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)?