

Module: Legal Issues

Thibault Verbiest for the eTTEC project – Training 2003-10-13 in Itzehoe (Germany)







Legal Issues - Overview

- Protection of eContent in European Markets
- Expansion/Localisation vs Consumer and Privacy Protection
- Applied Legal Aspects on European expansion

el'ontent





Protection of eContent in European Markets







Protection of eContent Overview

- Copyright
 - Berne Convention
 - Directive 91/250/EEC on the legal protection of computer programs
 - Directive 96/6/EC on the legal protection of databases
 - Directive 2001/29/EC on copyright and related rights in the information society
- Trade marks & trade names
- Company name
- Domain names







Protection of eContent

- Legal qualification of a website
 - Website as such is protected as a work of multimedia
 - Additional database protection?
 - May contain content protected by copyright (text, photos, sounds, etc.)
 - Is supported by software (e.g. for online payments)
- Associated legal issues
 - Unfair competition: metatags, hyperlinks, domain names





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Breaking news

THE SUNDAY TIMES

Campbell must go, urge MPs

EBEN BLACK AND JONATHON CARR-BROWN

Alastair Campbell, the prime minister's communications chief, yesterday faced Labour demands for his position to be abolished and his powers to be curbed

Leader: It's a smokescreen

Watchdog probes Eton and Harrow for fee fixing

ROBERT WINNETT AND JONATHAN CALVERT

Britain's top public schools are facing an official inquiry into allegations that they have been operating illegal cartels to fix fees

Leader: The old school fixers

Hundreds of vitamin pills to be banned

Ministers are introducing regulations that will outlaw the sale of 270 minerals and vitamins used by people suffering ailments from arthritis to PMT

BRITAIN



Model behaviour: The supermodel Kate Moss strolls around the Glastonbury festival in Somerset, where more than 100,000 music fans were blessed with blazing sunshine

WORLD

The army admitted that six British military policemen killed by a mob in Iraq last week died because reinforcements sent to help another unit did not know they were there

MAGAZINE

Her fall from breakfast TV couldn't halt her lust for stardom. Now Kelly Brook is going all out to seduce Hollywood. Has she got the front to do it?

REVIEW

Pictures of a birthday party, forgotten for half a century until they were unearthed by Simon Sebag Montefiore, led him to discover a story of romance and terror at the court of Stalin

SPORT

Tim Henman beat the unseeded Robin Soderling 6-3 6-1 6-4 at Wimbledon. He won in 93 minutes and now faces last year's runnerup David Nalbandian

TRAVEL

Wouldn't it be good if

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Protection of eContent Berne Convention

- protection of the rights of authors in their literary and artistic works
- Authors of an <u>original</u> work shall enjoy the exclusive right of authorizing:
 - Communication to the public
 - Reproduction
 - Modification or translation
- Licence is required if you are not the author







Protection of eContent Information Society

- Protection of databases:
 - Traditional copyright protection for the structure
 - Sui generis protection for the content
 - Substantial investment
 - Maker of a database has an exclusive right to prevent extraction and/or re-utilization
- Protection of Computer programs
 - by copyright as literary works
 - Authorship: contractor or employee
 - Decompilation
 - Patent?



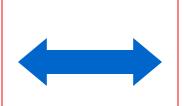




Protection of eContent Information Society

- Copyright and related rights in the information society:
- The Digital Dilemma:

Traditional world distribution involves sale of physical copy





Digital world

Digital content is often licensed, not sold

 Temporary copy and reproduction is required

- Transmission networks
- Access and use



Protection of eContent



Copy right and related rights in the information society:

Directive 2001/29/EC

- Confirms the exclusive rights of the authors
- Temporary acts of reproduction
 - Transmission in a network
 - Lawful use
- Technological measures and rights management
 - « The answer to the machine is in the machine »
 - Anti-circumvention legislation (cf. DeCCS case)
 - Technological measures prevent copyright infringements, but also lawful reproduction







Protection of eContent

• Trade Marks

- Trade Names
- distinctive sign (word symbol, logo, color)
- Trade mark = quality label
- Formal protection: register
 - National registration
 - Internation
 - EU Comm mark





- distinctive sign
- No formal requirements
- Protected by copyright IF original
- Unfair trade practices (2003 Proposal)





Protection of eContent company name

• Can be protected as a trade mark or under copyright.



 Additional protection if registered in a trade, commercial or similar register







Protection of eContent Domain Names

- « first comes, first served » principle
- Importance to register the necessary
 - Top level domain names:
 - Generic (gTLD): .com, .org, .net, etc.
 - Country code (ccTLD): .be, .nl. es., it., etc.
 - Sub-level domain names: trade marks, trade names
 - http://www.cocacola.com
 - http://www.cocacola.be
- Where to register? <u>http://www.icann.org/</u>



