

# Copyright Treaty Enters into Force

**IRIS 2002-1:1/1**

*Natali Helberger  
Institute for Information Law (IViR), University of Amsterdam*

The WIPO Copyright Treaty (WCT) (see IRIS 2000-2: 15 and IRIS 1997-1: 5) will enter into force on 6 March 2002. With the accession of Gabon on 6 December 2001, the key number of 30 countries required for its entry into force has been reached, five years after the Treaty was adopted. Nevertheless, the WCT has already inspired modern legislation in the field of intellectual property law, even before its official entry into force. Prominent examples are the US Digital Millennium Copyright Act (DMCA) and the European Directive on the harmonisation of certain aspects of copyright and related rights in the information society (see IRIS 2001-3: 3, IRIS 2000-7: 3, IRIS 2000-2: 15, IRIS 1999-6: 4 and IRIS 1998-1: 4). The goal of the WCT is to become widely adopted by countries in all regions of the world and to thereby guarantee a global minimum standard of advanced copyright protection.

The WCT aims to update and improve significantly the existing international protection for copyright and related rights, focussing particularly on forms of digital distribution and exploitation of protected works (e.g. via the Internet). To mention just some achievements of the WCT, it clarifies that traditional rights, such as the reproduction right, also apply in the digital environment; it qualifies computer programs and databases as being suitable objects for protection; it introduces the "making available" right to cover forms of individualised on-demand communication to individual members of the public. Further influential initiatives of the WCT are its obligations to support technology that can be used by rights-holders to protect and manage their rights in a digital environment, notably the protection of technological measures against unauthorised circumvention activities and of rights-management information in the context of the exploitation of works in digital form.

The WIPO Performance and Phonograms Treaty (see IRIS 2000-2: 15 and IRIS 1997-1: 5) that was also adopted in 1996, has so far been acceded to by 28 countries; accordingly, it has not entered into force yet.

***"30th Accession to Key Copyright Treaty Paves Way for Entry into Force", Press Release PR/2001/300 of 6 December 2001***

<http://www.wipo.int/pressroom/en/releases/2001/p300.htm>

***WIPO Copyright Treaty (WCT)***

<http://www.wipo.org/eng/diplconf/distrib/94dc.htm>

***WIPO Performance and Phonograms Treaty (WPPT)***

<http://www.wipo.org/eng/diplconf/distrib/95dc.htm>

