



AMERICAN UNIVERSITY OF ARMENIA

ՀԱՅԱՍՏԱՆԻ ԱՄԵՐԻԿԱՆ ՀԱՄԱԼՍԱՐԱՆ

LL.M. Program

ԻՐԱՎԱԳԻՏՈՒԹՅԱՆ ՄԱԳԻՍՏՐՈՍԻ ԾՐԱԳԻՐ

TITLE

**ADVANTAGES OF DOMESTIC COPYRIGHT REGISTRATION IN
ADDITION TO LEGAL PROTECTION PROVIDED BY BERN
CONVENTION**

**Whether the copyright registration and deposit systems are able to protect
the authors right in the new era**

STUDENT'S NAME

ZOYA BARSEGHYAN

SUPERVISOR'S NAME

PROF. SARKIS KNYAZYAN

NUMBER OF WORDS

8021

Abstract

The digital environment dictates new mechanisms of the protection of copyright. Due to the newly emerged technologies, authors and owners are able to engage in dynamic relations and the global network, which, besides the advantages, creates also the risks of copyright infringements. The Berne Convention for the Protection of Literary and Artistic Works establishes the principle of "automatic" protection of copyrightable work without any formality, however, a number of the Member countries establishes the voluntary copyright registration system. They emphasize that the registration facilitates the exercise of copyright and clearly establishes authorship and/or ownership of rights. Armenia is also a member of the Bern Convention. The current legislation on Copyright does not provide for a voluntary registration, however, the enforcement of the legal framework is poor, the facts and the cases of copyright infringements are many, and the law enforcement applications are very few. In this study through comparing various models of the international best practices and drawing parallels with the Armenian current situation, we come to the conclusion that the establishment of a voluntary copyright registration system can serve as an additional tool for the protection of author's right not only from the legal point of view (a certificate of registration serves as a prima facie evidence) but also from the standpoint of creation of a global environment of protection. In the conclusion of the research, the benefits emanating from the presence of a voluntary registration system and the necessary measures for the establishment of such a system are presented.

Table of Contents

LIST OF ABBREVIATIONS 4

INTRODUCTION 5

CHAPTER 1 8

Review of International Practice on Copyright Registration and Deposit Systems

**1.1 The situation of establishment of the copyright registration system after the
Bern Convention 8**

1.2 The registration systems in different countries14

United States of America14

Canada16

Japan17

China19

Germany20

CHAPTER 2 22

The legal framework and copyright protection issue in Armenia22

CONCLUSION28

BIBLIOGRAPHY34

LIST OF ABBREVIATIONS

WIPO World Intellectual Property Organization

CMO Collective Management Organization

SCCR Standing Committee on Copyright and Related Rights

JCO Japan Copyright Office

SOFTIC Software Information Center

*“Copyright touches our lives on a daily basis.
Whether you read a book, watch a film,
transfer music, or take a photo,
copyright issues are ever-present”.*
World Intellectual Property Organization

INTRODUCTION

The aim of this research is to discuss and analyze the necessity of national voluntary registration systems, to understand how this system can serve as an additional tool for the protection of copyright holders' rights.

Although the Bern Convention establishes the principle of "automatic" protection without any formality, the new era dictates its new requirements. And the World Intellectual Property Organization's (WIPO) survey shows, that the number of the countries establishing the copyright registration system increases¹. *These countries believe that the registration facilitates the exercise of copyright and provides the right owners with a possibility to clearly establish authorship and/or ownership of rights.*

¹ WIPO, *Second Survey on Voluntary Registration and Deposit Systems* (2010), available at http://www.wipo.int/copyright/en/registration/registration_and_deposit_system_03_10.html

So, why do not establish such kind of a system? Will it contradict the provision of the Bern Convention? What are the advantages and disadvantages of this system? How is it important? These and other questions are discussed in this research paper.

The principle of the “automatic” copyright protection provided for by the Berne Convention for the Protection of Literary and Artistic Works and the present situation of registration system in WIPO member countries are discussed in Chapter 1². Two surveys of WIPO on Copyright Registration and Documentation Systems from 2005 and 2010 are compared and analyzed. The advantages and disadvantages of registration are provided.

Chapter 1 presents as well the international best practice in the field of the copyright registration. The practice of USA, Canada, Japan, China and Germany (on the assumption of the effectiveness of registration system in these countries) is examined. The general information about the registration system, registration procedure, as well as the legal effect of this system in each of the mentioned countries is provided.

Chapter 2 presents the Armenian legal framework, discusses the role of the Collective Management Organization (the “CMO”) from the standpoint of whether the CMO is able to exchange the registration system. The given Chapter includes also the opinions of experts about the current copyright protection situation in Armenia, the low level of enforcement of legislations, the recent example of piracy, the case law, as well as the statistics pertaining to the copyright infringement cases. With the use of the data of BSA Global Software Survey, an attempt was made to find a link between the piracy and the absence or existence of the registration system.

The Conclusion includes the analysis of the benefits and the importance of copyright system in Armenia. The following benefits are mentioned: 1. The copyright registration system, that provides a certificate on registration, will encourage the authors and owners to apply for a registration and receive this evidence of ownership or authorship. 2. The evidence of the

² Berne Convention for the Protection of Literary and Artistic Works, adopted in 1886, *available at* http://www.wipo.int/wipolex/en/treaties/text.jsp?file_id=283693

copyright registration is also recognized by the Courts of foreign countries. This is an important aspect taking into consideration the fact, that due to digital technologies the copyright infringement may have a global reflection. 3. The registration system includes as well the deposit of the copyrightable works and serves as a valuable storage of cultural and historical heritage, and as a source of national statistics. 4. The copyright protection is crucial for the development of economy. Copyright-Based Industries are more attractive both for the investments and for the business.

The measures and steps for the establishment of the copyright registration system are also suggested. Two directions of actions are proposed: 1 *Amendments to respective legislations*: the amendments to the Law of the Republic of Armenia on “Copyright and Related Rights”, as well as to other related laws in order to establish a voluntary registration system under the Intellectual Property Agency of the Republic of Armenia; the establishment of the procedure of the voluntary registration: how to apply, how to receive the certificate on registration, etc; the entitlement of a copyright owner to select statutory damage after the registration; the establishment of the procedure and the appropriate conditions for deposit. 2. *Capacity building*: Besides the law regulation, it is important to create the appropriate conditions and to build the necessary capacities, such as Human and Financial resources. The establishment of the new structure for providing the voluntary registration will require the existence of specialists and facilities. Besides that, the new structure will require as well new financial resources not only for the staff, but also for the creation of new facilities, including the registration application, deposit systems, digital storage, etc. Not less important is issue of the Public awareness: In parallel with the launch of this system, the public should also be aware of the reasons and benefits of the system, because the registration would be voluntary and only the effectiveness of the system is considered to be an incentive for authors and owners for registering their works.

CHAPTER 1

Review of International practice on copyright registration systems

1.1 The situation of establishment of the copyright registration system after the Bern Convention

The Berne Convention for the Protection of Literary and Artistic Works (hereafter the “Berne Convention”) is one of the main international agreements dealing with the protection of works and the rights of their authors³. Armenia became a Party to the Berne Convention in October 19, 2000 and together with 175 countries of the world is a member of the Convention⁴.

