

CULTURAL COMMONS:
AN EXAMINATION OF LEBANESE PEOPLE'S KNOWLEDGE OF
COPYRIGHT

A Thesis
presented to
the Faculty of Humanities
at Notre Dame University-Louaize

In Partial Fulfillment
of the Requirements for the Degree
Masters of Arts in Media Studies

by
Veronica Ann Alwan

April 2019

© **COPYRIGHT**

By

Veronica Ann Alwan

2019

All Rights Reserved

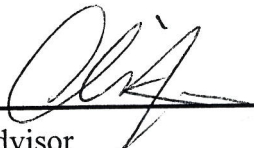
Notre Dame University - Louaize
Faculty of Humanities
Department of Media Studies

We hereby approve the thesis of

Veronica Ann Alwan

Candidate for the degree of Masters of Arts in Media Studies/Television Production
and Management

Dr. Christy Mady



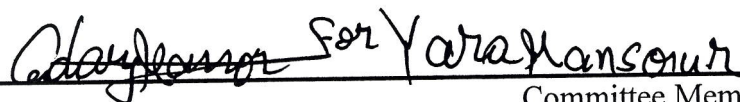
Advisor

Dr. Jessica El Khoury



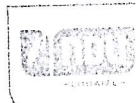
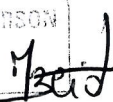
Committee Member

Dr. Yara Mansour



Committee Member

Dr. Maria Bou Zeid

 CHAIRPERSON
MEDIA
STUDIES


Committee Member

Acknowledgment

First of all, I would like to express my gratitude to my thesis advisor, Dr. Christy Mady, for her patience, motivation and immense support during the process of this thesis. I would also like to thank Dr. Jessica El Khoury for all the help and support and Dr. Yara Mansour for the helpful legal advice. I was honored to work with these amazing professors who put their efforts and expertise to guide my thesis work.

I also like to acknowledge the Member of Parliament Georges Okais, who showed interests in this study as well as the legal professions, judge Charbel El Helo and the lawyers Joseph Chamoun and Dolly Farah, who gave me their time and shared their knowledge with me.

At last I want to express my deepest gratitude to my parents and family who have been supporting me since day one - I could not have done anything without them.

Abstract

Among the Arab countries, Lebanon was the first to legislate a copyright law in 1924 besides signing and joining a number of international conventions such as the Berne Convention for the Protection of Literary and Artistic Works, Universal Copyright Convention and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. The 1924 copyright law was only amended in 1999 when the Lebanese parliament issued an Act replacing chapter VII of the 1924 Act.

While Lebanon has been on the forefront of copyright legislation in the Arab world, it still does not have a copyright law to deal with online material and the sharing of digital information on social media platforms. Add to that, and although many studies exist on copyright (Abdallah, 2013; Obeid, 2001; Rabah, 2001), none of these studies assesses Lebanese people's awareness of the law in Lebanon. This study, therefore, investigated Lebanese people's awareness and knowledge concerning copyright and the use of the copyrighted material online. Moreover, this study offers a framework and suggestions for a new copyright law for the country - noting that the current law was issued in 1999 before the existence of the Internet in Lebanon.

To investigate the topic, the study used both the quantitative and qualitative research methods. A questionnaire was sent out and filled in by 533 respondents in the winter of 2018. The questionnaire asked about the use of social media, knowledge about the copyright law, awareness of copyright and respect of online copyright material. For the qualitative research method, face to face semi-structured in-depth interviews were conducted with parliament members and copyright lawyers including member of parliament Georges Okais, judge Charbel El Helo, lawyer Joseph Chamoun and lawyer Dolly Farah. The interviews covered the law's application, hindrances, complications and shortcomings. The questionnaire's results were also shared with the interviewees to get their feedback and recommendations for the putting together of a framework for a new copyright law in Lebanon.

Findings of the questionnaire showed a lack of knowledge concerning the online copyrighted material despite the fact that the Lebanese participants were in general aware of copyright as a concept. Interesting findings included the nonchalance of the participants who they do not file complaints against copyright violators. The findings demonstrated as well that Lebanese know that they should take permission to use others' work but they do not. They do not apply the rules. The study revealed that age and education were not major factors when it came to knowledge about copyright. More importantly, it showed the urgent need for the suggested copyright law – an initiative that was welcomed by the interviewed law makers and members of parliament.

Keywords: Copyright, Law, Social Media, Internet, Knowledge

Table of Contents

ACKNOWLEDGMENT.....	IV
ABSTRACT	V
CHAPTER 1: INTRODUCTION	1
CHAPTER 2: LITERATURE REVIEW	4
2.1 LEBANESE MEDIA LAW	4
2.2 CURRENT LAWS USED FOR COPYRIGHT IN LEBANON.....	5
2.3 FACEBOOK COPYRIGHT POLICY	7
2.4 TWITTER COPYRIGHT POLICY	12
2.5 INSTAGRAM COPYRIGHT POLICY	15
2.6 FAIR USE IN THE UNITED STATES.....	18
2.7 FAIR DEALING IN THE UNITED KINGDOM.....	19
2.8 PEOPLE’S AWARENESS OF COPYRIGHT.....	23
CHAPTER 3: THEORETICAL FRAMEWORK.....	27
3.1 INTERNET TREATIES – WCT & WPPT	27
3.2 COPYRIGHT LAW IN THE UNITED STATES – DIGITAL MILLENNIUM COPYRIGHT ACT	30
3.3 COPYRIGHT LAW IN THE UNITED KINGDOM.....	32
3.4 COPYRIGHT LAW IN FRANCE.....	37
3.5 COPYRIGHT LAW IN THE UNITED ARAB EMIRATES	41
3.6 CREATIVE COMMONS (CC).....	43
HYPOTHESIS AND RESEARCH QUESTIONS.....	47
CHAPTER 4: METHODOLOGY	48
4.1 RESEARCH METHOD	48
4.2 RESEARCH SAMPLE.....	49
4.3 VARIABLES	50
4.4 DATA COLLECTION	51
4.5 DATA ANALYSIS.....	52
CHAPTER 5: FINDINGS AND ANALYSIS	54
5.1 DEMOGRAPHICS AND USE OF SOCIAL MEDIA	54
5.2 USE OF COPYRIGHTED MATERIAL.....	56
5.3 KNOWLEDGE ABOUT COPYRIGHT	58
5.4 RESPECT OF COPYRIGHT	63
5.5 AWARENESS OF COPYRIGHT LAW	70
5.6 SUGGESTIONS FOR A NEW LAW.....	75
CHAPTER 6: LIMITATIONS AND SUGGESTIONS.....	86
CHAPTER 7: CONCLUSION	87
APPENDIX.....	89
I – SURVEY.....	89
II – INTERVIEWS.....	93
A. <i>Questions:</i>	93
B. <i>List of Interviewees:</i>	93
REFERENCES.....	94

CULTURAL COMMONS:
AN EXAMINATION OF LEBANESE PEOPLE'S KNOWLEDGE OF
COPYRIGHT

Chapter 1: Introduction

The World Intellectual Property Organization (WIPO) defines Intellectual Property as “creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.” Intellectual property has two categories: Industrial Property, which covers patents for inventions, trademarks, industrial designs and geographical indications, and Copyright, which includes literary works, films, music, artistic works, and architectural design. This study will be focus on copyright.

