

COPYRIGHT PROTECTION ISSUES IN DIGITAL WORKS IN PALESTINE

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Abstract

The development of copyright legislation to keep up with technical breakthroughs was prompted by the direct impact of technology on copyright. Because the Palestine Copyright Act of 1911 is out of date, it does not address this issue's regulation. The state of Palestine drafted a proposal for new copyright legislation that governs the copyright protection for digital works, but owing to the suspension of the parliament, it has not been authorized by the expert authorities. In order to reinforce a significant portion of the legislation, this study looks at issues related to copyright in digital works as they are outlined in the Palestine Copyright Act of 1911 and the Palestine Copyright Draft (Proposal). The descriptive-analytical method is being used in this library-based study. The findings of this research indicate that the Palestine Copyright Act lacks copyright protection for digital works, while the Palestine Copyright Draft 2013 governs this issue to some extent. This study suggests that before the copyright draft is approved, changes need to be made, especially in regard to the issue of copyright protection requirements.

Keywords: *Digital works, copyright protection, Palestine copyright law, Copyright Act 1911.*

INTRODUCTION

Copyright law and technical advancement have a positive link. Technology advancements have an impact on copyright law through the emergence of new types of invention that fall under its purview. The purpose of copyright legislation is to defend the rights of the creators of digital works. Therefore, in order to stay up with technological advancement, nations have been attempting to update their copyright laws.

There are issues with copyright protection for digital works under the Palestine Copyright Act of 1911 due to the outdated of this Act. The copyright protection for digital works is one of several problems caused by the Act's outdated provisions. This research focuses on the challenges raised by the 1911 Copyright Act about copyright protection for digital works. Besides, this research highlights the proposed provisions in the Palestine copyright draft 2013 regulate those issues.

This study aims to examine issues related to copyright in digital works in Palestine Copyright Act 1911 and in the Palestine copyright draft (proposal) in order to strengthen the considerable part of the law. This research, however, is separated into five sections that emphasize the key challenges that must be addressed in order to manage the copyright protection for digital works. The subsections cover the following topics: legal framework for copyright in Palestine, what constitutes a digital copyright work (the definition), the protection of digital works under copyright law, requirement for the protection digital works, rights of copyright owners in digital works.

METHODOLOGY

This research is doctrinal legal research which employs descriptive analytical approach, and it is a library based research that gathered data from library sources. A Primary data will be used in this research which represented on the 1911 Copyright Act, international copyright conventions, and the Palestine copyright draft 2013. Besides, a secondary data will be used which gathered from literatures related to the topic from many sources.

Legal Framework for Copyright in Palestine

In 1924, the British Copyright Act of 1911 [Act 45] was extended to Palestine by royal order. Rather than the Order-in-Council, the power to establish the law came from the British Foreign Jurisdiction Act and the Imperial Copyright Act. The directive to extend the deadline was published in the official newspaper, and it is named the Palestine Copyright Act.

The Act defines the subject matters of copyright law aim to protect any original literary, dramatic, musical, and artistic works. The act scope the legal protection for copyright that grants the sole right of the owner to produce, reproduce, or publish the work, and some defences for copyright users like fair dealing, re-use by the author, publicly located sculptures, educational use, news reporting, among other things. The Act contains some special provisions for certain works especially joint works, government publications, posthumous works, mechanical instruments, photographs, political speeches, and foreign works (Palestine Copyright Act 1911).

On the other hand, in 1934, the Copyright Act of 1911 was published in English, followed by Arabic and Hebrew in 1936. The publications occurred following the defendant's defence in the case of Palestine Telegraph Agency Ltd v. Jaber [1931], which contended that notwithstanding the royal order applying the 1911 statute to Palestine, the copyright statute 1911 did not require publishing in an official newspaper.

The absence of a defined copyright doctrine in Palestine can be explained by the application of the Copyright Act 1911 in Palestine. The British saw it as another element of the legal-commercial infrastructure, but it was also seen as too sophisticated for the local communities, as the event of the Act's translation proved. The limited local scholarly engagements with copyright law were either irrelevant or solely scholarly, and this was attributed to cultural factors such as an absence of libraries, lawyers, and legal education (Telegraph Agency Ltd v. Jaber [1931]).