³ Berne Convention for the Protection of Literary and Artistic Works, adopted in 1886, *available at* http://www.wipo.int/wipolex/en/treaties/text.jsp?file_id=283693

⁴ WIPO, Section on Administered Treaties, Contracting Parties of Berne Convention, *available at* http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

One of the three basic principles of the Convention is that Protection [of copyright works] must not be conditional upon compliance with any formality (principle of "automatic" protection). The Convention states: "The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work"⁵.

This rule was replaced in the 1908 Berlin revision of the Convention by the current principle of formality-free protection, reflected in Article 5(2) of the present Paris Act 1971. Before the Berne Convention, each country had its own rules for recognition of copyright in a work and authors had to comply with formalities on a country-by-country basis⁶.

So, the Convention establishes that protection may not be made conditional on the observance of any formality. For understanding the essence of this provision, it is important first of all to understand what the "formality" means in this context. According to the Guide to the Copyright and Related Rights Treaties Administered by WIPO "if registration only has the effect of a rebuttable presumption that the facts registered are valid, it is not a formality (unless it is still applied in a way that it becomes a de facto formality, because...courts deal with any infringement case if a certificate of a registration is presented)"⁷. This means that formalities do not include conditions related to the creation of the work or the fixation thereof (a possible condition under national law). Deposit of the original or a copy of work also in some cases can be interpreted as "formality". On this occasion the Guide says: "If deposit is a mere administrative obligation with some administrative sanctions for non-fulfillment, leaving the

⁵ Berne Convention for the Protection of Literary and Artistic Works, adopted in 1886, *available at* http://www.wipo.int/wipolex/en/treaties/text.jsp?file_id=283693

⁶Brigitte Vézina, *Copyright Registration and Documentation Systems*, 2011, *available at* http://www.wipo.int/edocs/mdocs/tk/en/wipo_tk_mct_11/wipo_tk_mct_11_ref_t_8_1.pdf

⁷WIPO, *Guide to the Copyright and Related Rights Treaties Administered by WIPO and Glossary of Copyright and Related Rights Terms*, p. 41, 2003, *available at* http://www.wipo.int/edocs/pubdocs/en/copyright/891/wipo_pub_891.pdf

possibility of enjoyment and exercise of copyright intact, it is not against the principle of formality-free protection”⁸.

So, as a consequence of the application of the *principle of formality-free protection* and *principle of independence*, no formalities may exist in foreign member country where protection is claimed. However under the Berne Convention, as WIPO documents explain, it is not an obligation in the country of origin to apply the Convention to domestic works, and thus formalities may be prescribed for them ⁹.

The part of the Berne Convention or the Berne Union members have established voluntary national registration systems for copyright and sometimes also for related rights. And the WIPO survey on this issues shows, that the number of the countries establishing the copyright registration system, increases¹⁰. In the point of view of these countries, registration facilitates the exercise of copyright and provides right owners to clearly establish authorship and/or ownership of rights. In this context, registration is seen as contributing to the protection of moral and economic rights and the fight against piracy in the new digital era.

The technological advances, digital era with a broad opportunity make the issue of registration more actual. An attention was paid to the copyright registration issue within the framework of WIPO during the seventh session of the WIPO’s Standing Committee on Copyright and Related Rights (SCCR) which took place in 2002. Several Member States proposed WIPO Secretariat to prepare studies on voluntary copyright registration systems. They highlighted the importance of the issue in connection to the fight against piracy. Based on these discussions, the WIPO

⁸ WIPO, Guide to the Copyright and Related Rights Treaties Administered by WIPO and Glossary of Copyright and Related Rights Terms, p. 41, 2003, *available at* http://www.wipo.int/edocs/pubdocs/en/copyright/891/wipo_pub_891.pdf

⁹ WIPO, Standing Committee on Copyright and Related Rights, *Survey of National Legislation on Voluntary Registration Systems for Copyright and Related Rights*, 2005, *available at* http://www.wipo.int/edocs/mdocs/copyright/en/sccr_13/sccr_13_2.pdf

¹⁰ WIPO, Second Survey on Voluntary Registration and Deposit Systems (2010), *available at* http://www.wipo.int/copyright/en/registration/registration_and_deposit_system_03_10.html

Secretariat prepared a comparative study of the legislation and practice in certain Member States concerning voluntary copyright registration systems, which was published in 2005¹¹.

A questionnaire covering the main issues related to voluntary registration systems for copyright was circulated to fourteen WIPO Member States from different regions of the world that had copyright registration systems. The Secretariat of organization received replies from twelve Member States, namely: Argentina, Canada, China, Colombia, Germany, Hungary, India, Japan, Mexico, the Philippines, Spain, and the United States of America. ***The answers mostly emphasize the advantages of registration systems.***

The more detailed was WIPO Second Survey on Voluntary Registration and Deposit Systems, which has published in 2010¹². The Second survey examined not only registration systems but also deposit systems. The questionnaire was sent to all the Member States of WIPO. At the deadline for submissions (June 30, 2010), the WIPO Secretariat had received 80 responses from Member States. According to the responses received, 48 Member States or 57% of the countries have a copyright voluntary registration system¹³.

The vast majority of countries entrust this competence to institutions which belong to the executive branch of the central government, most often under the Ministry of Justice or the Ministry of Culture. For example, in Japan the copyright registering bodies are Agency for Cultural Affairs, Ministry of Education, as well as exists a special body - Software Information

¹¹ WIPO, Standing Committee on Copyright and Related Rights, *Survey of National Legislation on Voluntary Registration Systems for Copyright and Related Rights* (2005), available at http://www.wipo.int/edocs/mdocs/copyright/en/sccr_13/sccr_13_2.pdf

¹²WIPO, Second Survey on Voluntary Registration and Deposit Systems (2010), available at http://www.wipo.int/copyright/en/registration/registration_and_deposit_system_03_10.html

¹³ WIPO, Summary of the Responses to the Questionnaire for Survey on Copyright Registration and Deposit Systems (2010), available at http://www.wipo.int/export/sites/www/copyright/en/registration/pdf/registration_summary_responses.pdf

Center for computer program works registration¹⁴. In the USA, the copyright registering body is the U.S. Copyright Office, which is a division of the U.S. Library of Congress, and is directed by the Register of Copyrights¹⁵.

The answers are valuable for understanding the importance and necessity of registration system in the point of view of protection the authors' rights. The **important aspects** are the following¹⁶:

- **The legal effect of registration**

The possibility to establish a prima-facie, a preliminary evidence to prove that the facts and acts recorded are true, unless proven otherwise.

In the majority of countries, voluntary registration provides for a rebuttable presumption of authorship or, where applicable, ownership of related rights. F. e, in Canada a certificate of registration is evidence that copyright subsists in the work and that the person registered is the owner of the copyright unless evidence to the contrary is furnished. Moreover, where copyright is registered at the time of infringement, the defendant is deemed to have had reasonable grounds for suspecting that copyright subsisted¹⁷. In USA the registration made before infringement occurs entitles a copyright owner to elect *statutory damages* and, in the discretion of the court, to be awarded attorney's fees if the copyright owner prevails in a copyright infringement action¹⁸.

