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## Introduction and Proceedings

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### Introduction

The “Seminar on Copyright Protection in the Digital Environment (hereinafter called Seminar)” was co-organized by the Asia/Pacific Cultural Centre for UNESCO (ACCU) and National Copyright Administration of China (NCAC), in cooperation with UNESCO, the Japan Copyright Office (JCO) of the Agency for Cultural Affairs and China National Publications Import & Export (Group) Corp.

Prior to this Seminar, ACCU, since its inception in 1971, has been promoting copyright among publishers and creators in Asia and the Pacific through training programmes and by providing latest information through magazines and websites. Under these circumstances, ACCU and JCO produced in 2004 a handbook in English titled “Asian Copyright Handbook” to disseminate basic information about copyright for those engaged in book production such as writers, illustrators, editors and publishers. Furthermore, a programme to organize a series of workshops and seminars in several Asian countries responding to their needs on copyright issues and to promote copyright awareness started in 2005, in co-operation with UNESCO. So far, ACCU has organized workshop/seminars in Viet Nam, Myanmar and Indonesia in 2005 – 2006, and the Seminar held in Beijing, People’s Republic of China from 30 to 31 May 2006, was the fourth one in the series.

With today’s fast-changing technology, it is imperative that all people engaged in the administrative fields of copyright be aware of the latest issues and problems in copyright in the digital environment. The Seminar invited international resource persons who provided the latest information and challenges to copyright under the digital environment from various perspectives, as well as Chinese experts to explain about the new copyright law and its enforcement.

The objectives of the Seminar were for the organization and personnel in the field of the copyright in China;

- 1) To share information about the current situations of copyright in the digital environment;
- 2) To share the latest information on international treaties and organizations, such as WIPO, TRIPS, and UNESCO; and

- 3) To promote exchange among people concerned in copyright in China as well as abroad, and develop future cooperation.

More than 60 participants and observers, including local copyright administrative officers, publishers and lawyers from various regions of China, gained the latest information on and challenges to copyright protection in the digital environment, and an understanding of the various perspectives and international treaties and organizations relating to copyright in the digital environment from the lectures and question-and-answer in the Seminar.

### Proceedings

#### Day One: 30 May 2006

The Seminar on Copyright Protection in the Digital Environment commenced with the Opening Ceremony at 9:30 on 30 May 2006 at Tianlun Song He Hotel with the attendance of more than 80 people, including participants, observers, guests and organizing committee members.

Mr. YAN Xiaohong, Vice-Minister, NCAC, delivered the opening address. He referred to the digital technology in today’s knowledge-based economy, and how such an environment is affecting copyright protection. He explained the current state of China’s internet industry and the impact of its market scale and development potential. Then, he introduced various recent countermeasures against copyright infringement in China, such as campaigns by NCAC, new regulations which will be put into effect very soon, reinforcement of administration and enforcement, and establishment and improvement of related organizations. He also mentioned China’s joining WCT and WPPT and expressed China’s determination to combat copyright infringement and piracy. Lastly, he thanked ACCU, UNESCO, World Intellectual Property Organization (WIPO), and the Agency for Cultural Affairs of Japan for their support.

Next, Mr. SATO Kunio, former Director-General of ACCU, made an opening speech. First, he thanked the co-organizers, NCAC for their support, and the international and Chinese resource persons for their contribution. He pointed out the importance of copyright, which serves as a foundation for cultural diversity. He then briefly explained about the activities of ACCU, such as programmes in

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safeguarding cultural heritage, education, and personnel exchange, and pointed out that because ACCU serves for preservation of indigenous cultures in Asia, it puts special emphasis on copyright awareness programmes. He said that the Seminar focusing on the latest issues in the digital environment is a new challenge for ACCU, but believed that it will benefit those who work for protection of copyright, since it is of the utmost concern in present-day China. Lastly, he hoped the participants would utilize the fruits of the Seminar, and thanked the Agency for Cultural Affairs and UNESCO for their unwavering assistance.

Ms. Petya TOTCHAROVA, Legal Advisor, Cultural Enterprise and Copyright Section, Division of Arts and Cultural Enterprise, Culture Sector, UNESCO, delivered the next address. She first thanked NCAC and ACCU for their timely organization of the Seminar on the topic. She then explained about the mandate of UNESCO and that, in order to promote and protect cultural diversity, efficient copyright protection is necessary. She said that UNESCO puts emphasis on awareness-raising initiatives in the framework of the UNESCO Global Alliance for Cultural Diversity. She stressed that the fundamental principles of copyright are to promote arts and sciences and to spread culture, and introduced the Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace adopted at the 2003 UNESCO General Conference. Lastly she thanked NCAC and Renmin University for their continuing cooperation with UNESCO in promoting copyright initiatives.

The last person to give an address at the ceremony was Mr. AKIBA Masashi, Director, International Affairs Division, Japan Copyright Office (JCO), Agency for Cultural Affairs of Japan. He first thanked NCAC and ACCU for the realization of the Seminar. Then he referred to the importance of copyright protection and how it benefits society. He expressed appreciation for China's recent efforts to combat copyright infringement and piracy, and its preparation for the accession of WCT and WPPT. Finally he wished the participants to be good disseminators of copyright in the digital age in China.

Then all the NCAC and ACCU officials, resource persons and participants posed for a group photo at the hotel entrance.