According to decrees No 1 and No 2 from the head of the Palestinian Authority. The Palestine Copyright Act 1911 is the law for copyright in the West Bank and Gaza because it was not canceled under any military order and it was the copyright Act that regulates copyright issues before 1967. Hence, Palestinian Decrees No. 1 and No. 2 authorize the applicability of the Copyright Act of 1911 to those regions.

The 1911 Copyright Act, however, has to be completely revised because it is so outdated. Consequently, a draft of the new Palestinian copyright legislation has been created by the Director of the Copyright Department of the Ministry of Culture in the Palestinian Authority with the assistance of Jordanian legal professionals and will later be presented to the Council of Ministers. After reviewing the draft law, experts from the Investment Climate Development Project, financed by the US Agency for International Development, came to the conclusion that it is suitable for the requirements of the Palestinian people in this area. Additionally, the proposed law is entirely compliant with the WTO TRIPS agreement, which would make Palestine's membership in the body easier (United States Agency for International Development. 2013).

However, the copyright draft did not pass by the specialist authorities in Palestine, many reports require to pass this law by the president of the Palestine National authority without achieve any progress in this regards

On the other hand, During the British mandate period, Palestine was a member of the Bern Convention, based on the Palestine government's ratification of the Bern Convention modifications in 1908, while it was under British mandate administration in 1924 (Jewish Telegraphic Agency. 1924.). However, after 1908, the state of Palestine did not adopt the Bern Convention revisions. As a result, the state of Palestine must approve the new Bern Convention modifications. In addition, Palestine signed the Arab Copyright Convention 1981 without submit the ratification.

Analytically, Although Palestine has a strong legal foundation for copyright law, the complementation of fundamental elements to improve copyright law is insufficient, creating a gap between the past and the present. While the state of Palestine saw a significant rise in copyright protection in the first 50 years of the twentieth century, due to the adoption of a contemporary copyright laws and membership in the Bern convention, it dropped precipitously after that, with no improvement until date.

The Copyright Act of 1911 does not assist in fulfilling the freedom of innovation that is guaranteed under the Palestine Basic Law. Palestine worked to create a new copyright legislation in the

absence of the Copyright Act of 1911. It is clear that the proposal was accepted in an illegitimate manner by copying from the Jordanian copyright law, which may cause numerous problems if it is put into effect.

Definition of Digital Works

A digital copyright, in general, is a copyright that extends the protection of a creative work into other digital mediums. This is often used to make sure that work that is created digitally is protected in a manner similar to how work created physically is protected (Flanagan & Maniatis. 2008). With the spread of computers and digital media, this has gained in significance. Such protection frequently includes measures to prevent a work from being copied, including digital rights management (DRM) software. Therefore, any original, creative work that exists in a digital media is established as a digital copyright work (Story. 2002).

According to the Palestine Copyright Act of 1911, all original literary, dramatic, musical, and artistic works are protected by copyright. According to this Act, "copyright" refers to the exclusive right to create or duplicate the work or any significant portion of it in any form of physical form, to perform—or, in the case of a lecture, to deliver the work or any significant portion of it in public, and, if the work has not yet been published, to publish the work or any significant portion of it (Palestine Copyright Act 1911. Article 1).

According to the Act, literary works include plans, tables, charts, and collections. Any piece for recitation, choreography, or entertainment in a dumb show whose scenic arrangement or acting form is fixed in writing or another way is considered a dramatic work, as is any cinematographic production whose arrangement, acting form, or combination of incidents represented gives the production a unique character. Painting, drawing, sculpture, artistic workmanship, architectural works of art, engravings, and photography are all considered artistic works (Palestine Copyright Act 1911. Article 35).

However, the Act makes no mention of copyright in connection with digital forms. Despite the fact that the Act includes a general rule for copyright protection for original literary, dramatic, and artistic works, this rule must recognize the Act's provisions for copyright works in digital format in order to be applied. Furthermore, the Act does not define or interpret new works that are closely tied to the digital world and protected by copyright law as literary works. For instance, copyright protection for computer program as literary work. Additionally, the provisions of the Act do not apply to copyright works produced using electronic methods or to newly generated works recently protected by copyright law, such as databases.