¹⁴WIPO, *Japan's Response to WIPO Questionnaire for Survey on Copyright Registration and Deposit Systems* (2010), available at <http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/japan.pdf>

¹⁵ WIPO, *Second Survey on Voluntary Registration and Deposit Systems, Response of the United States* (2010), available at <http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/usa.pdf>

¹⁶ Steven Ayr, *The Importance of Copyright Registration*, 2011, available at <http://acceleratedvesting.com/the-importance-of-copyright-registration/>

¹⁷ WIPO, Standing Committee on Copyright And Related Rights, *Survey of National Legislation on Voluntary Registration Systems for Copyright and Related Rights* (2005), available at http://www.wipo.int/edocs/mdocs/copyright/en/sccr_13/sccr_13_2.pdf

¹⁸WIPO, *Second Survey on Voluntary Registration and Deposit Systems, Response of the United States* (2010), available at <http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/usa.pdf>

- **Recognition of copyright registrations by Courts effected by public authorities in other countries**

According to the countries' responses, in general, *courts recognize copyright registrations carried out by public authorities in other countries*. In a group of countries, a registration from another country is subject to the general requirements for the acceptance of any foreign document submitted as documentary evidence.¹⁹

In the United States of America there is no provision copyright statute to recognize copyright registrations effected by public authorities in other countries. However, under section 104(b)(2) of the Copyright Act, works are subject to protection if “the work is first published in a foreign nation that, on the date of first publication, is a treaty party”. Thus, no local procedure is required to establish copyright protection in the United States for a work published in a treaty party country²⁰.

- **Transfer of rights/ Other changes in title or ownership**

Some countries establish a mandatory recordation of transfer of rights usually limited to nationals' recognition.

F.e, in the USA , where a document that refers to transfer of rights in a registered work is recorded, recordation constitutes a constructive notice of the facts stated in the document. A recorded document also receives priority over conflicting transfers or exclusive licenses that have not been recorded.

Deposit requirement

¹⁹ WIPO, Summary of the Responses to the Questionnaire for Survey on Copyright Registration and Deposit Systems (2010), available at http://www.wipo.int/export/sites/www/copyright/en/registration/pdf/registration_summary_responses.pdf

²⁰ WIPO, Second Survey on Voluntary Registration and Deposit Systems , *Response of the United States* (2010), available at <http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/usa.pdf>

The deposit of a fixed copy of the work together with a registration form is mandatory in most of the responded countries. In a vast range of the countries deposit can be submitted in either a hard copy or a digital form.

Advantages of the copyright registration systems

The above-stated two surveys display mostly the advantages of the registration and recordation systems:

The more important benefits of this system are:

- Facilitation of the exercise of copyright and related rights by providing right owners with a simple and effective means to clearly establish authorship and/or ownership of rights, thus contributing to the protection of moral and economic rights.
- Facilitation of the access to and use of protected subject matter. A copyright registry can make available certificates of registration, certified copies of registry documents that provide, with varying legal effect, important information on a work or other subject matter, its author or its present ownership.
- Facilitation of the access to creative content for which no authorization from the right owner is needed. This system, as well as recordation system often hold valuable information on creativity, both from a legal and economic standpoint.
- Facilitation of the access to free-to-use creative content, including “orphan works” and public domain material.
- Repository of cultural and historical heritage and source of national statistics on the latter. National registries represent collections of national creativity, including works and other creative contributions.

Disadvantages of the Copyright registration systems

Among the disadvantages of the Copyright registration system mainly two aspects are emphasized by specialists: the time of registration, because the need to complete a registration takes time and the cost for registration (application fee). However, new online registration technologies will allow to avoid the above-mentioned disadvantages²¹.

1.2 The registration systems in different countries

United States of America

In the United States, as mentioned above, registration was mandatory until January 1, 1978.²² The U.S., however, changed its copyright law with respect to registration when it became a member of the Berne Convention in 1989²³.

The copyright registering body in USA is the U.S. Copyright Office, which is a division of the U.S. Library of Congress, and is directed by the Register of Copyrights²⁴. Regulations concerning the copyright registration can be found in the Code of Federal Regulations²⁵. Part 201 and Part 202 of the Code of Federal Regulations contain regulations with respect to general provisions and registration of claims to copyright. Sections 408 through 412 of the U.S. Copyright Act states, that “the owner of copyright or of any exclusive right in the work may

²¹ Lahle Wolfe, *5 Legal Advantages of Registering a Copyright*, 2018, available at <https://www.thebalancecareers.com/registering-a-copyright-3514952>

²² WIPO, Second Survey on Voluntary Registration and Deposit Systems , *Response of the United States* (2010), available at <http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/usa.pdf>

²³ Lesley Ellen Harris , *To Register or Not* (2010), available at <http://www.copyrightlaws.com/wp-content/uploads/2010/03/Registration1.pdf>

²⁴ 17 U.S.C. § 701(1976), available at <https://www.copyright.gov/title17/>

²⁵ CFR Title 37 - Patents, Trademarks, and Copyrights §202.3(2002), available at <https://www.copyright.gov/title37/202/index.html>

obtain registration of the copyright claim by delivering to the Copyright Office the required deposit, application, and fee”²⁶.

All copyright works can be registered, but the Register of Copyrights has specified certain administrative classes into which works are placed for purposes of deposit and registration with the Copyright Office. U.S. copyright law does not make a distinction between “copyright” and “related rights.” Any foreign author or copyright owner may register an unpublished or published work that is protected by U.S. copyright law.

Since 1978, the information about registered works and recorded documents is available to the public online through the Copyright Office’s website. Upon payment of applicable service fees, the general public may request other documents, for example, correspondence submitted in connection with registration, however the access is limited for certain materials: for example, financial information; information concerning the privacy of individuals.

The legal effect of registration

As mentioned above, the registration made before or within the first five years after publication provides prima facie evidence of the facts stated in the *copyright certificate* and prima facie evidence of the validity of the copyright²⁷. Registration of works that equate to the so-called “related rights” are treated the same as copyright. Registration before infringement occurs entitles a copyright owner to select statutory damages and, in the discretion of the court, to be awarded attorney’s fees if the copyright owner prevails in a copyright infringement action. If a copyright owner registers within three months of publication, statutory damages and attorney’s fees will be available for any infringements occurring after the publication²⁸. Statutory damages

²⁶ 17 U.S.C. § 409(1976), available at <https://www.copyright.gov/title17/>

²⁷ 17 U.S.C. § 410(1976), available at <https://www.copyright.gov/title17/>

²⁸ 17 U.S.C. § 412(1976), available at <https://www.copyright.gov/title17/>

range from \$750 to \$30,000 per work or, in the case of willful infringement, as much as \$150,000 per work²⁹.

Although in the United States registration and recordation system is voluntary, however there are instances where failure to register, or failure to record a notice of termination of a transfer, has legal consequences. The failure to register will preclude the ability to bring an infringement action in cases where the work is a “United States work,” as defined in the Section 101 of the Copyright Act ³⁰.