The first speaker at the Seminar was Ms. TOTCHAROVA on "Copyright in the Digital Environment". Mr. LIU Jie, Deputy Director General, Copyright Department, NCAC, moderated the session. Ms. TOTCHAROVA discussed the

endeavours of UNESCO to contribute to the debate on evolution of copyright in the information society along with other intergovernmental organizations. She first introduced the adoption of the Universal Copyright Convention by UNESCO to extend copyright protection worldwide by creating a legal common denominator. Then she moved on to talk about the challenges of the digital environment and the complex situation for various stakeholders, and introduced two international treaties, WCT and WPPT, which were signed in 1996 to enhance legal framework and copyright enforcement. She outlined some aspects of UNESCO's approach, including the adoption of the Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace. She outlined two most important issues related to copyright in the Recommendation, public domain information and fair balance between the interests of rights-holders and those of users. The latter part of her presentation focused on the negative impact of piracy. Referring to a report carried on the UNESCO Copyright Bulletin, she described three negative effects. They are; 1) on creative industries and local economies, 2) on sustainable development and 3) on society. Following her presentation, the moderator invited questions from the participants. Major questions and answers are attached to the lecture in the ANNEX.

After lunch break, the Seminar resumed with a presentation by Prof. GUO Shaukang, UNESCO Chairholder in Copyright and Neighbouring Rights, Renmin University of China. Mr. JIANG Maoning, Director, General Division, Copyright Department, NCAC, moderated the session. Prof. GUO explained about the current legislative progress in China concerning copyright protection in the digital environment. In particular, he discussed the amendment to the Copyright Law of China in 2001, and amendments to the Regulations for the Implementation of the Copyright Law, Administration of Audio-Visual Products, Protection of Computer Software, and Customs Protection Regulations for Intellectual Property Rights as well as Measures for the Implementation of Copyright Administrative Penalties, Regulations on Copyright Collective Management and Measures for the Administrative Protection of Internet Copyright. He also mentioned the Regulations on Protection for the Right of Communication through Information Network. No question-and-answer session was held for Prof. GUO's presentation.

The next presentation was by Ms. GAO Hang, Deputy Dean and Head of the Policy Programme, WIPO Worldwide Academy, entitled "International

Treaties and Conventions Responding to Digital Environment”. Mr. JIANG Maoning moderated the session. Ms. GAO first described the basic facts and terminology regarding copyright, such as works, rights, technology and international conventions. She then mentioned the challenges to copyright protection and responses in terms of commercial, technological and legal measures. She introduced the objectives of WCT and WPPT, and presented current member states of the two treaties. She then elaborated on the main issues in the international sphere, especially the future issues. Following her presentation, the moderator invited questions from the participants.

In the evening, all the participants and guests enjoyed a welcome dinner hosted by NCAC and ACCU at Tianlun Song He Hotel from 18:30 to 20:00, where Mr. YAN Xiaohong and Mr. SATO Kunio made welcoming addresses.

### **Day Two: 31 May 2006**

The second day of the Seminar started with a presentation by Dr. NOGUCHI Yuko, Attorney-at-Law, Intellectual Property Section, Mori, Hamada & Matsumoto, Tokyo, Japan, on the theme, “Several New Topics of Digital Copyright”. Ms. SASAKI Mariko, Deputy-Director of Culture Division, ACCU, moderated the session. Dr. NOGUCHI’s presentation was mainly on the dilemmas regarding copyright protection and access to copyrighted works caused by the spread of digital and network technologies. Anti-circumvention regulations which were intended to react to copyright infringement have raised problems in 1) how to deal with copyright exemptions, and 2) scientific research related to DRM technologies. She described three different approaches to each issue, by Japan, the European Union and the USA and concluded that careful balance to distinguish pirates from security researchers should be necessary to improve security technologies. Following her presentation, the moderator invited questions from the participants.

The second presenter of the day was Mr. WANG Zhiguang, Deputy Director, Intellectual Property Division, Economic Crime Investigation Department, Ministry of Public Security of China. Ms. SASAKI moderated the session. Mr. WANG started by describing the main types and core instruments of intellectual property rights infringement and piracy on the internet. He described cases of BT technologies and discussed legal responsibilities, characteristics of internet infringement and difficulties in investigation, showing various examples. He showed current

trends of legal enforcement in each country and ended the lecture with some suggestions to tighten up the punishment for IPR infringement crimes on the internet. When his presentation was finished, the moderator invited questions from the participants.

The afternoon session began at 13:45 with a presentation by Mr. TANG Guangliang, Professor, Intellectual Property Rights Center, Chinese Academy of Social Sciences. Ms. SASAKI was the moderator for the session. Prof. Tang’s presentation focused on various issues of collective management in China. It covered 1) roles of the copyright industry, 2) the need for copyrights to be administered by a third party, 3) rights such as performing rights, photocopying rights, public lending rights, etc, that utilize collective management, 4) issues and problems that may be present in China, etc. After his presentation the moderator invited questions from the participants.

The last presentation of the Seminar was delivered by Mr. WEI Feng, Director, Shanghai Office, Association of Copyright for Computer Software (ACCS) based in Japan. His presentation focused on the contents distribution industry in Japan. Ms. SASAKI moderated the session. Mr. WEI first introduced the general outline of ACCS. He then described the current state of the spread of the internet, content delivery and market scale of digital contents, such as video, music, games and books in Japan, showing various statistics. Next he described legal measures in Japan, and how ACCS relates to them. He described cases of piracy and copyright infringement in the digital environment, and lastly explained how Japan and ACCS respond to infringements using file exchange software. After his presentation, the moderator invited questions from the participants.

When all the presentations were completed at 16:30, time was allocated for the closing ceremony. First, Mr. SATO Kunio congratulated everyone on the success of the Seminar, thanked the participants for their strenuous work and hoped they would bring the seminar spirit to their daily work. Mr. LIU Jie, on behalf of NCAC, made a closing remark, appreciating the cooperation of the people and organizations concerned.

The two-day seminar came to a successful end at 16:45.