offer an original work (excluding cinematographic works) and copies of it to the public by transferring ownership. In countries such as Japan, once ownership has been legitimately transferred, the right to transfer ownership expires and the work can be freely distributed without obtaining permission from the copyright owner. Care must be taken, however, because in some countries the right to transfer ownership does not expire. The right of lending is the right to offer a work (excluding cinematographic works) to the public by lending copies of it.

8) Right of Translation, Arrangement, Transforrmation and Adaptation (the right to protect a work from unauthorized translation, arrangement, transformation or adaptation)

This rule stipulates that the author has the exclusive right to translate, musically arrange, transform, or otherwise adapt his work to make a derivative work.

Translation means to express a literary work in a language other than that of the original. The term language refers to words used for communication between people and therefore it does not include computer languages. Likewise, converting from a dialect to the standard form of the same language or to code, Braille, etc. is not considered translation. Instead, these would be considered one form of reproduction. In other words, the right of translation generally means the right to translate an original work into a foreign language.

Arrangement means making a musical work by adding new creative elements to an existing musical work. For example, making a classical piece into a jazz piece. In a recent case in Japan, a music company that produced a jazz arrangement of a classical piece without the consent of the composer had to abandon sale of the CD due to protests from the composer.

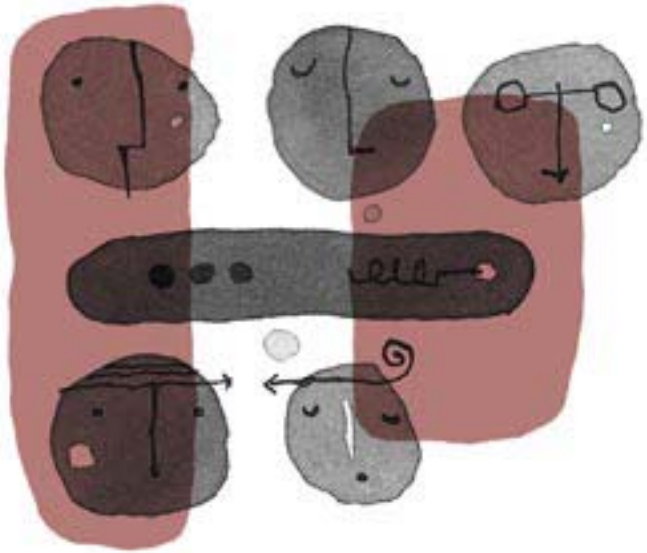
Transformation means to change the form of expression. This includes, for example, converting a two-dimensional painting into a three-dimensional sculpture or making a photograph into an original painting.

Adaptation means to take an original work and change the form of expression by making it into a play or movie without changing the story or motif. This category includes adapting a work to television. It seems that upgrading computer programs, etc. is also considered adaptation.

Conflicts frequently arise over adaptation rights because it is difficult to judge whether something is really an adaptation in which the means of expression (the outward form) has been changed without altering the main gist (the internal form) of a work, or whether it only exploits the idea. Some people even argue that adaptation means exploiting the idea. As was mentioned at the beginning, ideas are not protected by copyright. But because the right of adaptation is protected as one element of copyright, this type of conflict arises. Generally, cases in which only the historical setting is changed while the story and personalities of the characters remain unaltered are regarded as obvious adaptations.

9) Rights in the Exploitation of a Derivative Work (the right to protect a derivative work from unauthorized exploitation)

As explained in number 8), a derivative work is a new work that is created by translation, arrangement, transformation or adaptation. Although copyright to the derivative work belongs to its author, at the same time, the author of the original work also has the same rights as the author of the derivative work. For example, if an animation feature made on the basis of a comic is made into a commercial video, permission for reproduction must be obtained from the copyright owners of both the animation feature and the original comic book. Obtaining the consent of just one copyright owner is not enough. Permission must be obtained from all copyright owners.



About Rights in Exploitation of Derivative Works and Subsidiary Use of Published Works

As mentioned above, rights in the exploitation of derivative works are one type of branch right under copyright law and they belong exclusively to the copyright owner.

On the other hand, although it is not a legal term under copyright law, the term subsidiary rights based on secondary use of a publication is widely used in the publishing industry of every country to refer to a variety of forms of exploitation other than publication derived from an original work. In publishing contracts, authors and publishers make various agreements concerning these subsidiary rights.

Rights are also given to transmitters of a work such as record producers, broadcasters and cable broadcasters as well as performers such as artists and musicians. In the broad sense of the term these fall under the concept of copyright, but in the case of Japan, Korea and some other countries, these rights are protected under a separate heading within copyright law called "neighboring rights" so as not to confuse them with the rights of the author (copyright). Neighboring rights will be explained in more detail later.

What Are Moral Rights?

Moral rights usually consist of the right to make a work public, the right to determine the indication of the author's name and the right to preserve the integrity of the work.

The concept of moral rights did not originally exist in the English or American legal system. The term was introduced recently and has been included in the Berne Convention (excluding the right to make a work public) and such international agreements as the WIPO Convention.

Right to Make a Work Public (the right to protect a work from unauthorized publicizing)

The author has the right to make available to the public a work that has not yet been made public. This means that the author has the right to decide whether the work, both the original and any derivative forms, will be made public. In the case of works for which the copyright (property rights) has been transferred, the author is assumed to have agreed to public exhibition because it would be very troublesome for the copyright owner if the author opposed their exhibition. The Berne Convention does not contain any rule concerning the right to make a work public.

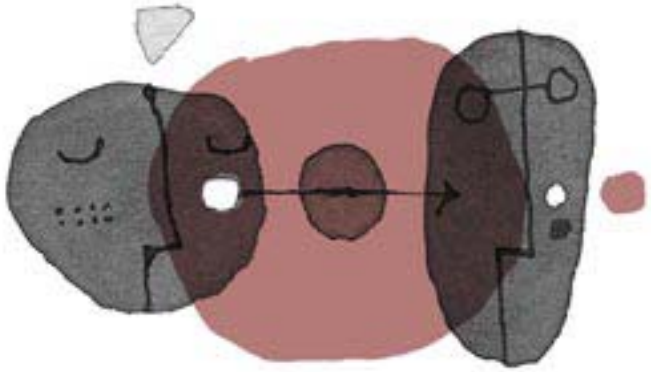
Right to Determine the Indication of the Author's Name (the right to demand indication of the name)

When a work is made public, the author has the right to decide whether or not to indicate the author's name and whether or not to use his or her real name or substitute a penname. The author also has the right to decide the same when a derivative work is made public. This right does not mean that the author's name must be used.

Right to Preserve the Integrity of the Work (right to protect a work from unauthorized alteration)

As the title indicates, "the author shall have the right to preserve the integrity of his work and its title against any distortion, mutilation or other modification against his will." In the case of publications or music, this could present a problem when there is a need to change or correct spelling, terms or expressions. As times change, so do the social norms and even the vocabulary and spellings we use. Publishers and editors may want to change a work to make it easier to read. But they cannot do this without first informing the author and obtaining the consent of the copyright owner.