Canada

In Canada also the voluntary registration system is established. The Canadian Copyright Office is responsible for registering copyright. The Copyright Office is attached to the Canadian Patent Office and is under the jurisdiction of the Department of Industry³¹. However, the Copyright Office is not responsible for policing or checking on registered works and how people use them. It also cannot guarantee that the legitimacy of ownership or the originality of a work will never be questioned.

In Canada the object of related rights can also be registered. The registration process is similar. Public access is limited to documentation related to registration. The registering body does not keep copies of works. Canada has never had any requirements to register or deposit a work in order for it to be protected by copyright.

The legal effect of registration

²⁹ 17 U.S.C. § 504(1976), available at <https://www.copyright.gov/title17/>

³⁰ 17 U.S.C. § 504(1976), available at <https://www.copyright.gov/title17/>

³¹ WIPO, Standing Committee on Copyright And Related Rights, *Survey of National Legislation on Voluntary Registration Systems for Copyright and Related Rights* (2005), available at http://www.wipo.int/edocs/mdocs/copyright/en/sccr_13/sccr_13_2.pdf

The *Copyright Act of Canada* states that a certificate of registration of copyright is evidence that copyright exists and that the person registered is the owner of the copyright unless evidence to the contrary is furnished³². “Generally, your original work is automatically protected by copyright when you create it. However, when you register your copyright, you get a certificate of registration that you can use in court as evidence that you own the protected work”, states the official website of Canadian Intellectual Property Office³³.

Where copyright is registered at the time of infringement, the defendant is deemed to have had reasonable grounds for suspecting that copyright subsisted. In Canada recordation of a license or assignment has a number of advantageous consequences for the right owner. An assignment is the transfer of some or all of authors/owners rights to another party. An assignment can last for the entire term of the copyright or for part of it. A license gives another party permission to use the work under certain conditions, but the owner keeps ownership and maintain his/her rights³⁴.

Registration does not involve deposit of a copy of a work, and if the applicant does submit a copy, that copy is returned to the applicant without any validation that it matches the copyright registration application. Many Canadian authors and owners register both in Canada and the US, in Canada, for the court presumptions mentioned above, and in the US, so that a copy of the work is filed with the registration application³⁵.

Japan

³² Copyright Act of Canada (R.S.C., 1985, c. C-42) *available at* <http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html>

³³ Canadian Intellectual Property Office, Section on Registration of copyright, *available at* http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr03915.html?Open&wt_src=cipo-cpyrgh-t-main&wt_ext=toptask

³⁴ Copyright Act of Canada (R.S.C., 1985, c. C-42) *available at* <http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html>

³⁵ Lesley Ellen Harris, *To Register or Not* (2010), *available at* <http://www.copyrightlaws.com/wp-content/uploads/2010/03/Registration1.pdf>

In Japan as well the Copyright registration is not mandatory. The cultural authorities of the Government of Japan, i.e. the Japan Copyright Office (JCO) of the Agency for Cultural Affairs (ACA), which is a part of the Ministry of Education, Culture, Sports, Science and Technology (MEXT), are responsible for the registration of all the copyrighted work (except computer program works)³⁶. Only for the computer program work the copyright registration body is the Software Information Center (SOFTIC). Software Information Center is a legal person established under the provisions of Article 34 of the Civil Code³⁷. In 1987 the SOFTIC was designated as a registration agency.

Under the Japanese law, all kinds of copyrighted works can be registered. Concerning the computer program works, an applicant needs to submit fixed copies of the works. The registration process of related rights is same as that for the copyrighted works. The Commissioner of the Agency for Cultural Affairs shall, when having made a registration mentioned in Article 75, give a public notice thereof in the Official Gazette. Registration should be requested by right holder or debtor. A person who wishes to request for registration needs to submit in a specific form which is available on the Internet. In Japan the request can be submitted by the post, and cannot be done electronically. Foreigners also allowed to register their creations. There is no different registration process for domestic as opposed to foreign works or objects of related rights.

The facility is available online through the SOFTIC's computers. The SOFTIC's website places the data of registration within the last six months, which is searchable by using a search facility on the website. Article 78 (4) of the Copyright Law stipulates, that any person may demand of

³⁶ WIPO, Second Survey on Voluntary Registration and Deposit Systems , *Japan's Response* (2010), available at <http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/japan.pdf>

³⁷ Civil Code of Japan (1971), available at <http://www.japaneselawtranslation.go.jp/law/detail/?id=2057&vm=&re=02>

the Commissioner of the ACA the delivery of a certified copy or a certified abstract of entries in the copyright register or a copy of its annexed documents ³⁸.

The legal effect of registration

The registration establishes a strong presumption (rebuttable presumption) regarding authorship, ownership and the date of creation. The provisions regulating this issue are the following: **For copyright:** Unless there is contrary evidence, the registered date will be taken as the date of creation of the work (only for the SOFTIC). Unless there is contrary evidence, the registered date will be taken as the date of the first publication or the first making public of the work. The registered person is assumed to be the author of the work. In case of transfer of rights, a third party may be opposed through registration. **For related rights:** In case of transfer of related rights, a third party may be opposed through registration.

In Japan also the courts recognize copyright registrations effected by public authorities in other countries and local procedure is not necessary.

China

The practice of copyright registration in China has a specific elements. According to the current legislation, copyright registration in China includes voluntary registration and mandatory registration³⁹. **Voluntary registration** includes works registration, the registration and recordation of the copyright exclusive licensing contracts and contracts of copyright assignment, the registration of the software copyright and the exclusive contracts or contracts of assignment; **mandatory registration** includes the registration of the contracts on the publication of imported audiovisual products and the registration of the pledge contract on copyright etc.

³⁸ Copyright Law of Japan, (1971), *available at*
http://www.cric.or.jp/english/clj/doc/20161018_October,2016_Copyright_Law_of_Japan.pdf

³⁹ WIPO, Second Survey on Voluntary Registration and Deposit Systems, *China's Response* (2010), *available at*
<http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/china.pdf>

According to the Temporary Measures on the Voluntary Copyright Registration of Works issued by National Copyright Administration of China, the copyright registering bodies are National Copyright Administration of China and Copyright offices of provinces⁴⁰. National Copyright Administration of China is the administrative department for copyright issues under the State Council and is responsible for copyright administration nationwide.

The relevant national legislation are Regulations for the Implementation of the Copyright Law of the PRC, the Temporary Measures on Voluntary Copyright Registration of Works, the Note on Registration of the publication of imported audiovisual products, the Regulation on the Protection of Computer Software, etc.

In China different types of works protected by the Copyright Law can be registered. The registration processes for each type of works are basically the same. The requirements for registration in China are following: The applicants shall enjoy the copyright, submit the complete materials which meet the requirements; the submission of specialized forms is required; A copy of work sample is required.

The legal effect of the copyright registration

The legal effect of the copyright registration is the same as in the other countries: the subject matter of registration is the primary evidence. The Chinese courts recognize copyright registrations affected by public authorities in other countries. According to the interpretation of the Chinese Supreme People's Court, copyright registration certificate provided by the litigant can be used as evidence. The copyright registration certificate abroad is also the recognized evidence. However, according to the provision of the Supreme People's Court, if the evidence provided by a litigant concerned is formed outside the territory of the China, such evidence shall be authenticated by the notarial organ of the host country and verified by the embassy of the People's Republic of China in this country, or according to the procedure in respect of relevant treaty between China and this country.

