

Moral rights in the Digital Environment: “Authors” absence from Authors’ rights debate

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Introduction⁺

Digital technology brought ‘authors’ opportunities for creativity like never before in newer ways of authoring earlier creative expressions and constructing new forms of creative expressions. It unleashed a remarkable array of new creativity, empowering existing creators and sparking new creativity in millions of individuals to do more than just consume our culture, instead enabling them to actively and meaningfully participate in it. New creative expressions like multimedia art, interactive art and software art have appeared and are part of contemporary art museums to creative international competitions while the results of user participation can be found on blogs, content sharing sites, fan sites and chain art sites.

However the digital environment not only brought opportunities for authors, but also came with threats to their personality interests. Moral rights, protecting such interests were faced in the digital environment with practical and conceptual challenges like concerns over definition and scope of such rights and wider questions going to the heart of moral rights doctrine being the bond between author and work in the digital environment and if moral rights should be accorded to creative expressions therein?

While the importance of these issues was acknowledged, there has been no legislative development in this regard on any front, international or otherwise. The related policy debates and reviews have focussed mostly around technical issues of digitisation and concerns of business and users. The academic literature on the issue has on the other hand generated very diverse opinions, yet most of the arguments are based on what are at best assumptions about authorship and authors, without sufficient studies to back them.

This paper examines the arguments put forward in such debate on protecting moral rights in the digital environment. In identifying the themes occupying the debate, it seeks to highlight and illustrate the point that ‘authors’ perspective’ has remained significantly absent, underrepresented or ignored. It goes on to address the desirability of including authors’ perspective to the debate in giving credibility to the arguments already put forward and generating newer themes to take the debate a step further and the importance and applicability of inter-disciplinary approach in achieving the same.

Legislative History

The copyright concerns raised by the digital environment led to a considerable amount of work to transform copyright legislation in order to meet the challenges of digitization. Within this clamour, relatively no attention was paid to the question of moral rights, even though they were rendered as vulnerable to abuse as copyright. Not so surprisingly, despite the ‘protection of authors’ flag being hoisted every now and then to secure stronger copyright legislation, the protection of authors’ personality interests as opposed to economic interests, remained ignored. As such moral rights

⁺ This paper is work in progress

continued to be missing from International legislative developments for the digital environment, and correspondingly from national legislations. However, the more troubling aspect is that within the policy debates, the discussion of moral rights remained warped around concerns of intermediaries and users whilst the perspectives of the author remained unaccounted for in this new environment. A brief survey of some of the influential policy debates drives home this point.

The discussion of issues raised by the digital environment at a policy level essentially began with the European Commission's Green Paper on Copyright and the Challenge of Technology¹ in 1988 (Green Paper 1988). Moral rights were mentioned with respect to their suitability to computer programs² with the conclusion that it was unnecessary to include moral rights in a community framework directive at that time. The paper offered no other discussion with respect to the issue of moral rights³ in the digital environment and was criticised for being preoccupied with the plight of entrepreneurs in copyright industries whilst neglecting the position of authors altogether and showing "authors' right without authors."⁴ Even though none of the subsequent studies came under similar criticism, they were deserving of the same condemnation because their consideration of moral rights, elaborate or uninvolved, remained void of the authors outlook.

In 1994, a Japanese study⁵, found moral rights to be a critical issue in development of multimedia products suggesting that since over enforcement of such rights is against the interactive nature of the digitization and limits users' potential in this environment, the same should be restricted through mechanisms of waiver and the requirement of honour and reputation. The following year, the US White paper⁶ in its discussion of the issue of moral rights⁷ referred to the aforesaid Japanese study's suggestion of the possible need to permit the specific waiver of the right of integrity or to limit its application in the digital world. It also pointed out that the US view was that changes to international norms for moral rights should be carefully considered and thought be given to scope, extent and waivability of moral rights in relation to information products.⁸ The fact that the paper made no attempt to address authors' possible concerns resulting from digitization, was not surprising in view of US being the biggest adversary of moral rights. But the inclination of both reports, in making suggestions for lowering existing standards of moral rights protection in favour of perceived concerns of industries and users and promotion of technology, without even attempting to raise authors' concerns, set an undesirable trend, for one-sided moral rights discussion.