On the other hand, the Palestine copyright draft 2013 guarantees protection for all creative works in the fields of literature, science, and the arts, regardless of its genre, significance, or intended use. Works that use sound, movement, writing, or photography as their primary means of expression are protected, including books, lectures, musical and audiovisual works, sculpture, photographs, computer programs, and more (Palestine Copyright Draft. 2013. Article 3).

Any product for creative works in the literary, artistic, and scientific domains is referred to as a copyright work in the draft. The proposal makes it clear that making copies of the works available to the public in any format, including electronic, constitutes publication of the works. The draft makes it clear that copies of copyrighted works can be made directly or indirectly, in any format, including by storing them temporarily or permanently in an electronic format (Palestine Copyright Draft. 2013. Article 2).

For digital copyright works, it is evident that there is no specific definition, though. The broad rule that provides copyright protection for any production in the literary, artistic, and scientific fields includes computer programs as an example. Additionally, the draft specifically covers the creation of electronic databases. However, the proposal clearly addressed the issue of electronic formats for copyright works by reaffirming their inclusion in the definitions of publishing and copy.

The Protection of Digital Works under Copyright Law

A copyright violation is punishable by both civil and criminal sanctions. Anyone found accountable for civil copyright infringement may often be required to pay either actual damages or damages with a "statutory" value attached. Criminal sanctions, including as imprisonment and fines, can also come from willful copyright infringement.

Several challenges have emerged as policymakers, content owners, and manufacturers of consumer electronics and computers (including hardware and software) have battled to meet this challenge. Initially, neither technology nor legal action by themselves can offer a workable answer. The treatment of works within devices like computers and the treatment of works when they travel between devices and through wired or wireless networks are the two main challenges that copy protection must handle. Moreover, the creativity, speed, and openness that have characterized the computer and Internet revolution must be considered in copy protection technologies and structures (De Werra. 2002).

The Charles Clark remark, "the answer to the machine lies in the machine," has been used frequently in policy forums. In fact, numerous technical safeguards have been created to help with the security of digital works. Some of the issues raised by the advancements in digital and analog technology can be addressed using the current technical methods and new ones that are being developed (Ginsburg. 2007).

TPMs are exposed in this digital age since they are susceptible to hacking just like any other piece of software. TPMs can be gotten around. It refers to opening a protected work's lock using numerous techniques that users might utilize. TPMs are extremely susceptible to software and hardware attacks. The necessity to safeguard them stems from the fact that denying them such protections will stifle creativity and innovation (Loren . 2002). Therefore, International copyright treaties recognized these challenges and obliged countries member to provide legal protection for TPMs.

According to Article 11 of the WIPO Copyright Treaty, parties to a contract shall provide sufficient legal protection and efficient legal remedies against the circumvention of effective technological measures that authors use to exercise their rights under this Treaty or the Berne Convention and that limit acts in relation to their works that are not authorized by the authors concerned or permitted by law.

The Copyright Act of 1911 provides for both civil and criminal protection for works that are copyrighted. The owner of the copyright has the right to seek civil remedies from anybody who violates that right, including injunctions, interdictions, damages, accounts, and other remedies that are or may be granted by law. In addition, a criminal penalty against a copyright violator was introduced by the act, which represented a fine between 250 milligrams and 50 pounds. If the violator commits the same offense again, the court may impose the same penalty or a sentence of up to two months in prison (Palestine Copyright Act amendment. 1924).

However, there is no mention of a specific copyright protection for digital environments in the 1911 Act. A recent development in copyright legislation is the new kind of copyright protection. For instance, the WIPO Copyright Treaty 1996 provisions for technical protection methods.