⁴⁰ WIPO, Second Survey on Voluntary Registration and Deposit Systems, *China's Response* (2010), available at <http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/china.pdf>

Germany

The voluntary registration system in Germany is different from the ones of the above presented countries. In Germany, only protected literary, scientific and artistic works that have been published as anonymous or pseudonymous works can be recorded. The only purpose of this voluntary registration is to apply the regular duration of copyright protection to anonymous and pseudonymous Works ⁴¹.

For the above mentioned works a register called “Register of anonymous and pseudonymous works” is kept at the German Patent and Trademark Office, Federal Ministry of Justice.

The copyright protection of an anonymous work or a work made under a pseudonym expires 70 years after publication (Article 66 para. 1 Urheberrechtsgesetz). If such a work is registered in the register for anonymous or pseudonymous works the copyright expires 70 years after the death of the creator (Article 66 para.2 Urheberrechtsgesetz).⁴²

⁴¹ WIPO, Second Survey on Voluntary Registration and Deposit Systems, *The response of Germany* (2010), available at <http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/germany.pdf>

⁴² WIPO, Second Survey on Voluntary Registration and Deposit Systems, *The response of Germany* (2010), available at <http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/germany.pdf>

CHAPTER 2

The legal framework and copyright protection issue in Armenia

Armenian legislation is in compliance with the Bern Convention and doesn't establish a registration procedure. Article 9 of the Law of the Republic of Armenia on "Copyright and Related Rights" stresses that "Copyright in a work emanates by the fact of creation of a work. The work shall be considered created if it is expressed in an objectively perceivable form and does not depend on the official acknowledgement of that right, registration of the work and observance of any other formalities"⁴³. *So, the Armenian legislation does not foresee provision on voluntary registration, but provides for voluntary deposition of the works.*

In Armenia the Intellectual Property Agency operates within the Ministry of Economic Development and Investment. However, the Agency is mainly focused on the trademark and

⁴³The Law of the Republic of Armenia on Copyright and Related Rights, Adopted 15 June 2006, Art. 64, available at <http://aipa.am/en/CopyrightLaw/>

industrial design and not on Copyright issue. As to the Copyright, we can mention, that Armenia is among the countries where a non-governmental Collective Management Organization of authors' right and related right, such as Armauthor NGO, collects data for their members with the objective of managing the rights entrusted to them⁴⁴.

According to the Law of the Republic of Armenia on “Copyright and Related Rights”, **among the functions of the Organizations for Collective Administration of Economic Rights is** “in case right holders wish so, to deposit the work of the author or the subject matter of related rights and to issue the relevant document on deposit”⁴⁵.

The Charter of Armauthor NGO adds, that “The Organization registers and accounts for its members and their works, performances in use and issues a document on their registration”. According to Armenia’s response in the WIPO 2nd survey, the deposit system serves as a proof of the date of creation and ownership of the work in case of disputes or in the Court ⁴⁶.

Susanna Nersisyan, General Director of Armauthor NGO, cited as an example a case (now it is still pending, so I would like to avoid to refer to the name of the case). The plaintiff brought a suit against the defendant accusing her of the copyright infringement and claiming for the recognition of his author’s right. According to the plaintiff, the authorship of some popular songs belongs to him and not to the defendant. The document provided by Armauthor on the registration of the defendant’s songs helped to recognize the latter’s authorship by the Court.

However, this is a rare example. Many of the authors or copyright owners are not even members of the organization. One of the main functions of Armauthor, as a collective management organization, is the management of economic rights of holders of copyright and related rights,

⁴⁴ Charter of Armauthor, Adopted by the General Assembly of Armauthor, organization of authors’ rights protection on March 03.2012, *available at* <http://www.armauthor.am/en/documentation/charter.html>

⁴⁵ The Law of the Republic of Armenia on Copyright and Related Rights, Adopted 15 June 2006, Art 63, 64 *available at* <http://aipa.am/en/CopyrightLaw/>

⁴⁶WIPO, Second Survey on Voluntary Registration and Deposit Systems, *The response of Armenia* (2010), *available at* <http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/armenia.pdf>

e.g. to sign license contracts with users; to agree with the users on the amount of remuneration; to set aside commissions from the collected amount to cover the actual costs on collection; to distribute and to make payments, etc⁴⁷. The owners may also deposit their copyrightable works in Armauthor. All types of works can be deposited: print materials, scenarios, manuscripts, musical works in notation and recorded, audiovisual works, broadcast materials, software, works of photography, graphic and etc.

However, Armauthor cannot change the registration system. In the first Chapter the advantages of registration system were emphasized. Among them are: facilitation of the exercise of copyright and related rights; facilitation of the access to and use of protected subject matter; facilitation of the access to creative content for which no authorization from the right owner is needed; facilitation of the access to free-to-use creative content, including “orphan works” and public domain material; registration allowing to prove the existence of the work and/or its ownership; repository of cultural and historical heritage and source of national statistics on the latter⁴⁸.

Under the current legislation, the functions of Armauthor are very limited and fixed, Moreover, it cannot create by itself an environment and conditions supporting the above-mentioned benefits.

In some countries particular attention is paid to the Computer program registration. As to the **Computer Programs**, Article 35 of the Law stipulates that “Computer program shall be protected if it is original and is a result of the author’s own creative intellectual work”⁴⁹. However, we don’t have any regulation on how to protect it, and this issue still remains open. For

⁴⁷ The Law of the Republic of Armenia on Copyright and Related Rights, Adopted 15 June 2006, Art 63 available at <http://aipa.am/en/CopyrightLaw/>

⁴⁸ Անդրանիկ Խաչիկյան, Սուսաննա Ներսիսյան, Մտավոր սեփականություն. տեսություն և պրակտիկա, էջ 243-245, 2008, Երևան, Անտարես

⁴⁹ The Law of the Republic of Armenia on Copyright and Related Rights, Adopted 15 June 2006, Art 35 available at <http://aipa.am/en/CopyrightLaw/>

comparison I just want to mention, that, e.g. in Russia a voluntary registration system exists only for computer programs⁵⁰.

Although the Armenian legislation on the copyright is one of the best in Europe and Armenia is a party to more than 20 international treaties and conventions on Intellectual property and copyright, Armenia is among the countries, where the cases of piracy are widespread. The piracy cases concern all the aspects of intellectual property: movies, software, photography, music, scientific articles, industrial design, etc⁵¹.

According to the statistics provided by the Intellectual Property Agency of the Republic of Armenia, in 2017 in the field of intellectual property only 11 crimes were disclosed, from which 6 concerned **Infringement of Copyright and Related Rights** (in 2016 the overall number was 10, of which 6 were in the field of copyright)⁵². According to Susanna Nersisyan, General Director of Armauthor NGO, there are many facts and cases of copyright infringements, however, very few instances of the enforcement of the law⁵³. “The length of lawsuits, the absence of specialized judges, and corruption create difficulties in the development of the system of the protection of author’s right and the establishment of trust towards the Courts. In order to avoid a long lasting trial the author prefers not to apply to the court”, she said.