¹ Green Paper on Copyright and the Challenge of Technology - copyright issues requiring immediate action, European Commission Report no. COM (88) 172, final of 7 June 1988 (1988)

² *ibid.* Chapter 5 at pg. 197, receiving less than a page of attention in the 237 page document.

³ Though it has been commented that one of the reasons for this absence was that at the time the Community was not sure if moral rights was a topic affecting the internal market, and even copyright and was absent from any harmonisation until prompted by decisions of European Court of Justice, such action began in the early 1990s. During the same time the Commission was still assessing whether moral rights was a topic relevant from the Community point of view at all to legislate on. In 1992, after a hearing on moral rights of interested parties, the Commission concluded that moral rights did not pose any real problems to the internal market at that time (in the analogue context) as such there was no need to harmonize it. All the harmonisation initiatives on copyright were without prejudice to moral rights and the exact shape of moral rights differed widely amongst the Member states of the Community.

⁴ From the expression "*un droit d'auteur sans auteur*" coined by Prof. Schricker; See H.C. Jehoram, 'The EC Copyright Directives, Economics and Authors' Rights' (1994) 25 *IIC* 821; M. Kretschmer, 'Digital Copyright: End of an era' (2003) 25 *E.I.P.R.* 333

⁵ Exposure '94: A Proposal for the New Rule of Intellectual Property for Multimedia, Institute of Intellectual Property, Tokyo, 18 (Feb. 1994) commissioned by the Ministry of Intellectual Property of Japan (MITI)

⁶ Intellectual Property and the National Information Infrastructure Report, released by the Working Group on Intellectual Property Rights, a subcommittee of the Clinton Administration's Information Infrastructure Task Force, 1995.

⁷ Moral rights were discussed under Section 1.9.g. 'Moral Rights' pgs.145-146 and 1.9.h. 'Harmonization of International Systems' pg. 154, that is about 2 pages of the 267 page document, and even within that, much of the statements were regarding US adherence of moral rights under the Berne Convention.

⁸ Note that such view seems to be towards the more problematic right of integrity, because as to the right of identity, the paper suggests that some of the technological measures proposed therein to protect copyright may also help in protecting the identity right, pg.187.

The European Commission's Green Paper on Copyright and Related Rights in the Information Society⁹ (Green Paper 1995) had a more equitable discussion of moral rights. Dealing with moral rights as one of the nine issues under copyright,¹⁰ the paper recognised that moral rights were important for creativity in the digital environment and acknowledged that with the arrival of the information society the question of moral rights was becoming more urgent than before. It pointed out how technology affected moral rights and concluded that there was a need for examination of whether harmonisation of moral rights was required in the new digital environment.¹¹ As such the paper suggested no concrete solutions but posed some questions to which interested parties would be invited to reply. The substance of the queries were possible alternative ways to protect moral rights in the digital environment and if such protection was to be addressed globally or according to the type of works involved. Even though the questions were posed with issue of harmonization in the background of digitisation, this could have been a good starting point for giving voice to authors' concerns over personality interests in the digital environment and such insight could have lead to a further balanced debate on the issue. However, this was not to be.

A report in 1996 by the Commission¹² informed that during a hearing of such interested parties as recommended by the Green Paper 1995, an overwhelming number of interested parties stressed the importance of moral rights in the digital environment. And even though the opinions differed widely, with some sections preferring minimal moral rights protection because of the fear that it might impede exploitation of works in the digital environment, notably right holders and end-users were in favour of stronger and coherent moral rights with respect to integrity right. The paper however concluded that time was not ripe for concrete harmonization initiatives for moral rights and proposed further study on the issue¹³.

The absence of moral rights from the revision of the Berne Convention, the basis for international moral rights protection, was a further blow. Moral rights completely escaped the attention of lawmakers in drafting of WIPO Copyright Treaty (WCT)¹⁴ targeted at meeting the challenges of digitisation. WCT went on to strengthen copyright protection by affirming their presence in the digital environment and validating technological measures. But all it required as to moral rights was for signatory states to abide by Articles 2-6 of the Berne Convention, acknowledging that moral rights are to be protected in the digital environment but saying nothing more or nothing specifically.¹⁵

The European Commission's Draft Copyright Directive, prepared for the twin purposes of implementing the provisions of WCT and harmonising certain aspects of substantive copyright law across the board, again mentioned in its Explanatory Memorandum that the protection of moral rights needs to be studied further. An independent study carried out for the Commission by external consultants in 2000¹⁶ discussed issues of potential effects of technology on moral rights and vice versa but concluded that the international system for copyright protection provided a well-