In addition to the three conditions mentioned above, if the way in which a work is used damages the author's reputation, it is considered an infringement of the author's moral rights and care must be taken to avoid this. The moral rights of the author in such countries as Japan are respected even after the author's death. Therefore the surviving family can prohibit any action that would have been considered an infringement on the author's moral rights during his or her lifetime and demand that measures be taken to restore the author's honor.



About Neighboring Rights

Copyright laws in many countries protect not only the rights of the creator of the work but also of those who perform or otherwise transmit the work publicly. For example, although a singer does not create a new work simply by singing an existing song, the use of styles and forms of expression that move listeners is also considered a creative act. Neighboring rights are rights attributed to anything that fulfills an important role in transmitting a work publicly. In some countries, neighboring rights are not recognized or are applied to different subjects, but in Japan, Korea and China, for example, these rights are conferred upon performers, such as musicians and actors, phonogram producers, broadcasting organizations and wire diffusion organizations.

Like copyright, neighboring rights are recognized automatically without any special procedures. They are also protected by such international conventions as the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations and the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms. Copyright

and neighboring rights are protected separately and therefore it is necessary to receive separate permission for the use of each. For example, when reproducing a record, you must get permission not only from the performer and the record producer (neighboring rights) but also from the composer and lyric writer (copyright).

About Term of Copyright Protection

The copyright and neighboring rights described up to this point are legally valid for a fixed period of time. This period is known as the term of protection. The length of the period varies depending on the copyright laws of each country but it is usually from fifty to seventy years after the death of the author. The term of protection also varies depending on the type of work. Once this term has expired, however, legal rights to the work also expire. After that, the work becomes part of the public domain and can be exploited freely. The objectives of establishing a term of protection are to increase the motivation of authors and at the same time to make sure that their works become the property of society as a whole after a certain period. This contributes to the further development of culture.

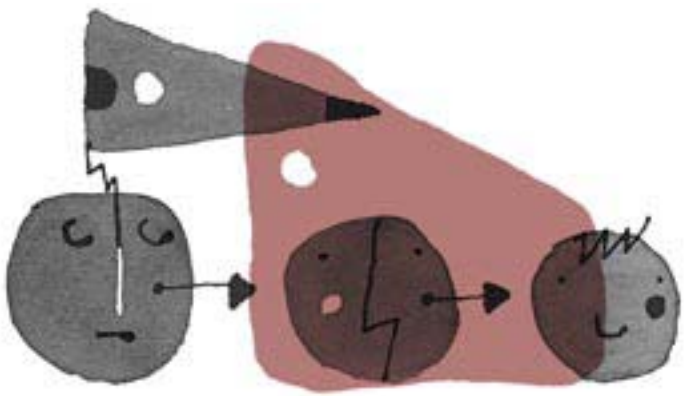
Term of Protection for Copyright (Property Rights)

In most countries, a work automatically comes under the protection of the copyright laws of the author's country as soon as it is created and made public. (This is known as unconditional.) However, some countries also have a system for "registering" works as soon as they come under the protection of copyright law. This acts as a deterent against illegal use by a third party and also gives the author an advantage when proving that copyright exists. (In the United States, Japan, Korea and China, for example, this system exists for software only.)

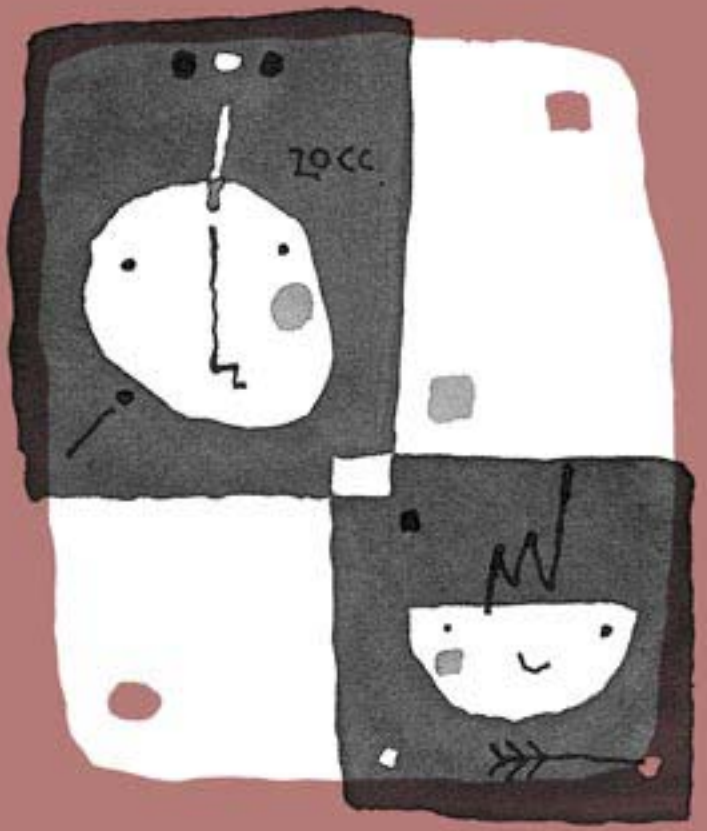
As mentioned earlier, a work that is subject to copyright protection is protected for a specific period determined by the laws of that particular country. Although the duration depends on the country and the type of work, in most countries in Asia the term of protection is in principle fifty years after death (if the author's own name is used on the work). Although there are many exceptions such as works made for a company or photographs, these have been omitted from this guidebook. There seems to be a major worldwide trend towards increasing the length of the term of protection. In the West, steps are now being taken to increase it to seventy years or more and some countries have already revised their laws accordingly.

Term of Protection for Neighboring Rights

The term of protection for neighboring rights is also determined by the copyright laws of each country or by such agreements as TRIPS, which will be explained later. Protection commences from the time the work is first performed, when the sound for a recording is first fixed, or when it is first made public. In the case of broadcasting, the term begins when the work is first broadcast or the first wire transmission is made.



3 How International Protection Works



3 How International Protection Works

As the exploitation of works increasingly transcends national boundaries, the different countries of the world have taken steps to protect them through various international treaties.

The copyright laws established by each country stipulate various rights concerning works. In addition, many of these rights are also internationally protected. For example, both the Berne Convention and the Universal Copyright Convention protect copyright while neighboring rights are protected by the Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations and the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication. The Agreement Establishing the World Trade Organization (WTO) was drawn up in 1994 and came into effect in 1995. One annex to this agreement was the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Both copyright and neighboring rights are covered in this agreement. In addition, beginning in 1996 the World Intellectual Property Organization (WIPO) established the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty to make a framework for copyright protection in response to international digitalization and global networks.