⁵⁰ WIPO, Second Survey on Voluntary Registration and Deposit Systems, *The response of Russia* (2010), available at <http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/russia.pdf>

⁵¹ Intellectual Property Agency of the Republic of Armenia , Մտավոր սեփականության ոլորտում վավերացված միջազգային պայմանագրեր, available at <https://www.aipa.am/hy/international-treaties/>

⁵² Intellectual Property Agency of the Republic of Armenia , Ոստիկանության կողմից մտավոր սեփականության ոլորտում գրանցված հանցագործություններ, available at <https://www.aipa.am/hy/piracy/>

⁵³ Հեղինակային իրավունքի խախտումները Հայաստանում «անչափ շատ» են, իրավապահներին դիմումները՝ «անչափ քիչ», available at <https://www.azatutyun.am/a/28973576.html>

One of the most recent cases of copyright infringement was the piracy of the movie "Super Mama 2" («Սուպեր մամա 2») which was pirated before the official opening night⁵⁴. The producer didn't turn to the police, because, according to the specialists, the authors knew, that the enforcement of law was weak in Armenia and it would be only loss of time.

The BSA's Global Software Survey-2016 is also evidence of the fact that the piracy and copyright infringements are wide-spread.⁵⁵ The Survey assesses the volume and value of unlicensed software installed on personal computers across more than 110 national and regional economies. Per this survey, Armenia (86%) is in the leading place by the Rates Unlicensed Software Installation only after Venezuela (88%), Libya (90%) and Zimbabwe (90%). For comparison it is worthy to mention, that the same index in Canada is 24%, in Germany- 22%, in Japan -18% and in the United States -17% (the lowest figure in the rate)⁵⁶:

It is hard to say whether there is a connection between the above-mentioned statistics and copyright registration system, however the result shows, that the countries with a low level of piracy have the voluntary registration systems.

The WIPO 2nd survey shows, that in spite of the Bern Convention provision, the significant part of member countries established the voluntary registration systems trying in this way to create an additional tool for the protection of author's rights. The countries where the registration system is established, as a benefit of the system, refer to the legal effect. Most of all it is mentioned about the possibility to establish a prima-facie, a preliminary evidence to prove that the facts and acts recorded are true, unless proven otherwise. The countries having a voluntary registration system substantiate that *registration facilitates the exercise of copyright and*

⁵⁴ Հեղինակային իրավունքի խախտման դեպքում դատական համակարգը լիարժեք չի գործում . «Հայ Հեղինակ» ՀԿ դեկլարար, 10 հունվար, 2018 available at <https://www.youtube.com/watch?v=LQOP22W1xNI>

⁵⁵ BSA Global Software Survey, *Seizing Opportunity Through License Compliance*, May 2016, available at http://globalstudy.bsa.org/2016/downloads/studies/BSA_GSS_US.pdf

⁵⁶ BSA Global Software Survey, *Seizing Opportunity Through License Compliance*, May 2016, available at http://globalstudy.bsa.org/2016/downloads/studies/BSA_GSS_US.pdf

provides right owners with a possibility to clearly establish authorship and/or ownership of rights.

As we saw in Chapter 1, registering body provides a copyright certificate, which serves as a prove in case of a dispute. There are cases, especially in USA, when after providing the certificate, the Court accepted it as evidence of ownership of work. E.g. in the *Meshworks, Inc. v. Toyota Motor Sales U.S.A* case, the Court acknowledged the presumption of validity flowing from the copyright registration awarded by the Copyright Office to Meshworks⁵⁷

One of the important points concerns the period of infringement: in USA, e.g., it matters when the infringement occurs- before or after registration. As it was mentioned in Chapter 1, the registration before the infringement occurs entitles a copyright owner to elect statutory damages. In Canada, where copyright is registered at the time of infringement, the defendant is deemed to have had reasonable grounds for suspecting that copyright subsisted. These legal mechanisms are able to serve as an additional tools against the infringement. That's why in USA authors or owners themselves are interested in registration.

In some countries, such as Japan, in addition to a registration mechanism, active measures to raise public awareness about copyright issues are also taken. The national curriculum for junior and senior high schools prescribes the coverage of copyright in classes.

Besides this,, in order to spread the knowledge of copyright, Japan Copyright Office holds seminars everywhere in Japan. Each year, seminars are held at about thirteen locations for the general public, officials of local governments in charge of copyright, librarians and teachers.⁵⁸

Both the legal mechanisms and the systematic use of measures of public awareness are considered to be an effective way of protection of author's right and of creation of an environment, where the authors, composers, artists, designers and others will be encouraged to create original works, while being sure that the State does its best for protecting the author's

⁵⁷ *Meshwerks Inc v. Toyota Motor Sales Inc 3d*, U. S. App (10th Cir. June 17 , 2008), available at <https://caselaw.findlaw.com/us-10th-circuit/1291978.html>

⁵⁸ Copyright Research & Information Center of Japan, *available at* <http://www.cric.or.jp/english/csj/csj3.html>

right possessing their creations. I believe that these two measures are acceptable and applicable for Armenia.

It is important also to emphasize, that the copyright protection is not only aimed to defend the author's right and to contribute to the national cultural development, but it also serves as an additional condition for the economic development of the countries. For the business copyright-based or creative industries are more attractive, which generate direct and indirect contributions to economic performance and development.

CONCLUSION

In this research one of the main issues of copyright protection is discussed: the existence of copyright registration as an additional tool of protection of author's/owner's right. We saw that this system had more advantages than drawbacks. Although the Bern Convention establishes the principle of "automatic" protection without any formality, the new era dictates its new requirements.

According to the WIPO explanations, it is not an obligation in the country of origin to apply the Berne Convention to domestic works, and thus formalities may be prescribed for them. In the official website of WIPO it is also mentioned, that as a general rule, copyright protection is automatic and does not depend on registration⁵⁹. “In some countries, however you may encounter a voluntary copyright registry/depositary and registering your work can be a smart choice as it would considerably assist you in case of a dispute, for example over the ownership of the work”⁶⁰.

So, like other Bern Convention member countries, Armenia may also establish a voluntary registration system, which does not contradict (as we saw above) the requirements of the Bern Convention.

Why is the copyright registration system important for Armenia?

1. We believe that the copyright registration system that provides the certificate (as in other countries) will encourage the authors to apply for the copyright registration and receive this evidence of ownership or authorship. This mechanism will allow to exercise the copyright by providing right owners with a simple and effective means to clearly establish authorship or ownership of rights. Moreover, it would contribute (as in USA) to the formation of juridical practice and case law proving that a Court acknowledges the copyright registration validity. Besides that, it would raise the number of authors fighting for their rights within the legal realm.