Copyright is a legal right that protects the use of the work and the rights of their creator. It provides the legal protection for the work and prohibits the unauthorized copying of the original work. This means that the creator has the exclusivity of using his or her work and can authorize or give the permission for others to use it. Copyright covers mainly everything a person can create or come up with, such as poems, novels, writings, drawings, photographs, plays, music, films, and the list goes on. Copyright law specifies rules about how works can be used (WIPO).

The first copyright laws were enforced in the United Kingdom in 1710 (statute of Anne) and in the United States in the 1790 but the roots of copyright go back to the Greece and Roman social, political and legal thoughts (Atkinson & Fitzgerald, 2014). Copyright law is affected by the social changes so it develops with the development of different aspects in societies. Copyright law develops to satisfy all the author's needs of protection for different types and kinds of works. From the early years of printing books and writings till our world today, the world of technology, works are

being created and published. Authors of all kinds of works in all times deserve to have the right of protection for their works. Usually, the author is granted two main rights under copyright: moral and economic rights. The moral rights give the author the right to have the work under his or her name and the economic right gives the author the right to benefit financially from the work he or she created.

Today, thanks to social media, it became easy not only to spread one's creative work but also to receive and use the shared material. Noting copyright and related rights protection is obtained automatically without the need for registration or formalities (WIPO), people still post other people's works on social media (photographs, statuses, etc.) without the permission of its original publisher or mentioning and giving credits to the original post. Moral and economics rights should also be respected on social media. Social media is a new type of publishing so copyright should be applicable on these platforms since the idea of creating works and publishing them is still the same from the early years of printing and till today.

Among the Arab world countries, Lebanon was the first country to legislate a copyright law in the 1924 as well as signed and joined several international conventions such as the Berne Convention for the protection of literary and artistic works, Universal Copyright Convention and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. In 1999, Lebanese parliament issued an Act replacing chapter VII of the 1924 Act.

Although many studies exist on copyright, none of them assess people's awareness of the law in Lebanon. Besides the many suggestions of new media laws, they do not cover the copyright of works posted online. So, in this study, Lebanese people's knowledge of copyright will be examined by a survey to assess their awareness of the value of the creative work and its property. The study will also

suggest a copyright law that would be applicable to social media based on different international laws. Laws are made to organize the society and laws are put to satisfy the needs of the society.

Chapter 2: Literature Review

This chapter provides an overview of the laws currently used for copyright in Lebanon; these laws are derived from the press law, copyright law and the World Intellectual Property Organization (WIPO). This chapter will also discuss the copyright policies of Facebook, Twitter and Instagram, in addition to the fair use doctrine in the United States and the fair dealing in the United Kingdom. International studies about people's awareness of copyright will also be discussed.

2.1 Lebanese Media Law

The Lebanese media law is mainly divided into the press law, introduced in 1962, and the audio-visual law, introduced in 1994. After the Lebanese independence in 1943, the press law went through three stages. The first stage in 1948 regulated the print media and formed one union for the journalists; the second stage in 1952, saw the formation of two unions, for publishers and editors while the third stage in 1962 defined the profession and the practice of journalism (Sciacchitano, 2014). The audio-visual media law (AVML), which came into being in 1994, regulates the work of the televisions and radio stations in Lebanon. It excludes cinema production. There is clearly then an absence of law for cinema and for new technologies such as online and social media. The latest media law was issued in the 1994 at a time when Internet was not available in Lebanon.

Media content is mostly referred to the Lebanese criminal law where most of the lawsuits that are filed against the media in Lebanon are libel and slander, which is mentioned in chapter 4 of the Lebanese penal and criminal law. There are no specific punishments for media and specifically online media in Lebanon. New drafts of media law were written but none have been issued. In 2010, Lebanese parliament

member, Ghassan Moukhaiber, along with a non-governmental organization called Maharat suggested a new draft which includes but is not limited to,

abolishing articles pertaining to the incarceration of Lebanese journalists and replacing them with acceptable penalty fees instead, developing new laws strictly related to digital journalism and media; in addition to granting those who are actually working in the journalism field membership to the Journalist Union and re-enforcing its authority and responsibilities (Ghoussaini, 2017).

Another draft was introduced in 2017, by the Minister of Information, Melhem Riachy. The fate of the second draft is similar to the first as it is still waiting for the Lebanese parliament to study the suggestions and issue a new law (Ghoussaini, 2017). So Lebanon still lacks a proper media law that is relevant to the latest media developments and technology.

Online media and especially social media are widespread and heavily used not only by the youth or the new generation but also by journalists, media companies, politicians and almost everyone. Social media became a source of entertainment, information, work, and it also became a space for exhibition where people can show their work and art. It has become a part of the daily life. Issuing a law that organizes online media and covers all matters related to online media became a necessity in our society.

2.2 Current Laws Used for Copyright in Lebanon

Lebanon was the first country in the Arab world to publish a resolution that protects intellectual property on January 17, 1924. The country had pioneered copyright law in the Arab world. Resolution No. 2385 was issued to protect commercial and industrial property rights. Lebanon had also signed and joined several international conventions aiming for the protection of copyright and related rights. In 1947, Lebanon joined the Berne Convention for the protection of literary

and artistic works. In 1959, Lebanon signed the Universal Copyright Convention and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations in 1997. In addition, Lebanon enforced several amendments to its law when it joined the World Trade Organization (WTO).

In the late 1990s, Lebanon aimed to develop the laws related to copyright. In 1999, the Lebanese parliament issued an Act that replaced the chapter VII of the Act 1924 mentioned above. This law aims to provide the protection for the owners of copyright and related rights. It was inspired by the conventions that already had been signed by Lebanon specially the Berne Convention, the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, WIPO copyright treaty and WIPO Performances and Phonograms Treaty taking into consideration the development of technology and audiovisual techniques.

The new Act No. 75/99 was enforced on the 14th of June 1999. It contains 101 articles divided into 12 chapters. The law mainly includes definitions and meaning of the terms and expressions that are used in copyright and related rights. It also identifies the protected works, that must be original, in chapter 2 article 2 as follows:

- books, archives, pamphlets, publications, printed material and other literary, scientific and artistic writings;
- lectures, addresses and other oral works;
- audiovisual works and photographs;
- musical compositions with or without words;
- dramatic or dramatico-musical works;
- choreographic works and pantomimes;
- drawings, sculpture, engraving, ornamentation, weaving and lithography;
- illustrations and drawings related to architecture;

- computer programs whatever their language and including preliminary work;
- maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science;
- any kind of plastic art work whether intended for industry or not.

The law mentions some exceptions in article 3 such as the daily news, the laws and governmental official forms and paper, judicial decisions, speeches delivered in public assemblies and meetings (the authors of speeches and presentations shall enjoy the sole right of collecting and publishing such lectures and presentations), ideas, data, abstract scientific facts and artistic folkloric works of all kinds.

The law specifies as well who is a copyright holder, the terms of protection and its eligibility. The law explains the rights that a copyright holder has and the provisional measures, damages and sanctions.

Despite these advances, the Lebanese copyright law is not developed enough to satisfy the needs of copyright protection on online platforms. A pertinent question here is: why not provide copyright protection for the works mentioned above when it comes to online and digital use? Don't the authors of such works have the right to protect their work online as well?