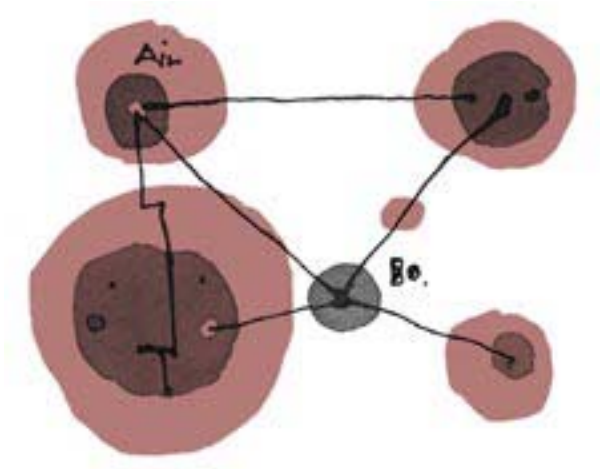
These conventions and agreements provide a consensus on international property rights such as copyright and the contracting nations have agreed to mutually protect works internationally. Works protected under these treaties are protected on the basis of the domestic laws in each country. For example, Korean works in China are protected in accordance with Chinese copyright laws while Chinese works in Korea are protected by Korean copyright laws.

For many years, the United States belonged only to the Universal Copyright Covention and all works had to have copyright notice © in order to receive international protection. On March 1, 1989, however, America joined the Berne Convention and revised its domestic laws accordingly. Countries belonging to the Berne Convention no longer need copyright notice to be internationally protected.

4 Exploitation of Copyright

4 Exploitation of Copyright

Legally, copyright is the right to give permission and the right to receive compensation. Permission means the freedom to decide whether or not to give someone else permission to exploit your work and compensation means the right to demand payment in return. Of course, if the other person does not accept these conditions, the negotiation for exploitation of the work has failed. Here I will describe the basic knowledge and concepts concerning exploitation of the work.



Ways of Exploiting Works

To exploit a work means to use the property rights that belong to that work. This means that an agreement must be reached between the copyright owner and the person who wishes to exploit the work (the user) concerning use of copyright. As explained earlier, copyright in principle consists of the right to give another person permission to exploit a work and the right to demand economic compensation for it. Exploitation of a work depends on a contract (license) that grants permission. Although a verbal contract is valid, it is usually better to make a written contract in order to avoid mutual misunderstandings.

When someone wants to exploit a work, the following points should be kept in mind during negotiations.

First, confirm whether or not the work is protected under the copyright laws of the user's country. As a rule, any work that is produced or made public for the first time in the author's homeland or is subject to protection under an international treaty is protected. In this case, proceed to the next point. If this is not the case, the work can be exploited freely.

Second, check whether or not the term of protection still applies to the work. If it has expired, you can exploit the work freely.

Third, confirm whether or not the method of exploitation falls under "limitations on copyright." If it does, the work can be used freely and there is no need to obtain permission.

If you have investigated all the above points and found that the copyright for the work is still valid, you must apply to the copyright owner for permission to exploit the work. In this case, the party you are requesting permission from is not always the author. In some cases, rights to the work may have been entrusted to a copyright

management agency and in other cases a specific publisher, production or management company may have been designated as the contact for rights negotiations.

Limitations on Copyright

Excluding certain specific conditions, copyright is limited. Limited means that the rights are controlled. It means that except for these specific conditions copyright does not apply and the work can be exploited freely. Recently, however, uses based on a very broad interpretation of this rule have become a problem. One such problem that has recently been the focus of attention in Japan is reproduction for private use or in public libraries, etc. In addition, there is not yet sufficient understanding of the difference between legally recognized "quotations" and "use" for which permission must be obtained. Limitations on copyright should be viewed as nothing more than the recognition of a few exceptions to the rules. It is important to remember that the ultimate objective is to protect the profits of the copyright holder.

It is also necessary to understand that even in cases where limitations on copyright are recognized, the moral rights of the author are not affected, excluding cases where changes in spelling or terms is necessary for school education purposes. Be sure to carefully confirm whether or not the limitations apply and be careful not to interpret this regulation too broadly.

Reproduction for Private Use

Reproduction for use within a limited scope, such as individual or family use, is permitted. In the case of reproduction using digital or video recording, however, it is necessary to pay compensation to the copyright owner. In addition, reproduction of a work for a company job, even if only one person is going to use it, is considered reproduction for business purposes and therefore use is no longer considered private and the work cannot be copied freely. In the same way, using equipment in video or CD rental shops to copy a work is not recognized as private reproduction because the equipment is placed there for public use and therefore the copies are being made without permission.

The Difference Between Exploiting and Quoting

One must obtain permission from the copyright owner in order to exploit a work. On the other hand, according to the copyright laws of each country, there is no need to receive permission for quoting from another person's work in one's own work. There are, however, certain conditions that define the nature of a quotation and govern their use.

Conditions for Quotations

What are the conditions that define and govern the use of quotations? First, only works that have already been made public can be quoted. You cannot quote from an unpublished work. The following relationship must exist between the new work (A) and the work that is being quoted (B).

(1) A is the main work and the quotations from B are secondary (master-servant relationship).
(2) There is a clear distinction between A and the parts quoted from B.
(3) It is necessary to quote from B in order to make A.
(4) The part quoted from B is kept to the minimum amount necessary.
(5) The part quoted from B is exactly as written in the original work.
(6) The source of B is clearly indicated.
(7) The quotations do not infringe on the moral rights of the author of B.

If these conditions are met, the work can be quoted. The private right of copyright is intended to encourage creativity in the individual. By providing this incentive, the author will be stimulated to create and more people will enjoy the benefits of their creative activities. This will in turn foster the development of culture and the results will become, in the end, the common property of all people. Therefore it is desirable to achieve a balance between "protection of rights" and "facilitating the exploitation of works" so that they operate smoothly. This balance can be achieved if the user understands the feelings of the one whose work is being exploited and the creator of the work understands the situation of the user. With regards to use of copyright, it is important to understand this distinction between exploiting a work and quoting from a work. The idea that quoting a work is a vested right separate from exploitation of the work is mistaken. Quoting a work is one form of exploiting the work but if specific conditions are met there is no copyright restriction and the work can be quoted freely. You must understand that this rule is an exception. Conversely, if you interpret the conditions for quoting a work to suit your own situation, trying to stretch the rules, trouble can result. Trouble rarely occurs as long as users of other people's works exercise commonsense and avoid exploiting the work in a way that they themselves would object to if it was their own work and as long as copyright owners assess the situation objectively and agree with the method of exploitation.

