

Voluntary Copyright Registration



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State of play of voluntary registration

- Many national public copyright registries
 - Typically with national copyright or IP office
 - Gradually (but slowly) adapting to digital environment
 - Creates a (searchable) public record with information on (prima facie) protected works, authorship, ownership and other © data
 - Can play an important role in filling the © information gap
- Contrast with (closed) private registries
 - Usually oriented towards licensing (e.g. CMOs) or enforcement / liability exemptions for ISPs (e.g. YouTube's Content-ID system)

Encouraging voluntary registration

- Create necessary ‘carrots and sticks’ for registration
 - Evidentiary benefits
 - prima facie proof of facts stated or of validity of the right
 - Enforcement benefits
 - award of statutory damages or attorney’s fees
 - condition to start NTD-procedures
 - condition to sue (only possible for national works)
- Art. 5(2) BC-compliant mandatory forms of registration
 - Recordation of transfers of copyright
 - Mandatory registration of metadata (RMI)
 - Compulsory registration in the country of origin

Challenges of voluntary registration

- Public registries as part of a future © data infrastructure?
 - Requires a reconfiguration of their goals: not mere static records, but increasing transparency and availability of reliable © data
 - National IP offices have to redefine their role in the digital age
 - Requires a shift from national systems to regional/international cooperation (regional/international exchange of © data)
 - Need for interoperability of national systems
 - Use of international recognized standards (unique identifiers)
 - Requires a constructive dialogue at regional/international level
 - Should the © data infrastructure be public, private or both?
 - Who takes the initiative/lead (bottom-up or top-down approach)?