Content in Lebanon is assessed based on the Lebanese criminal law, specifically under libel and slander, and the press law mentioned above. There is no specific law for media and online content. Also, no studies about online copyright law were done or found.

2.3 Facebook Copyright Policy

Facebook, the social media platform, conditions that users sign its Statement of Rights and Responsibilities to be able to create an account on the platform. In its

policies, Facebook allocates a part to Intellectual Property and more specifically to copyright and trademark. In Facebook's Statement of Rights and Responsibilities, Facebook mentions that a person owns all the content and information he or she post and can control how it is shared through the privacy option. Yet, Facebook claims that with content that is covered by intellectual property rights, like photos and videos (IP content), you [the user] specifically give us the following permission, subject to your privacy and application settings: you grant us a non-exclusive, transferable, sub-licensable, royalty-free, worldwide license to use any IP content that you post on or in connection with Facebook (IP License). This IP License ends when you delete your IP content or your account unless your content has been shared with others, and they have not deleted it. In addition, when someone publishes content or information using the public setting, it means he or she is allowing others to access and use the post but they should associate it with the person who originally posted the content.

In its policies, Facebook defines copyright and the types of works to be protected by copyright. Copyright is a legal term that protects original works of authorship and as soon as a person creates the work, he or she obtains copyright. It covers visual (videos, movies, paintings, photographs, etc.), audio (music, songs, recording, etc.) and written (books, plays, articles, etc.) works. The Facebook policy also explains how copyrighted works should be used and what to do in case someone's intellectual property rights were infringed. The Facebook Statement of Rights and Responsibilities does not allow the posting of content that violates other's intellectual property rights. First of all, a user should make sure that the content he or she posts does not violate copyright law. Facebook suggests that the best way to make sure the content is not violating the policies is to post content that the user has created. The published content should be original. Second, a user can take permission from the

original author to publish his or her content or the use of the material should be under the fair use.

Facebook also mentions that if the user did not intend to infringe copyright law, using other people's content is still an infringement even if, as they are listed in the Facebook policies:

- Include a disclaimer that you don't intend to infringe copyright
- Say that the use is a fair use
- Didn't intend to profit from it
- Bought or downloaded the content (for example, a copy of a DVD or a song from iTunes)
- Modified the work or added your own original material to it
- Found the content available on the Internet
- Recorded the content onto your own recording device (for example, from a movie, concert, sporting event, etc.)
- Saw that others have posted the same content as well

Facebook immediately removes any video that potentially contains someone else's copyrighted content and removes posts that are reported for intellectual property infringement. In both cases, the user receives a notification email. For the video, the email informs the user of his or her options such as confirming posting the content and whether he or she has the right to use it. As for the reported post, the email includes the name and the email of the rights owner who reported the infringement and the details of the report. So the user can contact the rights owner and follow up with him or her in case he or she believes that the content should not be removed. In addition, if someone repeatedly violates other's intellectual property rights, action will be taken depending on the nature of the reported content. The user's

account might be disabled or their ability to post videos and photos might be limited, and could lose access to certain features on Facebook. Facebook also specifies the steps that a person should follow to report copyright infringement noting that only the owner of the copyright can file a report. The copyright owner can fill an online form (Figure 1) or contact Facebook but the fastest method is online. In both cases, the report should include the following: complete contact information, description of the copyrighted work that has been infringed, description of the content that infringes copyright, sufficient information to permit Facebook to locate the material (URL leading to the material for example), declaration of good faith that use of the copyrighted content is not authorized by the owner or law and the information is accurate and the person that is reporting is the owner, and electronic or physical signature.

After submitting a report and as mentioned above, an email will be sent to the user who used the copyrighted works. On the other hand, the rights owner receives an automated email that includes information about the report and a unique report number that the person should save in case of need to contact Facebook. In certain cases, Facebook might have some questions about the report so they will respond by asking for the information they need. The infringed content will be removed and the person who used the copyrighted work might contact the owner to solve the issue as mentioned above.

facebook

[Help Centre](#) English (UK)

- Creating an Account
- Friending
- Your Home Page
- Messaging
- Photos
- Videos
- Pages
- Groups
- Events
- Payments
- Apps
- Facebook Mobile and Desktop
- Apps
- Accessibility

Copyright Report Form

Use this form to report content that you believe infringes your copyright

To ensure that you're in the right place, what best describes your issue?

- My account has been hacked
- I lost access to a group or Page I used to manage
- I found a fake profile that is pretending to be me
- I am being bullied or harassed
- I found inappropriate or abusive content
- I (or someone I am legally responsible for) appear in content that I do not want to be displayed
- My name (or the name of my organisation) is being used without my permission
- I found content which I believe infringes my trademark
- I found content which I believe infringes my copyright

In most countries, copyright is a legal right that protects original works of authorship, such as books, music, films and art. Generally, things such as names, titles, slogans or short phrases aren't considered to be original enough for copyright protection. Copyright also doesn't generally protect facts or ideas, but it may protect the original words or images that express a fact or idea. For more information on copyright, visit the copyright section of our Help Centre.

[Continue with my copyright report](#)

Please note that submitting a report of intellectual property infringement is a serious matter with legal consequences. Intentionally submitting misleading or otherwise fraudulent reports of infringement may lead to termination of accounts as well as liability for damages under section 512(f) of the United States Digital Millennium Copyright Act (DMCA) or similar laws in other countries.

Contact Information

[Provide your contact information](#)

Who owns the copyright?

- Me or my organisation
- My client
- Someone else

Content that you want to report

[Provide the content you want to report](#)

What type of content are you reporting?

- Photo, video or post
- Photo album
- Other

Why are you reporting this content?

Your copyrighted work(s)

[Provide your copyrighted work](#)

Which of these best describes your original copyrighted work?

Where can we see an authorised example of your work?

You can provide links (URLs) leading directly to examples on your website, Facebook Page or anywhere else on the web. If the copyrighted work isn't online, please describe the work in detail (e.g. a photograph of yellow flowers in a green field) or attach an authorised example.

Attachment (optional)

Please note that you can also attach additional information to your report, such as an authorised example of your work. Please note that we only support the following file formats: JPG, GIF, PNG, TIFF and PDF.

[Choose Files](#) No file chosen

Declaration

[Confirm declaration statement](#)

By submitting this notice, you state that you have a good-faith belief that the reported use described above, in the manner that you have complained of, is not authorised by the intellectual property rights owner, its agent or the law; that the information contained in this notice is accurate; and, under penalty of perjury, that you are authorised to act on behalf of the owner of the intellectual property rights at issue.

Facebook © 2018 English (UK) /

[About](#) [AdChoices](#) [Terms and policies](#)
[Privacy](#) [Create ad](#) [Cookies](#)
[Careers](#) [Create Page](#)

Figure 1 – Copyright Report on Facebook

2.4 Twitter Copyright Policy

Similar to all social media platforms, when a person first signs up to Twitter, he or she has to agree to its rules and regulations. Twitter policies provide a section about copyright that users should follow and that helps them with submitting a copyright complaint in case of an infringement.