Infringement of Copyright

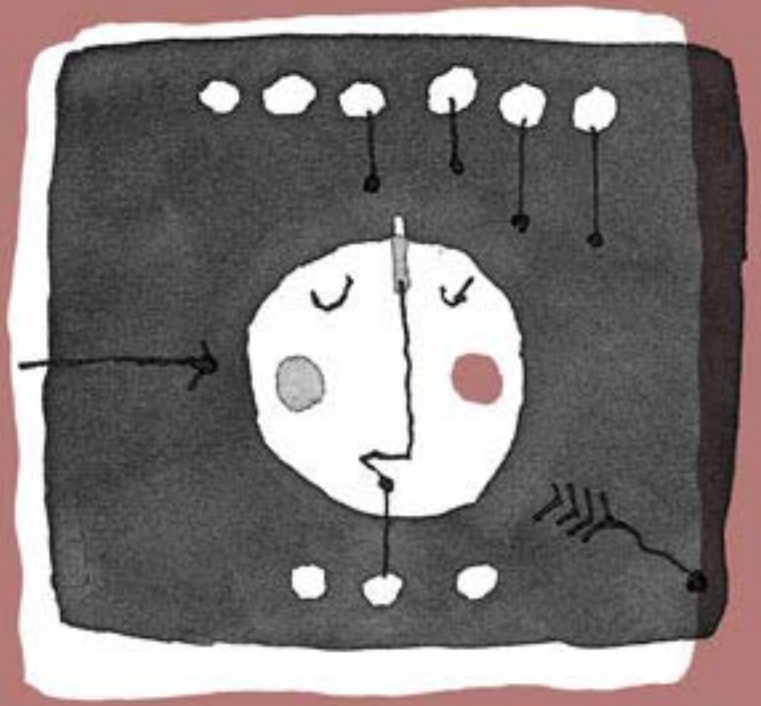
Copyright is protected both domestically and internationally according to the laws and treaties of each nation. Despite this, copyright infringements have recently become widespread. Many of you will have noticed cases reported in newspapers and on television, radio, etc. Infringement means any act that violates copyright, such as unauthorized use of copyright, which is a private right belonging to the author, and registration of copyright by someone other than the copyright owner. If someone steals another person's property that he has worked hard to acquire or takes it and disposes of it without asking, this would be considered a serious crime. Everyone knows that it is wrong to steal something that belongs to another person. Yet when it comes to intangible things like copyright, people seem to feel no qualms about stealing. Intellectual property rights such as copyright, however, are a valuable property; they are rights given to works creatively produced by such intellectual processes as thinking and feeling. Having reached the 21st century, it is essential to share the common understanding that it is wrong to violate these rights.

What type of infringements are taking place?

We can see many types of intellectual property right infringements occurring in every country in Asia today. Have you ever seen music tapes, CDs, videos or DVDs on sale at very low prices in side streets and alleyways?

Various types of computer software are also being sold at a fraction of the normal price. These products are being reproduced secretly without permission from the copyright owner and without paying any fee, in other words, without a normal license. Such products are called copy or pirate products. Their production is against the law and to make or sell them is a criminal offense in every country. So if you see such products, do not buy them even though they are cheap. To buy an illegal product knowingly is to become an accomplice to the crime. Such products bought while visiting a foreign country will be confiscated if they are discovered by customs when the visitor returns home and if he has bought them with the intention of selling them, he may be punished.

5 The Changing Environment Surrounding Works



5 The Changing Environment Surrounding Works

From the end of the 20th century, communications infrastructure, including computer networks, cell phones and satellite broadcasting, has undergone dramatic development. Compared to a century or even several decades ago, people in both industrially advanced and developing nations have access to an unprecedented amount of information. Such technological advancements have also had a major impact on culture. A hundred years ago, only a handful of people in the world were recognized as having copyright to cultural works and the majority of these were artists, such as painters, writers and musicians. Probably only a limited number of lawyers and scholars were involved in any discussions concerning copyright. Until very recently, people involved in creative activities were limited to professionals and those who exploited their works were also limited to a few types of industries such as the mass media (publishers, broadcasters, newspapers, etc.) and recording companies, movie companies, etc. In other words, even if ordinary people knew nothing about copyright it would not disrupt their daily lives. But is that true today?

Today we are frequently exposed to the terms "copyright" and "intellectual property rights" through television, radio, newspapers and magazines. We are being inundated with a flood of information. Because much of that information is subject to copyright, many aspects of our daily lives are inevitably affected by copyright. This includes school and social education, social services, the environment, and cultural and volunteer activities. The most outstanding example is the relationship between ordinary people and copyright through the computer, without which we can no longer imagine living.

The computer has only become a familiar part of our lives in the last twenty years. Advancements in digital technology such as the Internet, e-mail and data communications have swept the world and the computer has become indispensable not only in the realm of the written word but also to music, cinematography, and production as well as to consumers of those products. Digitalization has made it possible to reproduce without losing the quality of the original. In addition, the computer has made it possible for anyone to produce works with only a minimum of knowledge whereas before special abilities and experience were required. Take music for example. Software programs now make it possible to compose music quite simply even if you cannot play an instrument. Multiplex recording, which was an agonizing process during the analogue era, can now be done instantaneously. It is perfectly normal to take an enormous amount of musical or other data and store it on an MD or other media that fits into the palm of your hand. The rate of progress is so rapid that what takes place in a single year is equivalent to six or eight years, which is why some have dubbed this the "dog year era."

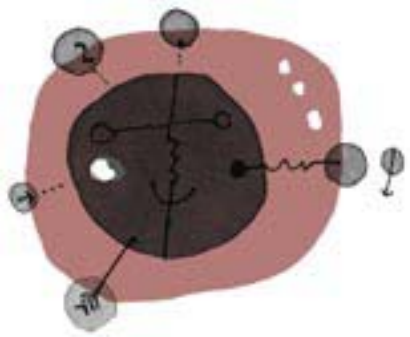
We are not only enjoying the bounties of digital technology when we exploit works but also when creating them. In this day and age, anyone can become a creator. At the same time, however, this technological revolution has resulted in unforeseen events and new types of crime. Illegal access by hackers, etc., who invade computer networks, and the leaking of personal data are rapidly increasing. Information management in government administration as well as in each organization and company is being questioned. Because digital information can be easily altered, everyone stands in danger of unwittingly infringing on someone else's copyright. In the midst of this situation, we must gain a sufficient understanding of the philosophy behind copyright and commit ouselves to obeying the copyright laws in our respective countries in order to protect works that are the common cultural heritage and the social legacy of humankind.

Digitalization, Networking and Copyright

As mentioned earlier, the most obvious changes in the copyright environment are digitalization and networking. Digitalization makes copying and altering a work very easy. It also makes it possible to maintain consistent and constant quality no matter how many times a work is copied, how large the work is or how much time passes. Because the quality of each copy is equivalent to that of the original, copies can even be reproduced from another copy. This results in a chain reaction in which more and more copies are made from other copies. There is also a greater danger of infringing on translation rights and the right to maintain the integrity of the work because digitalization makes it easy to alter the original. It is possible to exploit a work repeatedly without any change in quality because of the high quality of such recording media as CD-ROMs, etc. Copyright laws in every country are being revised to include systems for compensation and limitations on copying for private use in response to the drastic changes in types of exploitation, the amount of infringement, etc. caused by digitalization.

