



Stakeholder Engagement

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DIGITAL CREATIVITY – CULTURE REIMAGINED: LEGAL COMPLICATIONS

by

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DIGITAL ERA: A NEW LEGAL ENVIRONMENT

- ❑ **the era of digitisation came hand-in-hand with the era of the knowledge economy: access to information has become paramount**
 - ❖ **users want easier and quicker access to information; users want to share information; users want to manipulate information**
 - ❖ **copyright owners want their works to be disseminated to bigger audiences in order to generate increased commercial benefit**
 - ❖ **wider distribution of copyright works and easier access and copying lead to increased levels of infringement, increased problems with enforcement**
 - ❖ **brand owners want their products to be made available to more consumers and in a more aggressive/persuasive manner**
 - ❖ **wider availability of products and uncontrolled access to products increase the risk of consumers receiving poor quality or counterfeit products**
- ❑ **the internet offers a quick and easily accessible playing field; this may eventually become a battlefield between right owners and infringers/counterfeiters**

DIGITAL ERA: A NEW LEGAL ENVIRONMENT

- ❑ **digital technology has enhanced the creative ability of creators and artists; physical constraints and national borders have been removed; legal jurisdictions have been diluted**
 - ❖ **new works can be conceived, created, changed by pressing a few buttons**
 - ❖ **new works can be distributed world-wide without time or postal restrictions**
- ❑ **electronic versions of copyright works and of marketing tools, and on-line marketing and purchasing options, have overtaken previous conventional ways of doing business**
 - ❖ **the need to monitor and keep track of electronic copying and distribution of works and electronic transactions has become more important**
 - ❖ **the tools and equipment needed to monitor and prevent unauthorised actions have become more sophisticated**
- ❑ **this means that the challenge to enforce intellectual property rights in the digital era has become more complex**

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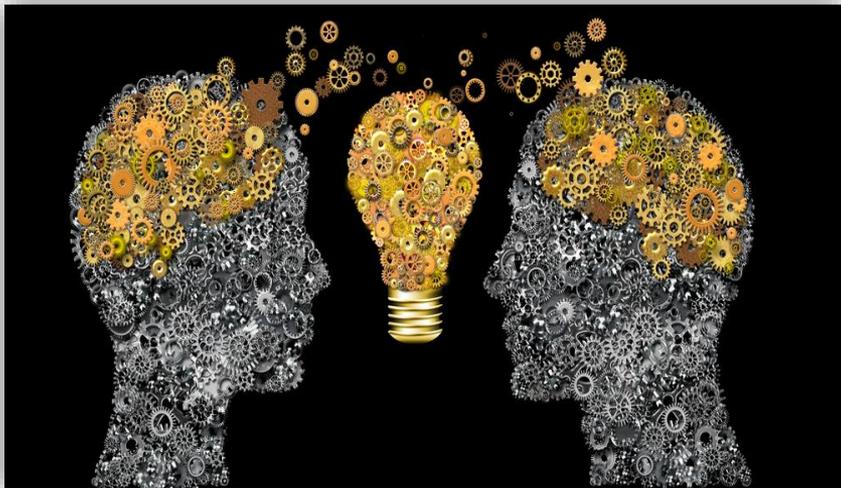
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- ❑ **the electronic era and the digital revolution have far-reaching effects on the use of copyright works and the enforcement of copyright**
 - ❖ **digitisation is the transcription of copyright works from analogue (human-readable) form to digital (machine-readable) form**
 - ❖ **copyright works (whether words, pictures, sounds) can be stored in a uniform notation on a common medium (eg disk, computer database, memory stick)**
 - ❖ **these digital storage media enable easy access, easy copying, easy changes (adaptations), easy merging/manipulation, easy distribution**
 - ❖ **the use of digital versions is difficult to monitor; unauthorised changes cannot always be detected; unauthorised copying cannot always be tracked down**
- ❑ **recognition of, and adherence to, copyright rules and principles have become more difficult to monitor and enforce**
 - ❖ **copyright works have been dematerialised: the content of a book is separated from the original textual work, the material can be sub-divided and recombined (copy and pasted), the material can be changed, multiple copies can be made**
 - ❖ **new digital files can be created; they have an independent existence, constitute new assets, and may even be new works**

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- ❑ **the digitisation of different products (musical works, video works, literary works, logos) provide new marketing opportunities**
 - ❖ conventional ‘book shelves’ or ‘record shelves’ or ‘DVD shelves’ become ‘virtual shelves’; multiple hard copies are no longer necessary, a single e-copy can be sold and distributed to multiple users
 - ❖ websites can be created where users can access e-works, where new e-works can be introduced and marketed, where e-works can be purchased
 - ❖ authors/creators can engage with potential audiences or customers, creating file-sharing communities, inviting opinions but also requesting funding
- ❑ **the development of e-books not only gives authors the opportunity of reaching wider audiences, but also makes them more vulnerable to infringement and piracy**
 - ❖ the introduction of e-books not only enables illegal downloading or copying, but also illegal distribution (file-sharing), and illegal changing (content corruption, viruses)
 - ❖ this phenomenon also applies to the entertainment industry, where the digitisation occurs in respect of musical and video works

IN CONCLUSION: A NEED TO BALANCE RIGHTS



DIGITAL CREATIVITY: LEGAL COMPLICATIONS

- ❑ **the digital environment has stimulated and facilitated creativity**
 - ❖ but it has also impeded and complicated the recognition and enforcement of the creator's rights
- ❑ **the digital environment has extended and diversified creative works**
 - ❖ but it has also compromised and eroded the integrity and preservation of works so created
- ❑ **therefore: to address these challenges in the digital environment will require a balance of rights and obligations**

Question:

- ❑ **has the time come for the registration of copyright in –**
 - ❖ certain artistic works?
 - logos
 - graphic designs
 - ❖ computer programs?



ANY QUESTIONS?

THANK YOU

FOR YOUR ATTENTION

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