As mentioned in its policies, Twitter responds to complaints submitted under the Digital Millennium Copyright Act (DMCA). It also lists what the user should provide to claim a copyright infringement as follow:

1. A physical or electronic signature (typing your full name will suffice) of the copyright owner or a person authorized to act on their behalf;
2. Identification of the copyrighted work claimed to have been infringed (e.g., a link to your original work or clear description of the materials allegedly being infringed upon);
3. Identification of the infringing material and information reasonably sufficient to permit Twitter to locate the material on our website or services;
4. Your contact information, including your address, telephone number, and an email address;
5. A statement that you have a good faith belief that the use of the material in the manner asserted is not authorized by the copyright owner, its agent, or the law; and
6. A statement that the information in the notification is accurate, and, under penalty of perjury, that you are authorized to act on behalf of the copyright owner (2017)

As for filing a copyright complaint, Twitter provides a copyright report in the Twitter Help Center section, where the copyright holder fills it and submits it (Figure 2).

Help Center

Help Center > Submit A Ticket > Report A Violation

Report copyright infringement.

Please fill out the form below to report content that you believe violates or infringes your copyright. Be aware that filing a DMCA complaint initiates a statutorily-defined legal process and we will share your full complaint, including your contact information, with the alleged violator. For more information see our [Copyright and DMCA policy](#). To report violations of the [Twitter Rules](#) and [Terms of Service](#) please see [How to report violations](#).

Tell us about yourself I am the copyright owner.

I am an authorized representative of the copyright owner.

None of the above.

Copyright owner's full name

Your full name

Company

Job title

Your email

Required field.
This is the email we'll use to contact you.

Street address

Enter your current address

City

State/Province

Postal code

Country

Phone number (optional)

Fax number (optional)

About the platform of infringing material

Where is this infringement happening?

Twitter

Vine

Periscope

If the infringement appears on Twitter and Vine, or Twitter and Periscope, please choose one case at a time. If the infringement is within Vine content that has been tweeted, choose "Vine" to address the issue at the source. If the infringement is within Periscope, choose "Periscope" to address the issue at the source.

[About](#)
[Business](#)
[Developers](#)
[Help Center](#)
[Marketing](#)

[Blogs](#)
[About Twitter Ads](#)
[Documentation](#)
[Using Twitter](#)
[Insights](#)

[Press](#)
[Targeting](#)
[Forums](#)
[Managing your account](#)
[Success Stories](#)

[Careers](#)
[Analytics](#)
[Events](#)
[Safety and security](#)
[Solutions](#)

[Investors](#)
[Ads support](#)
[Developer blog](#)
[Rules and policies](#)
[Collections](#)

[Engineering](#)
[Small Business blog](#)
[Fabric.io](#)
[Contact us](#)
[Advertising blog](#)

[Policy](#)
[Advertise](#)

[Brand](#)

[Flight School](#)

© 2017 Twitter, Inc.
 [Cookies](#)
[Privacy](#)
[Terms and Conditions](#)
[English](#)

Figure 2 – Copyright Report on Twitter

Reports are processed in the order they are received in. Once the report is submitted, Twitter will send the user an email containing a ticket confirmation and takes action concerning the post by removing it. Twitter then will contact the affected account providing him or her with the information about the removal or restriction of access, which also include a full copy of the takedown notice with the full information about the copyright holder who already submitted the report along with instructions of filing a counter-notice. A counter-notice is submitted if the affected user believes that the material reported in the copyright notification was removed in error or misidentified. To submit a counter-notice the user should respond to the original email notification of the removal sent by twitter and mention the following:

1. A physical or electronic signature (typing your full name will suffice);
2. Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled (the description from the copyright notice will suffice);
3. A statement under penalty of perjury that you have a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled; and
4. Your name, address, and telephone number, and a statement that you consent to the jurisdiction of the Federal District Court for the judicial district in which the address is located, or if your address is outside of the United States, for any judicial district in which Twitter may be found, and that you will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.

The copyright holder or the person who filed the original notice will then receive a copy of the counter-notice. The person is also notified that “If we [Twitter] do not receive notice within 10 business days that the original reporter is seeking a court order to prevent further infringement of the material at issue, we may replace or cease disabling access to the material that was removed” (Twitter Copyright Policy, 2018). Twitter clarifies that there are legal and financial consequences for fraudulent and bad faith submissions.

2.5 Instagram Copyright Policy

According to Instagram's Terms of Use and Community Guidelines, the user can only post content that does not violate the intellectual property right of another party except when the user has the permission to use other's content. Instagram protects copyright so it gives the copyright owner the chance to report a copyright infringement. There are two ways to do it, the easy way by filling out a form provided by Instagram (Figure 3) or by contacting Instagram's designated agent.