As for networking, not only such international networks as the Internet, which has been discussed previously, but also local networks such as those made by companies have spread rapidly. These networks are being used to transmit a variety of works such as music, visual images, and game software. But when works are transmitted without permission, the damage reaches a global scale and once transmitted the work cannot be saved. Failure to address this danger will cause authors to lose faith in network societies. Accordingly, every country is now exploring the types of copyright appropriate for a network society and such rights as the "right of public transmission" are being included in national legislation and international treaties.

Q&A



Q: Are book titles, advertising slogans, etc. works?

In some cases, it is hard to judge whether something should be subject to copyright or not, such as book titles, advertising copy, typefaces, layouts and designs. Generally, most are not protected by copyright but the criterion that determines a "work" is that it is an original and creative expression of thoughts or sentiments, not just a form of expression.

Q: Are ideas protected by copyright?

No matter how great it is, an idea that has simply popped into your head cannot be called a "work" and therefore it is not protected by copyright. An essay or book explaining that idea, however, is a "work."

Q: Are there any cases when even something that is a work is not protected by law?

Works are protected by copyright for a fixed period of time. If the copyright period has expired, a work is no longer protected. Although works are a cultural property created by an individual, because many people use them they also belong to society. The idea is that once a certain period of time has passed, society as a whole should be able to use these works freely. Accordingly, works for which the copyright period has expired belong to the public domain. In addition, in Japan, Korea, China and other countries, public documents such as laws and ordinances and court sentences are not protected by copyright.

Q: What about copyright for websites?

If a website created by a company or individual is a creative expression, it will be recognized as a work. Accordingly, great care should be taken not to infringe on copyright or moral rights when we make or use a website. In addition, some websites may contain another work. In that case, just like pictures or photographs used in a magazine, the copyright of the author is considered valid. Moreover, whether you make your own website or commission someone else to make it, it is necessary to clearly identify the copyright owner.

Q&A

Q: What is a joint work?

A joint work is a work made by several authors working together that cannot be divided up and used separately. In this case, all the authors share the copyright and the agreement of all of them is needed to exercise it.

What about a picture book where the illustrations and text are by two different people? In this case, excluding works that are clearly identified as joint works, the illustrations will be regarded as an artistic work, the text as a literary work and the author of each will have their own independent copyright.

Q: Are folktales subject to copyright?

In general, widely known folktales, legends, etc. have far exceeded the term of copyright protection.

In cases where a large percentage of the tale has been created by a local storyteller, however, it may be considered a legally protected work. If the main part of the story remains unchanged and only some extras have been added or subtracted, it is not considered a new work. Similarly in cases where someone has heard such a story being told and written it down, it is not considered to be the work of the person who wrote it down. When the main gist of an existing story is used as a base but a variety of new plots are added to make a story, it is recognized as having new creative content and therefore is considered a new work.

Q: Can anyone become an author?

Anyone who creates a "work" can become an author, even children or amateurs. It makes no difference whether the quality of the work is good or bad as long as it is an original expression of the person's thoughts or sentiments.

Q: To whom does the right of translation belong?

Because the right of translation is specified as a publishing right, many people mistakenly assume that the right of translation belongs to the publisher. Publishing rights, however, are the rights to print or otherwise reproduce the original text by mechanical or chemical processes. They do not include the right to translate the work into another language. If a publisher wishes to publish in a different language, it must make a contract that includes translation rights. In this case, the contract should not only control

the rights, but should also specify what actions and compensation are required in order to exercise that right.

Q: What about copyright for countries that have not joined treaties?

First refer to the list in the index to identify the international agreements or treaties to which your own country belongs. There is no obligation to protect the copyright of nations that do not belong to any of these. However, even a work from one of these countries must be protected if it is first published or made public in a nation that belongs to one of the international treaties. In addition, even countries that do not belong to international copyright treaties are obligated to protect copyright if they belong to the TRIPS Agreement that is part of the Marrakesh Agreement Establishing the WTO.

Q: What does indicating the source mean?

Indicating the source means clearly identifying the author of the work from which you are quoting. The title of the work, the author's name, the publisher, etc. should be clearly indicated in a reasonable way that is appropriate for the form of reproduction or exploitation.

Q: Can quotations be summarized or translated?

This type of quotation is of course possible, but care should be taken because a mistranslation or mistaken summary may infringe on the author's moral rights.

Q: What about critical quotations or distorted quotations?

You are of course free to quote something correctly for the purpose of criticism. However, if the content is intentionally altered in a way that does not agree with the author's wishes or that is slanderous, you may be charged with infringement of the author's moral rights, libel, etc.

Q&A

Q: What about "quoting photographs?"

The point is whether or not it meets the conditions required for quoting a work. For example, if you included a portrait photo of someone simply because they appeared in the work, this would not meet the requirement that it is "necessary to quote from B in order to make A" and permission for use would not be granted.

Q: Are books containing collections of paintings or pictorial catalogs of exhibitions "quotations?"

The term "booklet" recognized under copyright law refers to simple pamphlets. Collections of pictures in book form such as exhibition catalogs, posters, postcards, etc. made for commercial sales are considered to be reproductions, not "quotations," and therefore they are subject to reproduction rights. Judicial precedents exist for this.

Q: Are photographs or catchphrases used in advertising "quotations?"

Is it possible to "quote" the photographs, illustrations or catchy words of another person in advertising? In almost every case, this does not meet the conditions required for quoting from a work and therefore permission will most likely not be granted.

Q: What about "quoting" from a website?

Websites are also works. Even websites that claim to be "link-free" are still subject to copyright. It is necessary to get permission in order to use a website. Moreover, in some cases the illustrations and photographs used in a website are subject to a separate copyright. Keep in mind that permission from the website copyright holder may not be considered the official permission needed for use of the pictures.

Q: Is freeware downloaded from the Internet subject to copyright?

