



# US' Digital Millennium Copyright Act

## Why in News

Recently, the Union Minister for Electronics and Information Technology was locked out of his Twitter account for an hour allegedly over a notice received for **violation of the US' Digital Millennium Copyright Act (DMCA) 1998**.

## Key Points

### ▪ Digital Millennium Copyright Act:

- It is a law passed in the US and is among the **world's first laws recognising [Intellectual Property \(IP\) on the internet](#)**.
- The DMCA oversees the implementation of two **1996** treaties signed by [World Intellectual Property Organisation \(WIPO\)](#) member nations.

### ▪ Complaint and Compliance:

- Any **content creator of any form**, who believes that their original content has been copied by a user or a website without authorisation **can file an application citing their intellectual property has been stolen or violated**.
- In the **case of social media intermediaries like Facebook, Instagram or Twitter, content creators can directly approach the platform** with a proof of them being original creators.
  - Since these companies operate in nations which are signatories to the WIPO treaty, they are **obligated to remove the said content if they receive a valid and legal DMCA takedown notice**.

### ▪ WIPO Treaties:

- WIPO members had agreed upon two treaties, namely the **WIPO Copyright Treaty** and the **WIPO Performances and Phonograms Treaty**.
  - **India** is a member of both the treaties.
- Both the treaties require member nations and signatories **to provide in their respective jurisdictions, protection to IP** that may have been created by citizens of different nations who are also co-signatories to the treaty.
  - Protection **must not be any less** in any way than the one being given to a domestic copyright holder.
  - It also **obligates that signatories to the treaty ensure ways to prevent circumvention of the technical measures used to protect copyrighted work**. It also provides the necessary international **legal protection to digital content**.

## Intellectual Property

- It is a category of property that **includes intangible creations of the human intellect, and**

primarily encompasses copyrights, patents and trademarks.

- It also includes other types of rights, such as **trade secrets, publicity rights, moral rights, and rights against unfair competition.**
- Every year **World Intellectual Property Day** is celebrated on **26<sup>th</sup> April.**
- Other than WIPO treaties, it is also covered under the [World Trade Organisation's \(WTO\) Agreement on Trade Related Aspects of Intellectual Property \(TRIPS Agreement\).](#)
  - **India** is a member of WTO and hence **committed to TRIPS.**

## World Intellectual Property Organisation

### ▪ About:

- It is one of the oldest specialised agencies of the [United Nations.](#)
- It was **created in 1967** to encourage creative activity, to promote the protection of IP throughout the world.
- It currently administers **26 international treaties.** Some of the major treaties are:
  - **Budapest Treaty** on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.
  - **Paris Convention** for the Protection of Industrial Property.
  - **Berne Convention** for the Protection of Literary and Artistic Works.
  - Protocol Relating to the **Madrid Agreement** Concerning the International Registration of Marks- Madrid Protocol.
  - **Washington Treaty** on IP in respect of Integrated Circuits.
  - **Nairobi Treaty** on the Protection of the Olympic Symbol.
  - **Marrakesh Treaty** to facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities.

### ▪ Headquarter:

- Geneva, Switzerland.

### ▪ Members:

- As of date, **193 nations across the world, including India,** are members of WIPO.

### ▪ Major Functions:

- Policy forum **to shape balanced international IP rules** for a changing world.
- Global services **to protect IP across borders and to resolve disputes.**
- Technical infrastructure **to connect IP systems** and share knowledge.
- Cooperation and capacity-building programs **to enable all countries to use IP for economic, social and cultural development.**
- A world reference **source for IP information.**

## Indian Laws which Cover Intellectual Property

- Trade Marks Act, 1999.
- [Patents Act, 1970](#) (as amended in 2005).
- [Copyright Act, 1957.](#)
- Designs Act, 2000.
- [Geographical Indications of Goods \(Registration and Protection\) Act, 1999.](#)
- Semiconductor Integrated Circuits Layout Design Act, 2000.
- [Protection of Plant Varieties and Farmers' Right Act, 2001.](#)
- [Information Technology Act, 2000.](#)

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