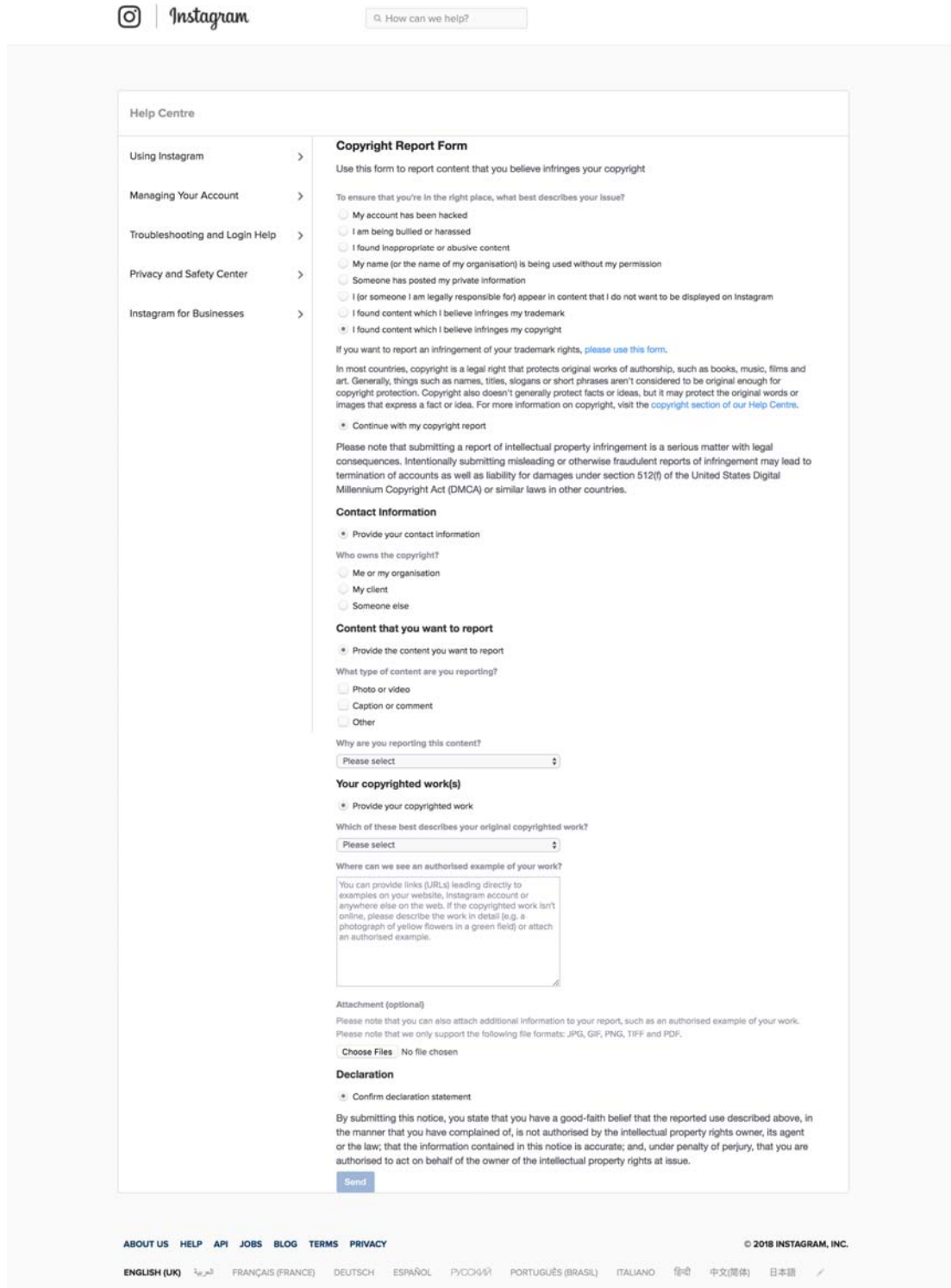


Figure 3 – Copyright Report on Instagram

Only the copyright owner or their authorized representative can file a copyright infringement. When a user submits a copyright report through Instagram's form or email, the user will receive an automated email that contains information about the report along with a unique report number that the user should save in case he or she needs to contact Instagram about the report. In some cases, Instagram might need to know more information about the report so it responds by asking about the missing information. After removing the reported content, Instagram notifies the person who posted the reported material along with the report number, copyright owner's name, email address, description of the rights owner's copyrighted work, description of the removed content and the details of the report.

Whether submitting the copyright infringement report by filling out the form provided by Instagram or by contacting Instagram, the following information is needed to process with the report as mentioned in Instagram's policy:

1. Your complete contact information (full name, mailing address and phone number)
2. A description of the content on our site that you claim infringes your copyright
3. Information reasonably sufficient to permit us to locate the material on our site. The easiest way to do this is by providing web addresses (URLs) leading directly to the allegedly infringing content..
4. A declaration that:
 - a. You have a good faith belief that use of the copyrighted content described above, in the manner you have complained of, is not authorized by the copyright owner, its agent, or the law
 - b. The information in your notice is accurate

c. Under penalty of perjury, you are the owner or authorized to act on behalf of the owner of an exclusive copyright that is allegedly infringed

5. Your electronic signature or physical signature

Unlike Facebook and Twitter, Instagram offers a chance to withdraw a copyright report in case the report was submitted by mistake or if the copyright owner and the person who posted the material reached an agreement. To do so, the copyright owner should respond to the email that he or she received after submitting the report or send an email to ip@instagram.com adding the original report number. Once the withdrawing notice received, the content will be restored.

2.6 Fair Use in the United States

In all social media policies, as was seen in those of Facebook, Twitter and Instagram, using copyrighted material under Fair Use is acceptable. Courts in the United States realized the importance and the need of a law that allows people to share or to use the copyrighted material without violating the owner's copyrights and being subject to an infringement (Herzfeld, 2016). According to the US Copyright Office (2018), "fair use is a legal doctrine that promotes freedom of expression by permitting the unlicensed use of copyright-protected works in certain circumstances".

Section 107 of the Copyright Act in the United States (1976) lists the Limitations on exclusive rights and defines Fair use as follow:

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In

determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.^[1]^[SEP]The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

If using the work or the copyrighted material under one of these categories or its usage falls into one of the above purposes, it is not considered as copyright infringement. Noting that these four categories are guidelines for courts to adapt. Courts check case by case, and each category is analyzed individually then compared with others making sure that the usage of the copyrighted work fits under one of the listed categories. Not everything is applicable to all the situations. It differs from a case to another.

2.7 Fair Dealing in the United Kingdom

The United Kingdom copyright law mentions few exceptions where a person can use copyrighted materials without being considered as infringements. The exceptions, or what is called by Fair dealing, are mentioned in the sections 29, 30 and 32 of the Copyright, Designs and Patents Act 1988 (CDPA). The Fair dealing concept was embodied in the UK law in 1911 and was more developed in 1956 Copyright Act (Owen, 2015). Fair dealing is more specific and more restrictive than fair use. Fair

dealing mentions three main exceptions, which are the following: using copyrighted material for the purpose of research or private study, for reporting of current events and for criticism and review noting that acknowledgement to the source must be provided. Fair dealing is judged on if the usage of the copyrighted material falls under the specific categories that law mentions.

Section 29 (1) of the Copyright Act (Research and Private Study) mentions that:

Fair dealing with a work for the purposes of research for a non-commercial purpose does not infringe any copyright in the work provided that it is accompanied by a sufficient acknowledgement". Fair dealing is very specified in the UK. Section 29 also points out the cases where copying other's work is not considered as Fair dealing:

(3) Copying by a person other than the researcher or student himself is not fair dealing if –

(a) in the case of a librarian, or a person acting on behalf of a librarian, that person does anything which is not permitted under section 42A (copying by librarians: single copies of published works), or

(b) in any other case, the person doing the copying knows or has reason to believe that it will result in copies of substantially the same material being provided to more than one person at substantially the same time and for substantially the same purpose.

(4) It is not fair dealing —

(a) to convert a computer program expressed in a low level language into a version expressed in a higher level language, or

(b) incidentally in the course of so converting the program, to copy it, (these acts being permitted if done in accordance with section 50B (decompilation)).

(4A) It is not fair dealing to observe, study or test the functioning of a computer program in order to determine the ideas and principles which underlie any element of the program (these acts being permitted if done in accordance with section 50BA (observing, studying and testing)).

(4B) To the extent that a term of any contract purports to prevent or restrict the doing of any act which, by virtue of this section, would not infringe copyright, that term is unenforceable

Section 29A also mentions that a copy of a work is not considered as infringement if a person has lawful access to copy the work and used it for analysis for a research, non-commercial purposes and it should be accompanied by acknowledgment. As well, it points out that the copying of the work is considered an infringement when the copy is transferred to any other person except when it is authorized by the copyright owner.

What is also considered as fair dealing is the work used for the purpose of criticism or review as mentioned in section 30 of the Copyright Act. But the criticized or reviewed work should be quoted, made available to the public, the extent of the quotation should not be more than is required for the specific purpose for which it is used and it acknowledgment is necessary. In addition, section 30(2) using work for reporting current events is fair dealing where no acknowledgment is required. Section 30A introduces the fair dealing for the works used for the purposes of caricature, parody or pastiche where there is no copyright infringement.

Education purposes are one of the copyright infringement exceptions. Owen (2015) declares “section 32 of the Copyright, Designs and Patents Act (CDPA) permits the reproduction of copyrighted material during the course of instruction by an individual being instructed, but this precludes copyright by a reprographic process. Section 36 allows for reprographic copying by educational institutes, but only if there are no license arrangements in place for such usage. In the UK, reprographic copying for class use by educational institutes is covered by licences issued by the Copyright Licensing Agency (CLA)”.

Section 32 of the CDPA:

(1) Fair dealing with a work for the sole purpose of illustration for instruction does not infringe copyright in the work provided that the dealing is—

(a) for a non-commercial purpose,

(b) by a person giving or receiving instruction (or preparing for giving or receiving instruction), and

(c) accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise).

(2) For the purposes of subsection (1), “giving or receiving instruction” includes setting examination questions, communicating the questions to pupils and answering the questions.