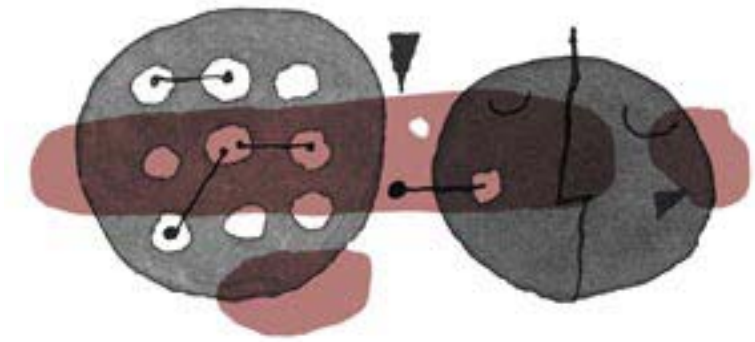
Software available on the Internet includes freeware, which can be downloaded without charge, and shareware, for which you must pay. Is freeware subject to

Q&A

copyright? Just because something is free does not mean that its rights are renounced. In many cases, the author of the freeware makes it available to a wide audience for free with the intention of recovering his initial investment by charging in the future for upgraded versions. In such cases, the copyright owner has not renounced his rights to the work but rather has merely temporarily refrained from exercising them.

Q: Is it possible to make a book that is all quotations collected from different sources?

Occasionally, some publishers plan this kind of project. However, this is not considered quotation. To gather little pieces from a great number of previously published works to make a single book is indisputably exploitation of the work. However, this involves use of the reproduction rights, not of the publishing rights, which concern publication of the entire work, and therefore permission must be obtained from the author not from the publisher. Accordingly, a publisher cannot give permission to a third party to reproduce part of the work without the consent of the copyright owner, whether it is for advertising the publication or any other reason. The right to give permission belongs solely to the copyright owner.



Appendix

International Conventions, Treaties and Trends

Appendix | International Conventions, Treaties and Trends

Legal systems concerning intellectual property rights differ from one country to another depending on cultural and industrial policies and other factors. The rapid advance of globalization through the establishment of transportation and communications infrastructure, however, has resulted in new problems such as trade friction and conflict over intellectual property rights. In particular, conflicts over copyright, including pirate music CDs and computer software, have created major problems. For this reason, various countries that had no previously established legislation have successively enacted a series of laws over the last decade. The establishment of domestic laws alone, however, is not sufficiently effective in controlling these problems. Therefore, in order to find an international solution, various networks and rules have been established. The most representative of these are described below. (The number of member nations/area is for July 2004. As for Hong Kong and Macau, the copyright related treaties and neighboring rights related treaties signed by China are applied.)

Berne Convention

The full name of this treaty is The Berne Convention for the Protection of Literary and Artistic Works. Established in 1886, it is the oldest international copyright treaty and it was revised in 1928 in Rome, in 1948 in Brussels and in 1975 in Paris. The United States joined for the first time in 1989. There are currently 155 contracting states. The three main principles of the Berne Convention are: 1) national treatment (contracting states agree to give nationals of foreign contracting states the same treatment with respect to protection of rights as they give to their own nationals); 2) retroactivity (all works are protected, even those that were made before treaty came into effect, excluding those that have become public property); 3) unconditionality (protection is automatic and not conditional upon compliance with any formality.)

Universal Copyright Convention

The United States and Latin American countries required registration, delivery and indication of copyright in order to receive copyright protection and therefore they did not initially join the Berne Convention, which was exploring unconditional copyright. It was therefore necessary to establish some contract between countries that required formalities and those that joined the Berne Convention, which was unconditional. With UNESCO acting as intermediary, the Universal Copyright Convention was established in 1952, allowing both types to become members. This treaty made it possible for works from contracting states of the unconditional Berne Convention to receive protection even in countries that required formalities as long as they indicated the copyright symbol, the copyright owner's name and the year the first edition was published. UNESCO handles the business affairs for this Convention. In addition to indication of the copyright symbol, other features of the Convention include national treatment (see above) and non-retroactivity. (the treaty does not apply to works that did not receive protection in the country required to give protection when the treaty was signed.) There are currently 98 member states.

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (also known as the Rome Convention and the Convention for Protection of Performers, etc.)

This Convention was made by the Berne Alliance, the International Labor Organization (ILO) and UNESCO to protect the rights of performers, producers of phonograhs and broadcasting organizations. Although national treatment is one of its features, unlike national treatment under the Berne Convention and other treaties it only provides national protection for the rights stipulated under this Convention. As for the content of protection, it grants performers the right to stop unauthorized broadcasting, recording and filming of performances as well as the right to compensation for secondary use of broadcasting commercial records. It grants producers of phonograms reproduction rights to records and to compensation for secondary use of commercial records during broadcasting, and it grants broadcasting organizations the right to re-broadcast, and the right to audio and visual recordings. There are currently about 77 contracting states.

Treaty for the Protection of Phonogram Producers from Unauthorized Reproduction of Phonograms (Phonogram Protection Treaty)

Established in 1971 by UNESCO and WIPO, this treaty aims to prevent pirate phonograms. In addition to banning the unauthorized reproduction of phonograms, it protects the rights of phonogram producers in foreign contracting states concerning import and distribution. There are currently 73 member nations.

Uruguay Round and the WTO Agreement

The Uruguay Round refers to the multilateral negotiations for the General Agreement on Tariffs and Trade (GATT) held in Uruguay from 1986. Subjects discussed under intellectual property rights came to fruition as the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement) established in January 1995 after eight years of negotiations. This Agreement dissolved GATT and replaced it with the WTO. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which established new rules for the protection of intellectual property rights, was also established.

Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)

This Agreement consists of seven sections and 73 articles and stipulates the following intellectual property rights: 1) copyright and related rights; 2) trademarks; 3) geographical indications; 4) industrial designs; 5) patents; 6) layout designs of integrated circuits; 7) protection of undisclosed information; and 8) control of anti-competitive practices in contractual licenses. Concerning copyright, respect for the rules of the Berne Convention is a prerequisite. In addition, it recognizes the movement towards extension of the term of protection. Currently, 147 countries and territories have acceded to the agreement.

World Intellectual Property Rights Organization (WIPO)

WIPO is an international organization established in 1970 to promote protection of intellectual property rights throughout the world and ensure the cooperation of the alliance for administration. In 1974 it became an agency of the United Nations and its headquarters are located in Geneva, Switzerland.

WIPO seeks to strengthen international copyright protection in response to rapid advances in information technology such as the Internet and changes in social conditions. Establishment of an annex to the Berne Convention was examined from 1991 resulting in the WIPO Copyright Treaty and the WIPO Performers and Phonograms Treaty.