2. The second aspect concerns the recognition by the Court of the copyright registrations carried out by public authorities in other countries. The development of digital technology makes the world closer. Even the geographical borders are not important for global communications and even transactions. A person can create an amazing thing in a particular country, and enter into different relationships with residents of different countries. His/her work can be even pirated, but

⁵⁹ WIPO, Standing Committee on Copyright and Related Rights, *Survey of National Legislation on Voluntary Registration Systems for Copyright and Related Rights*, 2005, available at http://www.wipo.int/edocs/mdocs/copyright/en/sccr_13/sccr_13_2.pdf

⁶⁰ WIPO, Frequently Asked Questions: Copyright Basics, available at http://www.wipo.int/copyright/en/faq_copyright.htm

without evidence on authorship it will be difficult to protect his/ her right in the foreign country's Court. Whereas in general, courts recognize copyright registrations carried out by public authorities in other countries.

3. Another aspect of the described situation is that the particular country doesn't have any information or data about the valuable work created within its borders, which can hamper the cultural development of the country in question. It is relevant to remember the US experience, where the failure to register will preclude the ability to bring an infringement action in cases where the work is a "United States work". According to Section 101 of the Copyright Act, a "United States work" is a work only if in the case of a published work, the work is first published in the United States; simultaneously in the United States and another treaty party or parties, etc⁶¹. This allows to pay a special attention to "United States work". The WIPO survey shows that all the countries that have a registration system have also a deposit system, and this serves as a valuable storage of cultural and historical heritage and source of national statistics ⁶².

4. The protection of copyright is not limited only to legal and cultural aspects. For the modern and new economies the level of copyright protection is not a secondary issue. We know that the IT sphere is one of the most perspective and fast growing ones of the Armenian economy. The copyright protection is crucial for this field. It is important to pay attention to the fact, that in the recent years WIPO has started to publish a Guide on Surveying the Economic Contribution of the Copyright-Based Industries⁶³ aimed to measure the size of copyright industries, as well as to develop new methodologies on Assessing the Economic, Social and Cultural Impact of

⁶¹ 17 U.S.C. § 411 (1976), available at <https://www.copyright.gov/title17/>

⁶²WIPO, *Second Survey on Voluntary Registration and Deposit Systems* (2010), available at http://www.wipo.int/copyright/en/registration/registration_and_deposit_system_03_10.html

⁶³ WIPO, *Guide ON Surveying the Economic Contribution of the Copyright Industries*, 2015, available at http://www.wipo.int/edocs/pubdocs/en/copyright/893/wipo_pub_893.pdf

Copyright on the Creative Economy⁶⁴. This means that in the new era the role of copyright protection becomes more important.

What do we need to do?

1. Amendments to the legislations and establishment of regulations

-To make the amendments to the Law of the Republic of Armenia on “Copyright and Related Rights”, as well as to other related laws for establishing a voluntary registration system under the Intellectual Property Agency of the Republic of Armenia⁶⁵. I propose namely that this body should take into account the experience of a number of countries that have a voluntary registration system.

- To establish the procedure of voluntary registration: how to apply, fee for the registration, how to receive the certificate on registration. However, this procedure should be easy, clear and understandable for all the applicants as in Canada and in USA. It also should not be in contradiction with the provision of the Bern Convention. As it has been mentioned above, according to the Guide to the Copyright and Related Rights Treaties Administered by WIPO “if registration only has the effect of a rebuttable presumption that the facts registered are valid, it is not a formality”⁶⁶. The basic information generally required as the core element for the copyright registration comprises the following: personal information of the author; the category of works; the title; the date and place of publishing works.

⁶⁴ WIPO, Draft Guidelines on Assessing the Economic, Social and Cultural Impact of Copyright on the Creative Economy, 2013, *available at* <http://www.wipo.int/export/sites/www/copyright/en/performance/pdf/escia.pdf>

⁶⁵ The Law of the Republic of Armenia on Copyright and Related Rights, Adopted 15 June 2006, Art 63 and 64m, *available at* <http://aipa.am/en/CopyrightLaw/>

⁶⁶ WIPO, Guide to the Copyright and Related Rights Treaties Administered by WIPO and Glossary of Copyright and Related Rights Terms, 2003, *available at* http://www.wipo.int/edocs/pubdocs/en/copyright/891/wipo_pub_891.pdf

- By law to entitle a copyright owner to elect statutory damage after the registration. The fact, that Statutory damages may in some cases be significantly more than the actual damages suffered by the rights holder, can serve as an additional incentive for authors registering their works.

- By law or regulations to establish the procedure and the appropriate conditions for deposit. It is worthy to emphasize, that according to the WIPO Second Survey on Voluntary Registration and Deposit Systems, the majority of respondent countries (77.5%) have a legal deposit system in place and in the majority of countries the deposit is mandatory⁶⁷. We discussed above the importance of a deposit system: support to the collection of statistical information and creation of a database on registered and certified work; support to the preservation of cultural heritage etc. Information about registered works and recorded documents should be available to the public online.

2. Capacity building

Besides the law regulation, the creation of the appropriate conditions and building of the necessary capacities are also important. This is even a more long-term process than the creation of the legislation basis. For this, the following factors are more crucial:

-Human resources: the establishment of the new structure for providing the voluntary registration will require specialists and facilities. The staff of the Intellectual Property Agency of the Republic of Armenia will not be able to fulfil this new function. Additionally, the new staff should have the relevant knowledge and skills. So, the process of the preparation of a new staff and specialists will take time. It will be necessary to learn also from the international best practice, for creating the relevant conditions for registration. The best solution will be the relevant education with deep knowledge in Copyright issues plus the training by one of the countries having the best practice in this field. It is also important to mention, that the specialists working in the Intellectual Property area repeatedly express their deep belief about the necessity

⁶⁷ WIPO, Second Survey on Voluntary Registration and Deposit Systems (2010), available at http://www.wipo.int/copyright/en/registration/registration_and_deposit_system_03_10.html

of having specialized judges insisting that they would make their contribution to the law enforcement practice in the field of intellectual property⁶⁸.

-Financial resources: A new structure will require new financial resources not only for the staff, but also for the creation of new facilities, including online registration opportunities, deposit systems, digital storage, etc. This is also a new burden on the State's budget, that's a challenge. However, taking into account the fact, that the copyright-based countries are more attractive for the business, we can suppose that this mechanism will contribute to the business activity.

-Public awareness: When the launching of this system, the public should be aware on the cause and benefits of it, as the registration would be voluntary and only the effectiveness of the system is considered to be as an incentive for authors and owners to register their works. A large-scale distribution and positive case law will also encourage applying to the Court in case of infringements. The practice of Japan, namely providing for the coverage of copyright in the national curriculum for junior and senior high schools, is interesting and can be applicable in Armenia too.

- The creation of a single international copyright system under the WIPO. The single international system exists for trademark and for Industrial designs. The Madrid International Trademark System⁶⁹ provides for a cost-effective solution for registering and managing trademarks worldwide (116 countries are members), and the Hague System for the International Registration of Industrial Designs⁷⁰ serves as a practical business solution for registering up to 100 designs in over 68 contracting parties through filing one single international application. Taking into account the facts, that the digital technologies are growing and the world becomes closer, as well as taking into account the global nature of the copyrightable

⁶⁸ Press Release, *Intellectual Property-Related Issues Discussed in Government*, 23 February 2018, available at <http://www.gov.am/en/news/item/9356/>

⁶⁹ WIPO, The International Trademark System, available at <http://www.wipo.int/madrid/en/>

⁷⁰ WIPO, The International Design System, available at <http://www.wipo.int/hague/en/>

works, the latter standpoint concerning the creation of a single international copyright system is reasonable. And Armenia can raise this issue as a member of WIPO.