⁹ Green Paper on Copyright and Related Rights in the Information Society, European Commission Report no. COM (95) 382 final, 19 July 1995 (1995) the purpose of which was to assess harmonization of copyright and related rights so that it does not pose hurdles for the internal market in information society goods and services, pg.29

¹⁰ *ibid.* Section VII, pgs.65 - 68

¹¹ Even though the Commission's earlier studies on issue of harmonisation of moral rights had concluded that the same did not pose any real problems for the internal market, the Green Paper accepted that there was a need for further examination if the same was acceptable in the new digital environment.

¹² Follow up to Green Paper on copyright and related rights in the information society, European Commission Report no. COM (96) 568 final of 20 November 1996 (1996)

¹³ *ibid.* at pg.28

¹⁴ WIPO Copyright Treaty, 1996 adopted in WIPO's Diplomatic Conference on Certain Copyright and Neighbouring Rights, in Geneva on December 20, 1996

¹⁵ The silence on moral rights is surprising in view of the fact that the WIPO Performers and Phonograms Treaty (WPPT) 1996 adopted during the same conference extends international moral rights protection to performers.

¹⁶ Study contract concerning moral rights in the context of the exploitation of works through digital technology, Marjut Salokannel and Alain Strowel (2000)

functioning framework for adjusting copyright laws to demands of new technologies in respect of moral rights and there was no need for harmonization at E.U. level. As such the Copyright Directive¹⁷ passed by the Commission in 2001, left the issue of moral rights outside its scope¹⁸ preferring rather to leave consideration of these to individual Member States. Both the draft directive and the final directive came under criticism for not only exclusion of moral rights but also for giving importance to interests of content industries whilst ignoring authors who provide the content to the industries.¹⁹ Thus despite having begun in the Green Paper 1995 with stating the challenges and the need to address moral rights protection for authors in the digital environment, the EU failed to take any step in this regard owing to the lobbying onslaught that prevailed over the directives marking the strengthening of the utilitarian approach in European copyright doctrine. For all practical purposes, the possibility of an equitable discussion and clarification of moral rights in the digital environment, at a policy level, in the best available forum,²⁰ came to an end.²¹

Without any influence from the international organisations, moral rights have escaped discussion in recent policy debates in the UK. Moral rights were absent from a report in June 2006.²² The Gowers Review released in December 2006²³ mentioned moral rights only in respect of its recommendation for the Copyright directive to be amended to allow an exception for creative, transformative or derivative works. The report stated that enabling transformative use would not negate existing moral rights and creators would still be able to use defamation laws to prevent works that are offensive or damaging to the original creator from being made available. It seems this was another recommendation formulated for other policy reasons in void of adequate representation of the authors' perspectives.

To conclude, while the rhetoric of authors' interests being important in the digital environment continues, what is closer to truth is that moral rights have been neglected in legislative development. Additionally, the policy debates have been carried out in absence of authors' point of view around technical issues of digitisation and concerns of industries and users. Whether through inadequate representation by pressure groups, or for need of economic pressure, or the presence of too many competing issues in copyright, or something else, authors' perspective remains significantly absent.

Academic Commentary

¹⁷ Directive of the European Parliament and of the Council on the harmonisation of certain aspects of copyright and related rights in the information society, 2001

¹⁸ *ibid.* Recital 19 "The moral rights of rightholders should be exercised according to the legislation of the Member States and the provisions of the Berne Convention for the Protection of Literary and Artistic Works, of the WIPO Copyright Treaty and of the WIPO Performances and Phonograms Treaty. Such moral rights remain outside the scope of this Directive." *ibid.*

¹⁹ Moral rights being given second class treatment by the directive, see M. Lehmann, 'The EC Directive on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society - A Short Comment.' (2003) 34 *IIC* 521; P.B. Hugenholtz, 'Why the Copyright Directive is unimportant, and possibly invalid.' (2000) 22 *E.I.P.R.* 499; A. Dietz, 'The Protection of Intellectual Property and Information Age - the Draft E.U. Copyright Directive of November 1997' (1998) 4 *IPQ* 335

²⁰ Moral rights having originated in civil law countries and France and Germany being two of the most influential players in the Community.