WIPO Copyright Treaty

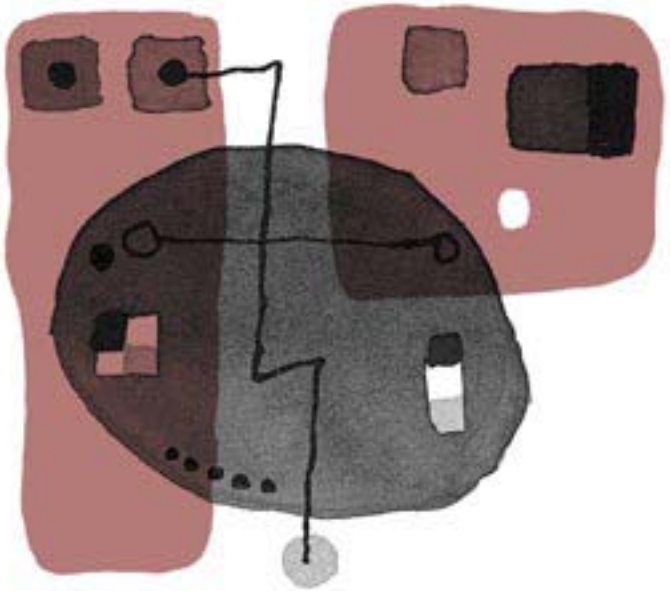
The Berne Convention is revised about once every twenty years. However, any revisions require the unanimous vote of the entire alliance, despite the fact that the number of contracting nations has increased. The WIPO Copyright Treaty was established to supplement and strengthen the Berne Convention in response to digitalization and networks. Accordingly, the basic principles of national treatment, unconditional protection and retroactivity remain the same. The main content of the treaty is as follows: 1) protection of computer programs; 2) protection of compilations of data and databases; 3) provisions on transfer of rights for all works; 4) commercial rights concerning computer programs, cinematographic works and phonograms; 5) right of communication to the public (right of interactive transmission and right to make work accessible); 6) extension of duration of protection for photographs (more than 50 years after death); 7) prohibition against removing copy protection, etc.; and, 8) prohibition against altering rights management information. There are currently about 47 contracting countries.

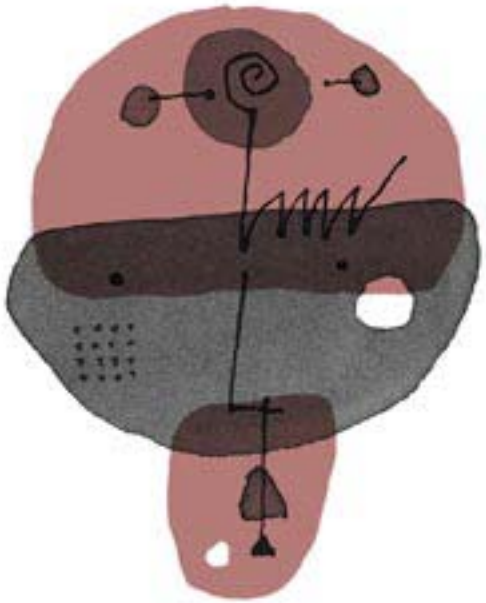
WIPO Performers and Phonograms Treaty

Although the subject of this treaty is performers and phonogram producers, it is considered completely separate from the International Convention for the Protection of Performers, Etc., the basic treaty for neighboring rights, because the U.S. has not ratified the latter. Its features include: 1) recognition of the moral rights of performers and the right to make their work public, etc.; and 2) the granting of various rights to performers involved in recording and phonogram producers such as reproduction rights, the right to commercially loan the work and the right to transfer rights. The treaty only covers the audio performances and careful attention should be given to the fact that audio-visual performances are to be examined next. There are currently 43 contracting nations.

In this way, the countries of the world have worked to establish a framework for international protection of copyright. In recent years, international systems for protecting intellectual property rights, including copyright, have become increasingly harmonized.

List of Member Nations/Area of International Treaties





[Legend]

* The full name of the Treaties

Berne Convention …
The Berne Convention for the Protection of Literary and Artistic Works

Rome Convention …
International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

Phonogram Protection Treaty …
Treaty for the Protection f Phonogram Producers from Unauthorized Reproduction of Phonograms

WTO Agreement …
The Marrakesh Agreement Establishing the Word Trade Organization

WCT …
WIPO Copyright Treaty

WPPT …
WIPO Performers and Phonograms Treaty

Member nations/area of International Treaties

Alphabetical Order

(July, 2004)

Asia Area	Berne Convention				Universal Copyright Convention		Rome Convention	Phonograms Protection Treaty	WTO Agreement	WCT	WPPT
	Revised at Roma	Revised at Brussels	Revised at Stockholm	Revised at Paris	1952 Convention	1971 Convention					
Bangladesh				○	○	○			○		
Bhutan											
Brunei Darussalam									○		
Cambodia					○						
China				○	○	○		○	○		
Hong Kong									○		
India	○	○		○	○	○		○	○		
Indonesia				○					○	○	
Japan	○	○		○	○	○	○	○	○	○	○
Korea				○	○	○		○	○	○	
Laos					○						
Macao									○		
Malaysia				○					○		
Maldives									○		
Mongolia				○					○	○	○
Myanmar									○		
Nepal									○		
North Korea				○							
Pakistan	○		○		○				○		
Philippines		○		○	○		○		○	○	○
Singapore				○					○		
Sri Lanka	○			※	○	○			○		
Taiwan									○		
Thailand				○					○		
Viet Nam											

Middle East Area	Berne Convention				Universal Copyright Convention		Rome Convention	Phonograms Protection Treaty	WTO Agreement	WCT	WPPT
	Revised at Roma	Revised at Brussels	Revised at Stockholm	Revised at Paris	1952 Convention	1971 Convention					
Bahrain				○					○		
Cyprus	○			○	○	○		○	○	○	
Iran											
Iraq											
Israel	○	○	○		○		○	○	○		
Jordan				○					○	○	○
Kuwait									○		
Lebanon	○				○		○				
Oman				○					○		
Qatar				○					○		
Saudi Arabia				○	○	○					
Syria				○							
Turkey		○		○			○		○		
United Arab Emirates				○					○	○	
Yemen											

NIS Area	Berne Convention				Universal Copyright Convention		Rome Convention	Phonograms Protection Treaty	WTO Agreement	WCT	WPPT
	Revised at Roma	Revised at Brussels	Revised at Stockholm	Revised at Paris	1952 Convention	1971 Convention					
Armenia				○			○	○	○		
Azerbaijan				○	○			○			
Belarus				○	○			○		○	○
Georgia				○					○	○	○
Kazakhstan				○	○			○			
Kyrgyz				○			○	○	○	○	○
Moldova				○	○		○	○	○	○	○
Russia				○	○	○	○	○			

Tadzhikistan				○	○					
Turkmenistan										
Ukraine				○	○		○	○		○	○
Uzbekistan										

EU Area	Berne Convention				Universal Copyright Convention		Rome Convention	Phonograms Protection Treaty	WTO Agreement	WCT	WPPT
	Revised at Roma	Revised at Brussels	Revised at Stockholm	Revised at Paris	1952 Convention	1971 Convention					
Austria	○	○	○	○	○	○	○	○	○		
Belgium	○	○	○	○	○		○		○		
Denmark	○	○	○	○	○	○	○	○	○		
England	○	○	○	○	○	○	○	○	○		
EU									○		
Finland	○	○	○	○	○	○	○	○	○		
France	○	○		○	○	○	○	○	○		
Germany	○	○	○	○	○	○	○	○	○		
Hellenic	○	○		○	○		○	○	○		
Ireland	○	○	○		○		○		○		
Italy	○	○		○	○	○	○	○	○		
Luxembourg	○	○		○	○		○	○	○		
Netherlands	○	○		○	○	○	○	○	○		
Portugal	○	○		○	○	○	○		○		
Spain	○	○	○	○	○	○	○	○	○		
Sweden	○	○	○	○	○	○	○	○	○		

