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EDITORIAL

TOPICS : Digital technology and copyright

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Digital technology has transformed the marketplace for copyright-protected works. It has opened up new ways of doing business and given right owners and consumers access to new online markets via digital networks. Text, music and images are reduced to digital data, which

can be transmitted in digital form at high speed throughout the world to everybody with a connection to the Internet. This is posing new challenges in relation to enforcement of

rights, since the Internet also increases the case with which IP rights in works in digital form

can be infringed. This means that two constant problems for right owners, commercial piracy and copying for private use, have become ever more difficult to control. The Internet is already a major and growing medium for retail trade in traditional copyright products. Intellectual property rights apply to the Internet but it is difficult to make them enforceable. Digital technology has the potential to greatly facilitate enforcement.

However, effective enforcement presupposes that rights owners are given the legal framework necessary to enable them to control these new markets. The advent of broadcasting — the ability to perform works at distant points — led to the expansion of copyright to encompass exploitation of creative expression in new markets. The digital revolution represents a third distinct wave of technological innovation that portends significant changes in copyright protection. Digital technology represents possibly the most profound challenge to copyright law. A growing number of legal academicians therefore are predicting copyright's ultimate demise. Digital technology has also exacerbated the tension between copyright holders, technology companies and consumers. When it is balanced, it provides all the benefits of a market-driven economy. Complicating the evolution of global digital media distribution systems and services are the complex and often conflicting copyright and intellectual property laws and regulations that exist between countries.

Nepal passed The Electronic Transaction and Digital Signature Act 2004, also known as Cyber law, but the legislation is not strong enough. The law is said to be landmark legislation for the development of IT industry in Nepal and to protect digital piracy. According to clause 47 of ETDSA 2004 The government can punish cyber offenders with up to five years of imprisonment and, according to clause 44 of this act, a fine of up to Rs. 200,000. However, much depends on the severity of the crime. But it is not easy to implement it in the case of digital technology. The digital environment and the Internet have made the control of copyrighted content by its creators, publishers, distributors and retailers much more difficult than in the past. Opportunities for unparalleled distribution have become available to both the copyright owners and the illegal copiers. On the whole, the Internet has not altered the basic concept of copyright.

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