(3) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of this section, would not infringe copyright, that term is unenforceable.

After looking into the existing Lebanese laws and the suggested laws concerning copyright and media in Lebanon, none of them mentions online copyright. But the current laws will be the base on which the new law will depend to develop it

into a suitable law that fits the online media content. Social media platforms give the right of copyright to their users in their policies as discussed above. Facebook, Twitter and Instagram are the most interactive social media platforms that allow users to share different kinds of posts like pictures, videos, and status. All sorts and types of works can be shared on these platforms. Their policies are almost the same where users can claim copyright infringement and protect their work. They are mentioned to show that copyright on social media is respected even though not everyone knows about it. They also provide the users an online form to submit copyright infringement. Plus, these policies will provide an idea of how the law should be and how to apply it.

Facebook, Twitter and Instagram also respect the Fair Use doctrine since it allows users to share other people's work without considering them violations. Since there are different legal systems in the world, fair use and fair dealing are discussed above to cover more than one legal system which will also give a wider idea of how to formulate the law suggestion.

2.8 People's Awareness of Copyright

The Department of Communications and the Arts in the Australian Government conducted a survey about the online copyright infringement in March 2018 among 2,453 Australians aged above 12. First they studied what kind of content was consumed by the participants in the last three months and the results are that 43% consumed music, 20% consumed video games, 47% consumed movies and 50% consumed TV program. The study also shows that the downloading of music increased from 2017 and 2018 by 1% while downloading video games, movies and TV program decreased. As for the streaming, it increased in music, movies and TV programs and decreased in video games. The percentage of consumers who paid for

the music decreased from 26% in 2017 to 16% in 2018, it is almost stable for video games and it increased for TV programs and movies.

The study also shows the level of copyright infringement were 48% of females and 52% of males consume content unlawfully where 49% are 34 years old or younger. The main reasons that people consume digital content unlawfully as shown in the survey results are because it is free (44%), it is easy (38%) and it is quick (31%). The participants were asked what decreases infringement, the results were decrease the price of lawful services (26%), 23% said that if it was clearer what is lawful and what is unlawful and 6% nothing make them stop infringing noting that 50% of the respondents are aware of the lawful and licensed online services.

In Nigeria, Idugia and Hamzat (2016) study the level of awareness and infringement of copyright among the undergraduates of the University of Ibadan. Their study is titled: *"Awareness and indulgence in copyright Infringement of Internet Information Contents among Distance Learning Undergraduates of University of Ibadan, Nigeria"*. Most students were infringing copyright where 43.5% strongly agree and 40.5% agree with "copying and pasting" content while only 14.9% disagree. As for photocopying of downloaded Internet content, 43.5% strongly agree, 43.5% agree while 12.5% disagree. Only 4.8% of the participants strongly disagreed with the action of replacing words without citing in their class work while 47% strongly agrees.

Overall, over 80% of the respondents are engaged in the different ways of copyright infringement but when they were asked if plagiarism is ethical or not, 81% responded that plagiarism is unethical. Students were also asked about activities that violate copyright. The study shows that 36.9% are unaware that sharing or using

online content without referencing is punishable under the law and 29.8% are not aware that the unauthorized use of Internet content is also punishable under the law.

Social media has also an impact on infringing copyright as shown in the study where 78.6% of the participants share downloaded materials through social networking and 50% of them claim that the content provided is relevant and useful for them.

In Spain, Enrique Muriel-Torrado and Juan-Carlos Fernandez-Moleina (2015) chose the Universidad de Extremadura for their study titled "Creation and Use of Intellectual Works in the Academic Environment: Students' Knowledge About Copyright and Copyleft". This study tests the knowledge of the Spanish university student about copyright and copyleft. Copyleft is offering the right to use the work without authorization. The first group of questions was about general concepts of the copyright law where the majority got all the answer correctly except the duration of the copyright and the public domain. Only 16% of the participants were aware that the copyright protection in Spain lasts for 70 years after the death of the author. The majority (51%) knew that the author gains moral and economic rights under copyright. 69% also knew the exceptions for copyright where their answer was "private copying". 40% actually knew what public domain means, the author has no economic rights but has the moral rights for his or her work.

The second group of questions was about copyright in teaching. Muriel-Torrado and Fernandez-Moleina (2015) claims that less than the half of the students (41%) were aware that they are the owners the copyright of the their classwork. Spanish copyright law gives exceptions for teaching purposes to teachers only. Participants have answered wrong were they chose that these exceptions can be used by both students and teachers (85%). Only teachers can benefit from the exceptions.

Another group of questions tackled the digital material or online teaching. 44% of the participants think that they can use a large portion of a copyrighted material for classwork and 54% think that they can use a large portion of a copyrighted material if it is on the Internet. While 80% agreed that content accessed on the Internet cannot be used without quoting the source.

Chapter 3: Theoretical Framework

This chapter is an overview of the online copyright laws used worldwide such the Internet Treaties; WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms (WPPT), the Digital Millennium Copyright Act (DMCA) and the copyright laws in the United Kingdom where the first copyright law (Statute of Anne), France where most of the Lebanese laws are derived from and United Arab Emirates. These laws form the theoretical framework to this study, and on which the suggested copyright law for social media in Lebanon will be based. In addition, Creative Commons are discussed showing their roles and rules in protecting copyright on online platforms.

3.1 Internet Treaties – WCT & WPPT

With the rise of the Internet and the expanding field of the copyright and related rights, the World Intellectual Property Organization (WIPO), through WIPO Copyright Treaty (WCT) and WIPO Performances and Phonogram Treaty (WPPT), set down international norms which aim at preventing unauthorized use of creative works on the Internet and digital networks. WCT and WPPT are known together as the “Internet Treaties”. As their names suggest, the WCT includes the protection of literary and artistic works (writings, computer programs, original database, photographs, music and audiovisual works) and the WPPT covers the right of performers and producers of phonograms. The purpose behind both treaties is to update the existing WIPO treaties and related rights to satisfy the Internet needs. The Internet treaties aim to protect the works and the authors' right in the digital environment.

WCT (1996) adds two subjects to be protected by copyright: computer programs and compilations of data or other material. WCT grants the following rights to the authors:

- The right of distribution (Article 6): the right of making the original and copies of a work available to the public through sale or other transfer of ownership.
- The right of rental (Article 7): the right to authorize the commercial rental of the work to the public noting that it includes three kinds of works: computer programs, cinematographic works and embodied in phonograms.
- The right of communication to public (Article 8): making the work available to public as they can access the work at a time and place they choose.

As for the limitations and exceptions, Article 10 of the WCT mentions the following:

1) Contracting Parties may, in their national legislation, provide for limitations of or exceptions to the rights granted to authors of literary and artistic works under this Treaty in certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

(2) Contracting Parties shall, when applying the Berne Convention, confine any limitations of or exceptions to rights provided for therein to certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

The WPPT (1996) deals with the protection of the performers and the producers of phonograms. This treaty grants economic rights to performers in their fixed performances in phonograms and their unfixed performances (live performances). For the fixed in phonograms, the treaty protects the following rights:

- The right of reproduction (Article 7): the right to authorize direct or indirect reproduction of the phonogram in any form.
- The right of distribution (Article 8): the right of making the original and copies of a work available to the public through sale or other transfer of ownership.
- The right of rental (Article 9): the right to authorize the commercial rental to the public of the original and copies of the phonogram.
- The right of making available (Article 10): the right of making the performance fixed in a phonogram available to public in a way they can access it from a place and time they choose.

