

About the Book

December 2021 is the silver jubilee of the WIPO Diplomatic Conference which adopted the Internet Treaties. A book about the history of the Internet Treaties over the last twenty-five years is timely. The history of the years since the DipCon is a tale of the copyright and related rights system being engulfed in crisis after crisis as digital networks and technologies threw challenge after challenge. The Book evaluates how well the provisions of the Internet Treaties withstood the phenomenal developments in digital technologies and the Internet over the last 25 years, and how the markets for digital content admirably responded to the technological developments. While doing so the Book deals, *inter alia*, with (i) the politics and process of transposing the Internet Treaties into the legislations of the U.S., EU, Canada and India, (ii) the phenomenal changes in digital technologies which in turn led to new modes of production and distribution of content (eg., Wikipedia and user generated content), (iii) the challenges such modes posed to the conceptual underpinnings of copyright and related rights, (iv) the challenges of enforcement and societal acceptance that copyright and related rights systems had to continually face in countries with high Internet penetration, (v) most American and many European copyright academics turning into copyright sceptics who espoused users' rights and the cult of the public domain, (vi) the growing disjunction between copyright policy study by academics and real-world policy making and adjudication, (vii) strengthening rights and their enforcement becoming an awesome challenge to governments in the U.S. and European Union (viii) the strengths and limitations of Internet-facilitated protest movements, (ix) the highly controversial anti-circumvention and rights management provisions of national implementation legislations coming to undergird the Internet economy, (x) the relatively non-controversial 'safe harbour' status of intermediaries being on the boil due to the emergence of platforms like YouTube which are intermediaries as well as content providers, (xi) the making of the highly contentious EU's Single Digital Market Directive (2019) which did away with the safe harbour status of platforms like YouTube, (xii) the laws made by the EU and Australia to prevent free riding by online news aggregators, (xiii) the Indian Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 which laid down stringent conditions for 'significant social media intermediaries' like Twitter and Facebook for being eligible for safe harbour status, and (xiv) the developments in WIPO after the Conference including the emergence of a strong Access to Knowledge (A2K) movement whose votaries believed that limitations and exceptions are more important than rights, the stalemate which

emerged due to the failure of the A2K movement to get a treaty on limitations and exceptions and of the developed countries to strengthen enforcement, the adoption of a Development Agenda by WIPO and its implementation, the failed attempt to negotiate a plurilateral enforcement treaty ACTA, and the adoption of Beijing Treaty on Audiovisual Performances (BTAP), 2012 and the Marrakesh Treaty for the print disabled, 2013. This Book is a companion volume of the author's *Present at Creation: The Making of WIPO Internet Treaties*, which is a negotiation history of the WIPO Diplomatic Conference (1996) which culminated in the adoption of the WIPO Internet Treaties. It is being published by Springer

Apart from copyright scholars and policymakers the Book should be of interest to experts and practitioners of multilateral negotiations and policymaking given its focus on how well the Internet Treaties negotiated at the WIPO Diplomatic Conference (1996) withstood, over the last twenty-five years the creative gales of destruction as well as about policy negotiations in the U.S., EU, some Member States of EU, Canada, India, and WIPO.