²¹ The position continues as Commission in a paper in 2004 Commission Staff Working Paper on the review of the EC legal framework in the field of copyright and related rights, European Commission Report no. SEC (2004) 995, 19 July 2004 (2004) again noted that since international copyright law provide level playing field for markets to operate taking into account moral rights protection and as there was no evidence in the digital environment that divergent moral rights affected the good functioning of internal market, as such there was no need to harmonize moral rights.

²² Digital Rights Management: Report of an Inquiry by the All Party Internet Group, All Party Parliamentary Internet Group (June 2006)

²³ Gowers Review of Intellectual Property, Andrew Gowers (2006)

The academic literature²⁴ on the issue of moral rights in the digital environment has often been criticised for being minimal and insufficient as opposed to the vast amounts of scholarship on copyright in relation to new technologies. Even though the relationship between moral rights and the digital environment is yet to be fully tested in academic scholarship, the limited literature has generated a far richer discussion of the issue than the policy debates and has helped identify challenges to moral rights at a practical,²⁵ conceptual and policy level, and offered possible solutions. However, an overview of the literature²⁶ shows that while the 'role of author' was stressed, no efforts were made to assess the author's perspective.

Challenges

The initial discussion on moral rights in the commentary revolved around challenges to moral rights at a practical level. These challenges were pertaining to exercise, administration and enforcement of moral rights in the digital environment. Issues like moral rights in the digital environment being more susceptible to infringement at a mass scale, loss of author/owner's control over the work, and possible unawareness of most infringements, and difficulties in obtaining moral rights permission with the global reach of digital works were explained. Further, the borderless nature of the internet raised serious questions of private international law. Even though such questions were as applicable to copyright or for that matter other property rights, the issue of enforcement for moral rights was felt to be more pronounced due to the lack of homogeneity in moral rights protection offered by different countries. This was especially so with regards to the deep seated differences between civil law and common law traditions which lead to ambiguity as to the standard of moral rights protection on the internet.

Apart from practical challenges making moral rights vulnerable to abuse, the digital environment also posed more important conceptual hurdles which raised serious questions regarding definition and scope of the moral rights of identity and integrity. The issue with pre-existing works now available in digitised form was whether their conversion to digital format, which technically leads to loss of quality, varying according to the type of work, amounted to infringement of moral rights. Newer works resulting from digitisation raised further issues around their definition and categorisation such as whether computer programs deserved moral rights protection? Should multimedia works be categorised as a separate category for protection? And if so, should they have moral rights protection even though their very nature is interactive. What should be the limit to the right of identification in such works? What kind of modifications would be infringing under integrity right?

There were additional issues around presentation of such works, whether pre-existing or new. With the accumulation of different works on a website, involving multiplicity of authors, to what extent was the right of identity to be recognised? Is it infringement if a user is confused as to who is the author of a work because of linking and framing? How can linking used for legitimate referencing be differentiated from one which constitutes infringement of moral rights?

There also was the issue of interference with content of works which invoked most difficult questions. Digital environment furnished both publishers and users with infinite means and a range of opportunities to manipulate, adapt and transform content of works in digital form. As such how was the conflict between moral rights of the initial author and creative freedom of subsequent users to be solved? Should moral rights be enforced in the traditional manner because of the danger of ease of manipulation and subsequent misuse? Or should moral rights be made to accommodate in this new environment where we now had the power to transform works giving us previously

²⁴ In the context of this paper, such literature means the scholarship in English language, most from the common law countries, around this issue, more specifically see Bibliography at the end.

²⁵ While some of these challenges were faced by moral rights in the analogue world too, they gathered new momentum in the digital environment.

²⁶ Such summary is not meant to be conclusive or exhaustive but indicative of the main trends of thoughts in the literature

unavailable possibilities to create new expressions and meanings of content? If so, how should the line between permitted transformative works and infringing works be drawn?

The late 20th century postmodernist attack on concepts of authorship, literary work and originality, which had already put a question mark over the philosophical justification behind moral rights protection, received further ammunition through the digital environment. Nature of creative activity became more 'collective' with newer and increased possibilities of collaboration between humans, and between humans and digital technologies, raising difficulties in identification of both a single author and discernible authorial persona of author in a work. The nature of work changed from static and fixed to continuously evolving owing to the malleability of the digital form. Also, along with proliferation in the number of creators, wider access and availability of immense number and type of content to draw from the role of authors was suggested to have changed from "authoring" to "contributing." The romantic notion of a single independent author genius creating an original work with whom it shared an important bond looked rather imaginative in the digital environment.