On the other hand, the Palestine copyright draft 2013 establishes comprehensive legal protection for copyright holders, in contrast to the Copyright Act 1911. The proposal outlines a procedure for handling copyright violations. The draft gives the owners of copyrights the ability to ask a specialist court to take preventative action against copyright violators in connection with an order to cease the violation, confiscate any materials or instruments used in the reproduction, and seize any proceeds from illicit exploitation (Palestine copyright Draft 2013. Article 46).

In addition to the aforementioned, the draft gave the author the right to seek appropriate compensation for any violations of his rights. Besides, the draft offers copyright criminal protection. It was clearly stated that any violations of copyright holders' rights are considered crimes and should result in a sentence of three months to a year in prison, a fine of 1,000 to 6,000 Jordanian Denar, or both (Palestine copyright Draft 2013. Article 51.).

In terms of digital Copyright works, the draft specifies the new form of protection that is adapted to digital works termed technical protection measures in addition to the pre-existing protection. The draft gives the author the authority to put in place technological safeguards to stop copyright violations in the digital sphere. Additionally, the draft offers criminal immunity for any act of circumvention of technological controls (Palestine copyright Draft 2013. Article 55).

In addition, "rights management information" is another digital tool for digital copyright works that is included in the copyright draft. The term "rights management information" has been defined as information that identifies a work, its author, the owner of any intellectual property rights in the work, the performer, or the terms and conditions of use of the work, any amount or codes that represent such information, when any of these items is attached to a copy of a work or appears in connection with the communication of a work to the audience. However, the draft states that anybody who alters any information stored in electronic form without the right holder's consent to ensure rights management is infringing on a copyright (Palestine copyright Draft 2013. Article 54).

Analytically, it is evident that the draft included a number of legal protections for electronic formats of copyrighted works. In contrast to the Copyright Act of 1911, there is a clear acknowledgment of the criminal and civil protection over digital copyright works, and the criminal penalties, particularly the monetary fines, have been valid. Additionally, the adoption of technical protection mechanisms and rights management data in the copyright draft refers to updating the document to reflect changes in technology. Consequently, the copyright draft's proposed provisions are much more advanced than the Copyright Act of 1911.

Requirement for the Protection Digital Works

Authors' legal rights over their original written and unpublished literary or artistic works are referred to as copyrights. They restrict the freedom to access and distribute them. Copyrights shield the physical nature of the original product, not the underlying concepts or ideas. Not only books, songs, and artwork are covered by copyrights, but also computer systems, libraries, and scientific sketches (Ginsburg. 2018).

Originality

The definition of originality is not specified in international copyright treaties (Gervais DJ. 2002). The obligation of originality for defense, on the other hand, may be inferred from the treaties. The Berne Convention, for example, states that "translations, adaptations, arrangements of music and other alterations of a literary or artistic work shall be protected as original works without prejudice to the copyright in the original work" (Berne Convention. 1886. Article 2(1) and (3)). As a result, it appeared that the determination of the concept's scope was left to national legislatures. Despite this, the majority of national copyright laws do not describe the term. They fall short of explicitly stating that originality is a requirement for copyright rights, among other things (Gervais. 2002).

There are different arguments about concept of originality in history from the objective and subjective schools. The objective school has its origins in the British common law tradition and is supported by a long string of cases. For example *University of London Press, Limited v. University Tutorial Press*. The "sweat of the brow" or "industrious collection" school is another name for the school. According to this academy, in order for a work to be considered original, it must demonstrate that adequate talent, labor, or industry was invested in its creation. It is not important to participate creatively in the creation of the work (Oriakhogba. 2018).

The subjective or imagination school, which has its origins in France's civil law tradition, believes that when assessing originality, "a method that involves looking not for proof of talent and labor but rather for the mark of the author's personality in the piece" should be used. To look at it another way, the creativity school believes that seeking originality is difficult without creativity. Originality requires at least a rudimentary level of creativity" (Drassinower & Abraham. 2004).

The level of creativity expected here is not the same as the inventive requirement required by patent law. It's the imagination, which implies that the work in question isn't just a copy, but rather one that requires effort, talent, and some independent decision or analytical activity on the author's part. Following the US Supreme Court ruling in the case of *Feist Publication Inc. v Rural Telephone Service*, this school of thinking is now deeply established in the United States (Hailshree. 2009.).