As for the unfixed performances, the performers have three rights under the WPPT: the right of broadcasting, the right of communication to the public and the right of fixation. In addition to the economic rights, this treaty grants performers moral rights, which is “the right to claim to be identified as the performer and the right to object to any distortion, mutilation or other modification that would be prejudicial to the performer's reputation” (WPPT, 1996).

The treaty grants the producers of phonograms economic rights as well: the right of reproduction, the right of rental and the right of making available. And as the WCT, WPPT mentions the limitations and exceptions in Article 16:

- (1) Contracting Parties may, in their national legislation, provide for the same kinds of limitations or exceptions with regard to the protection of performers and producers of phonograms as they provide for, in their national legislation, in connection with the protection of copyright in literary and artistic works.
- (2) Contracting Parties shall confine any limitations of or exceptions to rights provided for in this Treaty to certain special cases which do not conflict with a

normal exploitation of the performance or phonogram and do not unreasonably prejudice the legitimate interests of the performer or of the producer of the phonogram.

Both treaties (WCT and WPPT) suggest that the term of protection of any kind of work must be at least fifty years after the author's death as it is mentioned in the Berne convention. The exercise or the enjoyment of the rights granted by the treaties cannot be subject to any formality. Add to that, both treaties oblige contracting parties to provide legal remedies against the circumvention of technological measures and to adopt, in accordance with its legal system, the measures necessary to ensure the application of the treaty (Article 14 in WCT and articles 18 and 19 in WPPT).

3.2 Copyright Law in the United States – Digital Millennium Copyright Act

In the United States, the copyright is governed by the Copyright Act of 1976 and all the amendments that were made later on protect the copyright. One of the significant amendments is the Digital Millennium Copyright Act (DMCA). It was enforced with the rise of the digital age so copyright can also protect works online. DMCA was signed in 1998 and it implements the WIPO treaties: WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty and it addresses as well other significant copyright-related issues. As well, DMCA (1998) is divided into five main titles, which are the following as mentioned in the US Copyright Office Summary:

1. **Title I:** the “WIPO Copyright and Performances and Phonograms Treaties Implementation Act of 1998,” implements the WIPO treaties. ^L_{SEP}

2. **Title II:** the “Online Copyright Infringement Liability Limitation Act,” creates limitations on the liability of online service providers for copyright infringement when engaging in certain types of activities. ^[1]_[SEP]
3. **Title III:** the “Computer Maintenance Competition Assurance Act,” creates an exemption for making a copy of a computer program by activating a computer for purposes of maintenance or repair. ^[1]_[SEP]
4. **Title IV:** contains six miscellaneous provisions, relating to the functions of the Copyright Office, distance education, the exceptions in the Copyright Act for libraries and for making ephemeral recordings, “webcasting” of sound recordings on the Internet, and the applicability of collective bargaining agreement obligations in the case of transfers of rights in motion pictures. ^[1]_[SEP]
5. **Title V:** the “Vessel Hull Design Protection Act,” creates a new form of protection for the design of vessel hulls.

DMCA added two new prohibitions in title 17 of US Code, which is the code that outlines the copyright law in the US. The prohibitions are on circumvention of technological measures used by copyright owners to protect their works and one on tampering with copyright management information. DMCA also added civil remedies and criminal penalties for violating the prohibitions. Section 1203(a) of the 17 US Code mentions that “Any person injured by a violation of section 1201 or 1202 may bring a civil action in an appropriate United States district court for such violation” (17 U.S. Code § 1203 - Civil remedies) and section 1204(a) claims that “Any person who violates section 1201 or 1202 willfully and for purposes of commercial advantage or private financial gain:

- (1) Shall be fined not more than \$500,000 or imprisoned for not more than 5 years, or both, for the first offense; and

(2) Shall be fined not more than \$1,000,000 or imprisoned for not more than 10 years, or both, for any subsequent offense” (17 U.S. Code § 1204 - Criminal offenses and penalties).”

DMCA also added a four new limitation on liability for copyright infringement by online service providers (section 512 of copyright act): transitory communications, system caching, storage of information on systems or networks at direction of users, and information location tools.

So in general, the DMCA includes obligations pertaining to technological protection measures and rights management information as well as limitations on liability for online service providers. Also in the United States, copyright registration is not a condition. The author gains the right as soon as the work is creates and it lasts for 70 years after the author's death.

3.3 Copyright Law in the United Kingdom

In 1710, the British parliament enacted the first copyright law in the world and was called the statute of Anne after the name of the Queen of Great Britain, Anne. It was titled: “*An Act for the Encouragement of Learning, by vesting the Copies of Printed Books in the Authors or purchasers of such Copies, during the Times therein mentioned*”. Rather than giving the rights to printers to print and distribute books, the statute of Anne granted the author the "right and liberty" of printing books. The statute of Anne specified the term of the right by 14 years if the book is not yet printed or published and renewable once (another 14 years) if the author was still alive at the end of the first term (Deazley, 2008). As for the printed books, the legislation granted the authors the right for a non-renewable 21-year term.

In the 19th century, copyright started to extend where art, drama, music and literature were added as copyrighted material (The British Academy, 2006). And with

the development of technology and materials such as photographs, films, broadcasts, sound recordings, computer programs and the rise of Internet, they also became subject to copyright.

Today, the United Kingdom has the Copyright, Design and Patent Act of 1988 law (CDPA). It protects literary, dramatic and musical works (section 3), databases (section 3A), artistic works (section 4),^[1] sound recordings (section 5A), films (section 5B), broadcasts (section 6), safeguards in relation to certain satellite broadcasts (section 6A), and published editions (section 8). Noting that the mentioned works have copyright whether they are published or not in condition that the work must be original.

As for the copyright term or the term of protection, the duration differs depending on the type and kind of works. Sections 12, 13A, 13B, 14, 15 and 15A of the CDPA (1988) specify the duration of copyright protection for each category.

Section 12 determines the duration of copyright in literary, dramatic, musical or artistic works as the follow: author's work is protected during his lifetime and after 70 years from the date of his death. If the work has an unknown author, copyright expires after 70 years from the day it was made and if the work was made available to the public during this period, copyright lasts 70 years after the day the work became available.

Section 13A identifies the duration of copyright in sound recordings. Copyright expires after 50 years of being made and if the sound recording was published, it loses its copyright after 70 years from being published. Also, if the sound recording has not been published but made available to public by playing it in public or communicated to the public, copyright expires after 70 years from the date of which it was made available.

Section 13B of CDPA indicates the duration of copyright in films:

(2) Copyright expires at the end of the period of 70 years from the end of the calendar year in which the death occurs of the last to die of the following persons--

- (a) the principal director, ^{[[1]]}_[SEP]
- (b) the author of the screenplay, ^{[[1]]}_[SEP]
- (c) the author of the dialogue, or ^{[[1]]}_[SEP]
- (d) the composer of music specially created for and used in the film;

If the identity of the people mentioned above is unknown, copyright expires after 70 years from the date it was made or if it was made available to public, copyright expires after 70 years from being available.