Taking into consideration the above-stated analysis and the privileges and advantages of copyright registration system, I believe that the establishment of such a system in Armenia will be only for the benefit of the protection of the author's right. At least the following advantages are visible: 1. It will encourage the authors and owners to apply for registration and receive this evidence of ownership or authorship. 2. It will protect the authors before the foreign country's Court. 3. It will contribute to the creation of a valuable storage of cultural and historical heritage and will serve as a source of national statistics. 4 It will raise the reputation of the State as a Copyright-Based country.

BIBLIOGRAPHY

Web sources

Berne Convention for the Protection of Literary and Artistic Works,
<http://www.wipo.int/wipolex/en/treaties/text.jsp?file_id=283693>

BSA Global Software Survey, *Seizing Opportunity Through License Compliance*, May 2016,
<http://globalstudy.bsa.org/2016/downloads/studies/BSA_GSS_US.pdf>

Canadian Intellectual Property Office, Section on Registration of copyright,
http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr03915.html?Open&wt_src=cipo-cpyrght-main&wt_ext=toptask

Charter of Armauthor, Adopted by the General Assembly of Armauthor, 03.2012,
<<http://www.armauthor.am/en/documentation/charter.html>>

Civil Code of Japan (1971),
<<http://www.japaneselawtranslation.go.jp/law/detail/?id=2057&vm=&re=02>>

Copyright Act of Canada (1985) < <http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html>>

Copyright Law of Japan, (1971),
http://www.cric.or.jp/english/clj/doc/20161018_October.2016_Copyright_Law_of_Japan.pdf

Copyright Research & Information Center of Japan, Section on Development of Copyright Protection Policies for Advanced Information and Communication Networks
<http://www.cric.or.jp/english/csj/csj3.html>

Intellectual Property-Related Issues Discussed in Government, *Press Release in Armenian*, 23 February 2018, available at <http://www.gov.am/en/news/item/9356/>

Meshwerks Inc v. Toyota Motor Sales Inc 3d, (10th Cir.2008), <
<https://caselaw.findlaw.com/us-10th-circuit/1291978.html>>

The Law of the Republic of Armenia on Copyright and Related Rights, Adopted 15 June 2006, Art 63 <http://aipa.am/en/CopyrightLaw/>

The USA Copyright Act (1976) < <https://www.copyright.gov/title17/>>

The USA Code of Federal Regulations, Title 37 - Patents, Trademarks, and Copyrights (2002),
< <https://www.copyright.gov/title37/202/index.html>>

WIPO, Guide to the Copyright and Related Rights Treaties Administered by WIPO and Glossary of Copyright and Related Rights Terms, 2003,
<http://www.wipo.int/edocs/pubdocs/en/copyright/891/wipo_pub_891.pdf>

WIPO, *Second Survey on Voluntary Registration and Deposit Systems* (2010),
<http://www.wipo.int/copyright/en/registration/registration_and_deposit_system_03_10.html>

WIPO, Standing Committee on Copyright and Related Rights, Survey of National Legislation on Voluntary Registration Systems for Copyright and Related Rights, 2005,
<http://www.wipo.int/edocs/mdocs/copyright/en/sccr_13/sccr_13_2.pdf>

WIPO, Summary of the Responses to the Questionnaire for Survey on Copyright Registration and Deposit Systems (2010),
<http://www.wipo.int/export/sites/www/copyright/en/registration/pdf/registration_summary_responses.pdf>

WIPO, Japan's Response to WIPO Questionnaire for Survey on Copyright Registration and Deposit Systems (2010),
<<http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/japan.pdf>>

WIPO, Second Survey on Voluntary Registration and Deposit Systems ,Response of the United States (2010),
<<http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/usa.pdf>>

WIPO, Section on Administered Treaties, Contracting Parties of Berne Convention,
<http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15>

WIPO, Second Survey on Voluntary Registration and Deposit Systems , Japan's Response (2010), <<http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/japan.pdf>>

WIPO, Second Survey on Voluntary Registration and Deposit Systems, China's Response (2010), <<http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/china.pdf>>

WIPO, Second Survey on Voluntary Registration and Deposit Systems, The response of Germany (2010),
<<http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/germany.pdf>>

WIPO, Second Survey on Voluntary Registration and Deposit Systems, The response of Armenia (2010),

<<http://www.wipo.int/export/sites/www/copyright/en/registration/replies/pdf/armenia.pdf>>

WIPO, Frequently Asked Questions: Copyright Basics,

<http://www.wipo.int/copyright/en/faq_copyright.htm>

WIPO, The International Trademark System, < <http://www.wipo.int/madrid/en/>>

WIPO, The International Design System, <<http://www.wipo.int/hague/en/>>

Հեղինակային իրավունքի խախտումները Հայաստանում «անչափ շատ» են, իրավապահներին դիմումները՝ «անչափ քիչ», <https://www.azatutyun.am/a/28973576.html>

Հեղինակային իրավունքի խախտման դեպքում դատական համակարգը լիարժեք չի գործում. «Հայ Հեղինակ» ՀԿ դեկավար, 10 հունվար, 2018 <https://www.youtube.com/watch?v=LQOP22W1xNI>

Մտավոր սեփականության ոլորտում վավերացված միջազգային պայմանագրեր

<<https://www.aipa.am/hy/international-treaties>>

Ոստիկանության կողմից մտավոր սեփականության ոլորտում գրանցված հանցագործություններ,

<<https://www.aipa.am/hy/piracy/>>

Electronic journal articles

Brigitte Vézina, Copyright Registration and Documentation Systems, 2011,

http://www.wipo.int/edocs/mdocs/tk/en/wipo_tk_mct_11/wipo_tk_mct_11_ref_t_8_1.pdf

Lahle Wolfe, 5 Legal Advantages of Registering a Copyright, 2018,

<<https://www.thebalancecareers.com/registering-a-copyright-3514952>>

Lesley Ellen Harris , To Register or Not (2010),

<http://www.copyrightlaws.com/wp-content/uploads/2010/03/Registration1.pdf>

Gordon Firemark, 3 Reasons why copyright registration is important for all kinds of documents, 2010,

<<https://firemark.com/2010/02/08/3-reasons-why-copyright-registration-is-important-for-all-kinds-of-documents/>>

Steven Ayr, The Importance of Copyright Registration, 2011,
<<http://acceleratedvesting.com/the-importance-of-copyright-registration/>>

Terry Mastersm, *Copyright Registration Advantages and Disadvantages*,
<<http://smallbusiness.chron.com/copyright-registration-advantages-disadvantages-12029.html>>

Books

RA Intellectual Property Agency and Armauthor , *Copyright and Related Right. Introduction to Armenian and European Best practice, 2016*

Անդրանիկ Խաչիկյան, Սուսաննա Ներսիսյան, Մտավոր սեփականություն . տեսություն և պրակտիկա, 2008, Երևան, Անտարես