Protection of Intellectual Property Online - DMCA Notice

Why in news?

Union Minister Ravi Shankar Prasad was locked out of his Twitter account for an hour, allegedly over a notice received for violation of the Digital Millennium Copyright Act (DMCA).

What is the DMCA?

- The Digital Millennium Copyright Act, or DMCA, is a 1998 law passed in the US.
- It is among the world's first laws recognising intellectual property on the internet.
- It was signed into law by the then US President Bill Clinton.
- It oversees the implementation of the two treaties signed and agreed upon by member nations of the World Intellectual Property Organisation (WIPO) in 1996.
- These are the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

Why did the treaties come into place?

- There was rapid commercialisation of internet in late 1990s.
- This started with static advertisement panels being displayed on the internet.
- With this, it became important for website owners to get the user to spend more time on their webpage.
- For this, fresh content was generated by creators and shared over the Internet.
- The problem started when the content would be copied by unscrupulous websites or users, who did not generate content on their own.
- Further, with expansion, websites from countries other than the one where the content originated also started to copy the unique content generated by the websites.
- To avoid this and bring to task the unauthorised copiers, the members of WIPO agreed to extend the copyright and intellectual property protection to digital content.
- As of date, 193 nations across the world, including India, are members of WIPO which was established in 1967.

What do the treaties mandate?

- Both the treaties require member nations and signatories to provide in their respective jurisdictions the below.
- - Protection to intellectual property that may have been created by citizens of different nations who are also co-signatories to the treaty.
- The said protection must not be any less than the one being given to a domestic copyright holder.
- They also obligate that signatories ensure ways to prevent circumvention of the technical measures used to protect copyrighted work.
- They also provide the necessary international legal protection to digital content.

What happens with violation, and how does DMCA work?

- Content creators of any form who believe that their original content has been copied by user or a website without authorisation can file an application.
- It can be filed citing that their intellectual property had been stolen or violated.
- They can approach the website on which the content has been hosted, or third party service providers like DMCA.com.
- These third party service providers utilise a team of experts to help take down the stolen content for a small fee.
- In the case of social media intermediaries like Facebook, Instagram or Twitter, content creators can directly approach the platform.
- They should have a proof of them being original creators.
- These companies operate in nations which are signatories to the WIPO treaty.
- So, they are obligated to remove the said content if they receive a valid and legal DMCA takedown notice.
- Platforms, however, also give the other users against whom allegations of content cheating have been made, a chance to reply to the notice.
- The platform shall then decide which party is telling the truth, and shall accordingly, either restore the content or keep it hidden.

Source: The Indian Express

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