Overall, the above challenges lead to broader social and cultural policy concerns. Is information society incompatible with moral rights? Would presence of moral rights hinder growth of information society or would absence of them discourage authors? Does the commercial or borrowed nature or so many creative works in this environment act as affront to romantic notions of personality interests? To what extent do moral rights continue to reflect social values? Has a culture emerged which is not prepared to respect non-economic interests in creative works?

Solutions

The practical challenges of exercise and administration of moral rights led to solutions being suggested around two related lines. First, technology could be used to solve problems created by technology and various options like Digital Rights management, Digital fences Encryption, Watermarking, Digital signatures along with Monitoring and tracking devices could be used to tackle infringement. Second, acknowledging that technology may not provide a full solution as such, additionally collecting societies could play a role in administration of rights while implementation and enforcement of the rights would largely depend on the public. As to enforcement of rights, most commentators suggested the way forward was international moral right harmonization, but acknowledged that such result is unlikely.

The conceptual challenges were harder to provide specific solutions to. The solutions around the right of identity did not create as divergent opinions as the right of integrity did. The thrust of the concerns around scope and definition of rights arose from two issues. First, digital environment had disturbed the existing balance between interests of producers, creators and users. Second, the nature of the different types of creative works present in the digital realm could have no one all-encompassing solution as the strength of cases for moral rights differed with the particular type of creative work in question. Accordingly, most commentators agreed that the solution lied in retaining a flexible version of moral rights.

Various guidelines were offered as to the shape of such relativised version of rights. These guidelines were based around tempering the scope of moral rights to account for perceived interests of users, industries, society and technology and judging the scope of protection according to the type of creative work in question. In principle, both criteria though fair, were to be applied on the basis of assumptions rather than evidence. Without sufficient studies to back up as to what authors' interests are in the new environment, how can such interests be balanced against other concerned interests? Would it be fair to decide whether a particular type of work should get stronger or weaker protection without understanding the nature of their creation from the authors' point of view?

The post-modernist attack challenging the justification of giving protection to personality rights did present a sensitive assessment of some of the realities of present day world. It was suggested that if we have outgrown the romantic notion of authorship, then the rationale for moral rights needs to

be associated with a broader understanding of creativity. It is submitted that in understanding such creativity, along with assessing other concerns, the authors' perspective will play an important role. Further, according to the new realities of the digital environment, newer justifications were forwarded as reasons to retain moral rights in that they could serve other purposes apart from protecting authors. They could serve public interest in two ways, by ensuring authenticity of information and preserving our intellectual history and cultural heritage in an environment where original versions of works are hard to retain and trace.

The above solutions were of course, offered under the presumption that moral rights continue to be applicable in the digital environment. While there were calls for abolition of moral rights in this environment on grounds such as - practical challenges of moral rights being vulnerable to technology shows that such rights have become irrelevant or that moral rights were against public right to information and promotion of information society and new technologies – these were also based on presumptions without any evidence to show that was the case.

Overall, the authors fared slightly better in academic discussion than the policy debates as the general conclusion was that a balance of interest should be achieved by taking cognizance of interests of all concerned parties, being *authors*, publishers, users and wider public interest and without hindering the development of technology. However within the discussion of how such balance could be achieved, the authors went overlooked.

Way forward

The digital environment affected creative expressions, nature of creative activity, role of the creator, functioning of the market in creative works, cultural values and social mores. It has not been a mere a quantitative step within the technical development, but has been a giant leap which has shaken the foundations of moral rights. Moral rights which arose, just like copyright, as a second set of solutions to address the concerns of authors regarding problems raised by the introduction and spread of printing, and found justification as a natural right through the romantic notion of authorship needs to be rethought.

The discussion in the academic literature being piecemeal in nature needs a clearer direction. The gravity of the conceptual and philosophical challenges to moral rights legitimise the exploration of the topic from a bottom up approach by basing the queries at the broadest level. As apposed to a top down approach, such a position of informed ignorance will avoid being blind to the structures in this new environment. Such queries should be broadly as follows -

First, whether personality interests deserve to be recognised by law in the digital environment? The first question will involve assessing issues like the nature of creative authorship and social role of creative authorship to determine to what extent the philosophical basis behind personality interests still hold true. It will also involve assessing whether personality interests protection can be justified on any utilitarian grounds.