Fixation

Instead of protecting ideas themselves, copyright law regulates representations of ideas. According to current Copyright laws, a produced piece of work must be fixed in some physical form or format in order to receive copyright protection. Hence, fixation is a copyright condition (Ahmad & Snehil. 2011).

Fixation is not required in all countries as a requirement for copyright protection. In fact, there is no explicit clause in the TRIPs arrangement to that effect. Even the Berne Convention, which is incorporated into the TRIPs agreement, does not provide a minimum requirement for fixation. It simply states that copyright exists in literary and artistic works, regardless of the mode or way in which it is expressed (Berne Convention. 1971).

Countries with a common law heritage, such as the United Kingdom, the United States, and Australia, have one kind of fixation provision or another. Countries with a constitutional history, on the other hand, are largely silent on the fixation conditions. For example, the French Intellectual Property Code 1992 protects "the rights of authors in all works of the mind, whatever their kind, form of expression, merit or purpose". It also deems a work to "have been created, irrespective of any public disclosure, by the mere fact of realization of the author's concept, even if incomplete" (Elizabeth, W. 2013).

In Palestine, general rule for copyright protection was established in the original copy of the Copyright Act of 1911. The Act states that every original literary, dramatic, and artistic work has a copyright if (a) the work was first published within the aforementioned areas of His Majesty's dominions in the case of a published work; and (b) in the case of an unpublished work, the author was at the time the work was created a British subject or resident within the aforementioned areas of His Majesty's dominions.

It is obvious that the Act makes the originality requirement very plain. The Act also stipulates that the work must be a literary, dramatic, or artistic creation. In contrast, the Act adds two additional requirements to provide the original work copyright protection, requiring that the work be published in UK territories if it is, and that the creator be a resident of Britain if it is not.

However, Palestine does not have the same level of originality requirements as the rest of the world, and there is no known Palestinian legal precedent with a dispute over the originality notion. Additionally, there are problems in translating the Copyright Statute of 1911 into Arabic, particularly with the first article of the act. The original copy of the law in English or the original text of the act makes clear that the copyright must be used in every original literary, dramatic, musical, and artistic works; however, the translation of the law into Arabic that was authorized in Palestine does not include this requirement. Therefore, the Act has to address the question of the originality requirement, and it needs to be interpreted.

Additionally, the 1911 Act makes no mention of the fixation requirement and makes no mention of the need for the copyrighted works to be written, recorded, or fixed in any way. As a result, the absence of copyright protection in this instance opens the door to a host of potential problems. Therefore, in order to create a true scale for copyright law, the issue of fixation copyright works needs to be improved under the act's requirements.

On the other hand, provisions concerning the conditions for copyright protection are not specifically included in the 2013 Palestine copyright draft. Works created in the fields of literature, art and science, shall be protected by copyright, according to Article 3 Paragraph 1 of the draft. The same article's paragraph 2 indicates that works expressed through speech, writing, movement, drawing, and photography are the works that protected by copyright laws. However, the draft has no definitions of creative work and no rules defining the level of creativity necessary for copyright work.

Regarding digital works, it is clear that they must comply with the conditions set forth in the draft since the copyright draft provides protection for electronic versions of copyright works. Consequently, in accordance with the proposed criteria, digital works must be creative and express themselves through written, spoken, movement, and photographic means (Palestine Copyright draft. 2013).

Analytically, the discussion above makes it evident that the 1911 Act's originality requirement is not adopted by the draft, but that it instead contains the creativity criterion by stating the creative element in various clauses. However, the proposed rules in the draft do not provide any guidance on how to interpret the creativity criterion. Additionally, there were no legal interpretations that the courts

might apply in figuring out this factor. Therefore, it is required to make this requirement apparent because it is considered one of the basic rules for copyright law. On the other hand, the 2013 draft attempted to incorporate the second aspect of copyright protection, which is represented by the necessity for fixation, but the text's language was not entirely apparent. The draft does not address the idea and expression of the idea, leaving room for several disagreements.