Europe Area	Berne Convention				Universal Copyright Convention		Rome Convention	Phonograms Protection Treaty	WTO Agreement	WCT	WPPT
	Revised at Roma	Revised at Brussels	Revised at Stockholm	Revised at Paris	1952 Convention	1971 Convention					
Albania				○			○	○	○		○

Andorra				○	○					
Bosnia and Herzegovina				○	○	○				
Bulgaria	○			○	○	○	○	○	○	○
Croatia	○	○		○	○	○	○	○	○	○
Czech				○	○	○	○	○	○	○
Estonia				○			○	○	○	
Hungary	○			○	○	○	○	○	○	○
Iceland	○			○	○		○		○	
Latvia				○			○	○	○	○
Liechtenstein	○	○	○	○	○	○	○	○	○	
Lithuania				○			○	○	○	○
Macedonia				○	○	○	○	○	○	
Malta	○			※	○				○	
Monaco	○	○		○	○	○	○	○		
Norway	○	○		○	○	○	○	○	○	
Poland	○			○	○	○	○		○	○
Rumania	○		○	○			○	○	○	○
San Marino										
Serbia and Montenegro	○	○		○	○	○	○	○		○
Slovakia				○	○	○	○	○	○	○
Slovenia	○	○		○	○	○	○	○	○	○
Switzerland	○	○	○	○	○	○	○	○	○	
Vatican	○	○		○	○	○		○		
North America Area	Berne Convention				Universal Copyright Convention		Rome Convention	Phonograms Protection Treaty	WTO Agreement	WCT	WPPT
	Revised at Roma	Revised at Brussels	Revised at Stockholm	Revised at Paris	1952 Convention	1971 Convention					
America				○	○	○		○	○	○	○
Canada	○		○	○	○		○		○		

Central America Area	Berne Convention				Universal Copyright Convention		Rome Convention	Phonograms Protection Treaty	WTO Agreement	WCT	WPPT
	Revised at Roma	Revised at Brussels	Revised at Stockholm	Revised at Paris	1952 Convention	1971 Convention					
Antigua and Barbuda				○					○		
Bahamas		○		※	○	○					
Barbados				○	○	○	○	○	○		
Belize				○	○				○		
Common wealth of Dominica				○			○		○		
Costa Rica				○	○	○	○	○	○	○	○
Cuba				○	○				○		
Dominican Republic				○	○	○	○		○		
El Salvador				○	○	○	○	○	○	○	○
Grenada				○					○		
Guatemala				○	○		○	○	○	○	○
Haiti				○	○				○		
Honduras				○			○	○	○	○	○
Jamaica				○			○	○	○	○	○
Mexico		○		○	○	○	○	○	○	○	○
Nicaragua				○	○		○	○	○	○	○
Panama				○	○	○	○	○	○	○	○
Saint Christopher and Nevis				○					○		
Saint Lucia				○			○	○	○	○	○
Saint Vincent and the Grenadines				○	○	○			○		
Trinidad and Tobago				○	○	○		○	○		

South America Area	Berne Convention				Universal Copyright Convention		Rome Convention	Phonograms Protection Treaty	WTO Agreement	WCT	WPPT
	Revised at Roma	Revised at Brussels	Revised at Stockholm	Revised at Paris	1952 Convention	1971 Convention					
Argentina		○		○	○		○	○	○	○	○
Bolivia				○	○	○	○		○		
Brazil	○	○		○	○	○	○	○	○		
Chile		○		○	○		○	○	○	○	○
Colombia				○	○	○	○	○	○	○	○
Ecuador				○	○	○	○	○	○	○	○
Guyana				○					○		
Paraguay				○	○		○	○	○	○	○
Peru				○	○	○	○	○	○	○	○
Surinam				○					○		
Uruguay		○		○	○	○	○	○	○		
Venezuela				○	○	○	○	○	○		

Africa Area	Berne Convention				Universal Copyright Convention		Rome Convention	Phonograms Protection Treaty	WTO Agreement	WCT	WPPT
	Revised at Roma	Revised at Brussels	Revised at Stockholm	Revised at Paris	1952 Convention	1971 Convention					
Algeria				○	○	○					
Angola									○		
Benin		○		○					○		
Botswana				○					○		
Burkina Faso				○			○	○	○	○	○
Burundi									○		
Cameroon		○		○	○	○			○		
Cape Verde				○			○				
Central African Republic				○					○		
Chad		○	○						○		

Congo		○		○			○		○		
Cote d'Ivoire		○		○					○		
Djibouti				○					○		
Egypt				○				○	○		
Equatorial Guinea				○							
Eritrea											
Ethiopia											
Gabon		○		○					○	○	○
Gambia				○					○		
Ghana				○	○				○		
Guinea				○	○	○			○	○	○
Guinea-Bissau				○					○		
Kenya				○	○	○		○	○		
Lesotho				○			○		○		
Liberia				○	○						
Libya				○							
Madagascar		○							○		
Malawi				○	○				○		
Mali		○		○					○	○	○
Mauritania			○	○					○		
Mauritius				○	○				○		
Morocco	○	○	○	○	○	○			○		
Mozambique									○		
Namibia				○					○		
Niger		○		○	○	○	○		○		
Nigeria				○	○		○		○		
Republic of Congo		○		○				○	○		
Rwanda				○	○	○			○		
Sao Tome and Principe											
Senegal		○	○	○	○	○			○	○	○

Seychelles										
Sierra Leone								○		
Somalia										
South Africa	○	○		※				○		
Sudan				○						
Swaziland				※				○		
Tanzania				○				○		
Togo				○			○	○	○	○
Tunisia	○	○		○	○	○		○		
Uganda								○		
Zambia				○	○			○		
Zimbabwe	○							○		

Oceania Area	Berne Convention				Universal Copyright Convention		Rome Convention	Phonograms Protection Treaty	WTO Agreement	WCT	WPPT
	Revised at Roma	Revised at Brussels	Revised at Stockholm	Revised at Paris	1952 Convention	1971 Convention					
Australia	○	○	○	○	○	○	○	○	○		
Fiji		○	○		○		○	○	○		
Micronesia				○							
New Zealand	○				○			○	○		
Papua New Guinea									○		
Samoa											
Solomon Islands									○		
Tonga				○							

※…Concluded only Special Provisions Regarding Developing Countries

from COPYRIGHT No.521 (CRIC)