If the answer to the first question is in the affirmative then the second question is how should such interests be protected by law? This would require an assessment of all sides concerned with and affected from personality interests like users, intermediaries, original creators, subsequent creators and technology developers to judge the scope of protection that needs to be given to such interests.

The fact that the digital environment threatens moral rights at all levels, should be used as an opportunity for a fundamental reassessment of moral rights as suggested above and within such reassessment the presence of two following components, amongst others, are necessary.

Authors' Presence

The digital environment has made it important, more than ever, to bring in the authors' voice to the debates concerning moral rights. Paraphrasing the words of a commentator, it is submitted that to

ignore the role and perspectives of the authors in this emerging new environment would as a legal, social and economic matter be a great omission indeed.²⁷

In fact a good starting point in answering the above questions is to assess the authors' perspective on issues like nature of his creation, process of and motivation for creation, his concerns in this new environment including personality interests. The assessment of the range of authors concerns will contribute to the utilitarian query as to whether personality interests are a mischief in the digital environment requiring a remedy. Whilst the other issues will help in addressing the philosophical query, that is, to what extent the romantic nature of authorship justifying personality interests remain true in digital environment.

Further if a demonstrable need can be shown for personality interests to be recognised by law in the digital environment, the aforesaid assessment of authors' perspective will then also contribute to the second question such as - in deciding how authors' interests should be balanced with other concerned interests and reaching the appropriate balance of interests, in assessing if law should protect such interests by moral rights or other alternative means, in appraising the breadth and scope of protection and finally in evaluating how protection should differ or not differ according to type of works, nature of work etc.

Any subsequent decision to protect or not protect moral rights in the digital environment will have a stronger base and a far more legitimate foundation through the evidence of authors' perspective. On a general level, such assessment will also inform our knowledge about how differently or similarly are the issues for authors perceived by organisations who represent authors, by people involved in legislative formulations and by the academia. In absence of such an assessment at the moment, we have no proof as to what extent are each of these groups theorising on interests of authors without ever knowing to what extent they really reflect the reality.

Inter-disciplinary approach

Most of the policy debates and the academic literature took a purely legal/doctrinal approach to the question of moral rights in the digital environment. As such issues like how technology creates challenges for law, and how can law respond to such challenges, to what extent should law not hinder the development of technology and to how can technology be used to retain the status quo in the law were explored whilst other broader social, cultural and philosophical issues were not explored in depth. Even though such discussions helped in identifying appropriate questions which if probed, analysed and answered would take the debate further, it is submitted that such probing and analysis cannot be done on the basis of purely legal arguments.

The breadth of issues and interests involved in the literature signals an inter-disciplinary academic initiative as the only reasonable way forward. The academic literature points out the impact of inter-relationship of moral rights with social, cultural, economic and philosophical aspects and the desirability of such aspects to be studied. However no studies as yet have been conducted which apply to the issue, such a inter-disciplinary approach, either theoretically or empirically.

Research on moral rights needs to be undertaken on what one commentator had predicted would be the third generation of issues concerning copyright in a digital environment, being role of author and the economic, social and political aspects of law in a digital environment.²⁸ The case for interdisciplinary research is the strongest for moral rights because unlike other intellectual property rights arguably more economic in nature, moral rights are the most personal and have a strong cultural emphasis, where the creativity of individual artist is valued over all else.

²⁷ P. Goldstein, 'The Future of Copyright in a Digital Environment: Summary of Discussion' in P. Bernt Hugenholtz (ed.), *The Future of copyright in a digital environment : Proceedings of the Royal Academy Colloquium organized by the Royal Netherlands Academy of Sciences (KNAW) and the Institute for Information Law, (Amsterdam, 6-7 July 1995)*, 1996, Kluwer Law International, London, The Hague, pgs. 241-248.

²⁸ *ibid.*

Conclusion

The reasonable way forward for the debate on moral rights in the digital environment is through inter-disciplinary research and whichever way moral rights go in this new environment, whether they continue to exist or get washed out, such consequences should not be allowed to happen without a hearing of all sides concerned, especially the author, the subject of protection of these rights.

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