Rights of Copyright Owners in Digital Works

In the digital realm, ownership authorities are similar to those in the analog world. The owner of copyrighted material has the same rights to govern his work as he did in the analog age. This rule is governed by international copyright conventions, particularly the WCT, which states explicitly in the agreed statement that the provisions of the Bern convention, as well as the rights to reproduction of works, are applicable in the digital environment, implying that the rights that copyright owners have are also applicable in the digital environment (Vaver. 2002).

The Copyright Act of 1911 grants the owner of the copyright the exclusive right to produce or reproduce the work or any substantial part thereof in any form of material, to perform the work or any substantial part thereof in public (including giving a lecture if the work is unpublished), and to publish the work or any substantial part thereof (Palestine copyright Act 1911. Article 1).

The Act also grants copyright holders the rights to:

- (a) Produce, reproduce, perform, or publish any translations of the work;
- (b) In the case of theatrical works, to transform them into novels or other non-dramatic works;
- (c) To transform a novel, or other non-dramatic work, or creative work, into a dramatic work, whether by public performance or another method;
- (d) To create any recording, perforated roll, cinematograph film, or other device that would allow a literary, dramatic, or musical work to be mechanically performed or conveyed.

The lack of a definition for reproduction or the ability to reproduce the work, the inclusion of special rights for copyright owners in digital works, and the lack of regulations governing new rights for copyright owners like the ability to distribute and rent the copyright work are all problems observed with this provision.

The proposed clauses in the Palestine copyright right draft 2013 outline the rights for copyright holders over their works in analog and electronic form in order to update the copyright Act 1911. The copyright draft contains the moral and economic rights with more specificity than the 1911 Act.

According to copyright draft, the author is free to use any method he chooses to profit from his creation. Without his or his successors' prior written consent, no other person may exercise that right. This consent must include (Palestine copyright draft. 2013. Article 9):

The right to print, broadcast, or produces it;

The right to reproduce it in any material form, including photographic or cinematographic reproduction, or recording;

The right to translate or adapt it, turn it into a musical work, or make any changes to it;

The right to grant others permission to use one or more copies of the work for exploitation through rental, lending, or any other act making the work available to others.

Furthermore, in contrast to the 1911 Act, the copyright draft governs the moral rights of the work's creator. The draft states that the author shall have the exclusive right to (Palestine copyright draft. 2013. Article 8):

have his work acknowledged and his name appear on all copies whenever it is made accessible to the public;

choose how and when his work will be published;

to change, edit, delete, or add to his work;

to resist plagiarism and to stop acts that would be detrimental to his reputation and honor, such as distorting, mutilating, or otherwise changing his work; and

to withdraw his work if there are valid and important grounds to do so.

Already, the proposal makes it abundantly apparent in the definitions of the rights to reproduce, communicate to the public, public performance, and publication that these rights included covered copyright authors rights in the digital era (Palestine copyright draft. 2013. Article 1).

Analytically, it is clear that the Copyright Draft 2013 regulates copyright holders' rights more thoroughly than the Copyright Act 1911. The copyright draft initially expands the moral and financial rights of copyright holders to digital settings. In addition, the proposal regulates the economic and moral rights of copyright holders in detail and adopts the applicable international norms, particularly with regard to the right of attribution and integrity for copyright authors. So, it is clear that, in contrast to the 1911 Act, the proposed provisions in the copyright draft 2013 included the rights of copyright holders in digital works.

CONCLUSION

There is a recognized gap in the Palestine Copyright Act of 1911's regulation of the copyright protection of digital works. The problem is not simply with a few additional sections that should be added to the Act; rather, it is with its existence across the whole Act and in every searched-for or highlighted section. Additionally, the claim that the current laws may be applied to digital works is wrong since the copyright legislation under the 1911 Act is not qualified to include digital works.

The discussion indicates the 1911 Act uses an antiquated method to regulate the copyright Act, and its requirements for copyright protection are unclear. Besides, The Act does not recognize digital works as protected, and their electronic format is not controlled. Copyright works are not properly protected by the 1911 Act, as the fine penalty is no longer recognized in Palestine and the Act does not regulate digital protection and the rights for copyright holders in digital age.

