



The Information Society: Questions and Challenges

2008 congress main theme I - First part

I **Gianluca POJAGHI**

The 52nd UIA Congress held in Bucharest from October 29 to November 2, 2008, addressed a number of interesting topics, among which, on the first day of the meeting (Main Theme I) was a program on questions and challenges posed by the information society. Under the coordination of César Iglesias Rebollo from Díaz-Bastien & Truan, Madrid, I was honored to chair the morning session and share my views with Denis Croze from the World Intellectual Property Organization (WIPO), Geneva, Mr. Iglesias, Mete Tevetoglu from Istanbul, Shigeki Takahashi from Hamani-Takahashi, Tokyo, Christoph Petsch from Petsch Frosch Klein Arturo, Vienna, as well as our host country colleagues Prof. Viorel Roş from Bucharest and Ștefan Gavrilăscu from Cîrnu & Gavrilăscu, Bucharest.

Among the issues we discussed were the explosion of Internet use and the never ending attempt to regulate the phenomena before, or at least while, they become part of our life, profession and business; the

the Information Society and Electronic Commerce and a number of equivalent instruments around the world, not to mention the massive body of case law seeking to define the nature of social networking websites (Myspace, Dailymotion, Google, Wikipedia, and the like) and peer to peer phenomena (Bit Torrent and Pirate Bay, rapidly reaching the notoriety that used to belong to Napster and Gnutella).

Denis Croze opened the session with a very comprehensive outlook on the delicate balance between the protection of exclusive rights (copyright, patents and trademarks, but also appellations of origin, geographical indications, industrial design, utility models and new plant varieties) and the so-called "attack of the public", aimed at accessing knowledge. César Iglesias followed and drew our attention to the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) and the interaction between new technologies, digital rights management and the system of limitations

to the free-riding attitude of today's peer to peer communities, and Prof. Roş entertained us on the pillars of intellectual property in Romania.

From a different perspective, Shigeki Takahashi explained to us how excessive regulation (based on the assumption that "humans are born evil", to use his metaphor) may hinder the innovation of science and encouraged lawyers to be more involved in the regulation process, while Christoph Petsch offered his report on the need to promote progress while ensuring that State authority safeguards individuals and provides legal rules to balance technological innovation and product safety.

Thanks to all our panelists for their contributions, and to the many colleagues from the audience who took the opportunity to ask questions and share their views during the debate that followed. An interesting session indeed, which we look forward to repeating next year in Seville!

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contrast between exclusive rights and civil liberties; the role of copyright protection in the development of culture as well as the very sensitive issue of whether the protection of new medical inventions enhances, or possibly interferes with, the right of citizens to health. In the background were the Berne Convention on the Protection of Copyright and the Rome Conventions on the Protection of Performers, the WIPO Treaties on Copyright and Performances and Phonograms, the European Directives on

and exceptions to intellectual property, as now defined by the three-step test doctrine, while Mete Tevetoglu concentrated his report on some specific aspects of Internet advertising and domain names.

In the second part of the morning, Ștefan Gavrilăscu vividly challenged our beliefs that copyright is threatened by piracy ("a term invented by the West", to use his expression), while taking us through a comprehensive review of copyright protection from the Statute of Queen Anne