Nonetheless, the absence of copyright regulation under the Copyright Act of 1911, particularly in the digital context, prompted the state of Palestine to create the 2013 Palestine Copyright Draft. According to the debate, the copyright draft primarily controls copyright protection for digital works. The draft has a few critical flaws that need be fixed before it is approved. The upgrades will, however, strengthen the copyright protection for digital works and elevate Palestine's standing in the field of copyright worldwide.

REFERENCES

- Berne Convention. 1886.
- De Werra, J. 2002. The legal system of technological protection measures under the WIPO Treaties, the Digital Millennium Copyright Act, the European Union directives and other national laws (Japan, Australia). In *Adjuncts and alternatives to copyright: ALAI Congress June 13-17, 2001, New York, USA= Régimes complémentaires et concurrentiels au droit d'auteur: Congrès de l'ALAI* (pp. 179-279). ALAI-USA.
- Drassinower & Abraham. 2004. Sweat of the Brow, Creativity and Authorship: On Originality in Canadian Copyright Law. *University of Ottawa Law & Technology Journal*, Vol. 1, p. 105.
- Elizabeth, W. 2013. The Berne Convention's Flexible Fixation Requirement: A Problematic Provision for User-Generated Content. *Chicago Journal of International Law*: Vol. 13: No. 2, Article 18. p. 699.
- Feist Publications, Inc., v. Rural Telephone Service Co [1991] 499 U.S. 340.
- French Intellectual Property Code. 1992. Articles L112-1 and L112-2.
- Gervais DJ. 2002. Feist goes global: A comparative analysis of the notion of originality in copyright law. *Journal of the Copyright Society of the U. S. A.* pp. 949-981.

- Ginsburg, J. C. 2007. The Pros and Cons of strengthening intellectual property protection: technological protection measures and Section 1201 of the US Copyright Act. Columbia Public Law Research Paper, (07-137).
- Ginsburg, J. C. 2017. Copyright and control over new technologies of dissemination. In *Law and Society Approaches to Cyberspace* (pp. 385-419). Routledge.
- Loren, L. P. 2002. Technological protections in copyright law: Is more legal protection needed?. *International Review of Law, Computers & Technology*, 16(2), 133-148.
- Ncube, C & Oriakhogba, D. 2018. Monkey Selfie and Authorship in Copyright Law: The Nigerian and South African Perspectives. *The Nigerian and South African Perspectives" PER / PELJ* 2018(21) – DOI <http://dx.doi.org/10.17159/1727-3781/2018/v21i0a4979>.
- Oriakhogba, D. 2018. The scope and standard of originality and fixation in Nigerian and South African copyright law. *African journal of Intellectual Property*. 2(2). pp. 119-135.
- Palestine Copyright Act of 1911.
- Palestine Copyright Act amendment of 1924.
- Palestine copyright Draft of 2013.
- Rendas, T. 2014. *Lex Specialis (sima): Videogames and Technological Protection Measures in EU Copyright Law*.
- Saksena Hailshree. 2009. Doctrine of Sweat of the Brow. *SSRN Electronic Journal*. p.1.
- Tabrez Ahmad and Soumya Snehil. 2011. Significance of Fixation in Copyright Law. *SSRN*, p. 5, <https://ssrn.com/abstract=1839527> or <http://dx.doi.org/10.2139/ssrn.1839527>>
- TRIPs Agreement (Trade Related Aspects of Intellectual Property). 1994.
- University of London Press, Limited v. University Tutorial Press, Limited (1916) 2 Ch. D. 601
- Vaver, D. 2002. *Principles of Copyright*. WIPO Publication No. 844(A/E/F). p. 23. Jörg Reinbothe & Silke von Lewinski. The WIPO Treaties on Copyright: A Commentary on the WCT, the WPPT, and the BTAP. OUP Oxford. P. 95.
- WIPO.1999. WCT-WPPT/IMP/3.
- WIPO.1999. workshop on implantation issues of the WIPO copyright treaty and the WIPO performances and phonograms treaty. WCT-WPPT/IMP/3.