Section 14 lays out the duration of copyright in broadcasts where the copyright expires after 50 years from the year in which the broadcast was made. Subsection 5 in section 14 draws attention for the repeat broadcast: "Copyright in a repeat broadcast expires at the same time as the copyright in the original broadcast ...; and accordingly no copyright arises in respect of a repeat broadcast which is broadcast after the expiry of the copyright in the original broadcast."

Section 15 explains the duration of copyright in typographical arrangement of published edition expires after 25 years from the end of the year in which the edition was published.

In the Copyright, Designs and Patent Act of 1988, the copyright owner gains two main rights: economic right and moral right. According to the British Academy, the economic right allows the copyright owner to allow or prohibit copying the work, issuing a work to the public, making adaptation of a work, renting or lending copies of the work to the public, performing, playing or displaying the work in public and

broadcasting a work or using other electronic means to communicate a work to public. As for the second right, moral rights cannot become subject of commerce. It gives the owner the right to be identified as the author/owner of his or her work, known as the right of paternity. Right of integrity is another right given to the author under the moral rights where the author can waive the right to object to material distortion or what is known by derogatory treatment.

Concerning the remedies of copyright infringement, chapter VI defines the rights and remedies of copyright owner. Section 97 declares the following:

(1) Where in an action for infringement of copyright it is shown that at the time of the infringement the defendant did not know, and had no reason to believe, that copyright subsisted in the work to which the action relates, the plaintiff is not entitled to damages against him, but without prejudice to any other remedy.

(2) The court may in an action for infringement of copyright having regard to all the circumstances, and in particular to--

(a) the flagrancy of the infringement, and ^[1]_[SEP]

(b) any benefit accruing to the defendant by reason of the infringement, ^[1]_[SEP]

award such additional damages as the justice of the case may require.

Different than other laws, in the United Kingdom crown and parliamentary copyright exists. Sections 163 to 167 explain the crown and parliamentary copyright. All works produced by the employees of the crown during their duties, Her Majesty the Queen is the owner and has the ownership of the material. As for the term, it lasts for 125 after the year the work was made in or if it was published within 75 years, copyright expires after 50 years after its publishing.

Moreover, the Intellectual property office (IPO) in the United Kingdom has a service called "Copyright Notice" where it provides explanation of specific areas of

copyright in the UK. The notice is not a substitute for legal advice. One of its purposes is to help small businesses that wish to use images on the web. As mentioned above, the creator of the photo is the copyright owner and it lasts for the life of the author till after 70 years of his death. Creating a copy of the image is not creating a new copyright. The Intellectual Property Office (IPO) in its copyright notice titled “Digital Images, Photographs and the Internet” (2015) mentions that “according to the Court of Justice of the European Union which has effect in UK law, copyright can only subsist in subject matter that is original in the sense that it is the author’s own ‘intellectual creation’. Given this criteria, it seems unlikely that what is merely a retouched, digitized image of an older work can be considered as ‘original’.” In addition to what was mentioned above, whether the work has the copyright symbol (©) or not, it is protected by copyright. Not seeing the copyright symbol does not mean the work is not protected so the users make sure that they have the permission to use the image online. If the user has created the image himself or herself, he or she can use it but the Intellectual Property Office (2015) mentions situations where the user is not free to do whatever he or she wants with the photo. The following are the situations as mentioned in the Copyright Notice: Digital Images, Photographs and the Internet (IPO, 2015):

- you are an employee working for a business or individual, and create images during the course of your employment (you would need the employer’s permission);
- you take a photo of a work that is protected by copyright (for example, taking a photo of a painting at a modern art gallery) – this could result in your photo itself being an infringement of copyright;

- you have agreed that the copyright in images you have created will belong to someone else;
- you have been commissioned to take photos by a third party for private and domestic purposes (for example, wedding photographs) and you do not have their permission to put them on the Internet;
- you have granted an exclusive licence to someone else; or
- you have agreed to the terms of a non-disclosure agreement, embargo or other contract which restricts or prohibits such action.

Also, taking photos of buildings or sculptures in public does not need any permission. The photographer is able to commercially use the photo. But taking photos of a two-dimensional work, such as posters, and publish it could be a subject to copyright infringement. In addition, to use photos found on the web, the user should be aware that the copyright is expired or he/she has the permission. As for using photos found on social media, the terms and conditions of social media websites should be checked to know if the photo could be used without being subject to infringement.

3.4 Copyright Law in France

In France, copyright or “droit d’auteur” is regulated by the French Intellectual Property Code (1995) along with international agreements such as the Berne Convention, UN Universal Copyright Convention, Copyright Treaty, WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, WIPO Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations and Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms. In addition,

France is a member of the European Union so it abides the EU Directives related to copyright.

The main condition to obtain copyright is that the work should be original, and similar to any other law, copyright does not require registration. *Art. L. 112-2* specifies the works, which are subject to copyright as follow:

1. Books, pamphlets and other literary, artistic and scientific writings;
2. Lectures, addresses, sermons, pleadings and other works of such nature;
3. Dramatic or dramatico-musical works;
4. Choreographic works, circus acts and feats and dumb-show works, the acting form of which is set down in writing or in other manner;
5. Musical compositions with or without words;
6. Cinematographic works and other works consisting of sequences of moving images, with or without sound, together referred to as audiovisual works;
7. Works of drawing, painting, architecture, sculpture, engraving and lithography;
8. Graphical and typographical works;
9. Photographic works and works produced by techniques analogous to photography;
10. Works of applied art;
11. Illustrations, geographical maps;
12. Plans, sketches and three-dimensional works relative to geography, topography, architecture and science;
13. Software, including the preparatory design material;
14. Creations of the seasonal industries of dress and articles of fashion.

Industries which, by reason of the demands of fashion, frequently renew the

form of their products, particularly the making of dresses, furs, underwear, embroidery, hats, shoes, gloves, leather goods, the manufacture of fabrics of striking novelty or of special use in high fashion dressmaking, the products of manufacturers of articles of fashion and of footwear and the manufacture of fabrics for upholstery shall be deemed to be seasonal industries.

The Intellectual Property Code also mentions two main neighbouring rights: the rights of the phonogram producers and the rights of the videogram producers.

Art. L. 113-1 to L. 113-9 explains who are the owners of copyright in different kinds and types of work. The authors' rights are mentioned in the Title II of Book I in the French Intellectual Property Code. The two main rights granted are the moral and economic rights. Moral rights are cited in *Art. L. 121-1 to L. 121-9*. The author or the creator of the work has the right to have the work in his or her name. The author determines the method of disclosure as well as the law gives the author the right to reconsider or withdraw the work.

As for the economics rights, they are mentioned in *Art. L. 122-1 to L. 122-12*. The law grants the author the right of exploitation. The author is the one who has the right of performance and reproduction. No one is allowed to perform or reproduce the work or translate, adapt and transform it without the consent or the permission of the author. There are some situations where the author cannot prohibit the use of his or her work. *Art. L. 122-5* declares:

Once a work has been disclosed, the author may not prohibit:

1. Private and gratuitous performances carried out exclusively within the family circle;

2. Copies or reproductions reserved strictly for the private use of the copier and not intended for collective use, with the exception of copies of works of art to be used for purposes identical with those for which the original work was created and copies of software other than backup copies made in accordance with paragraph II of Article L. 122-6-1;
3. On condition that the name of the author and the source are clearly stated:
 - (a) Analyses and short quotations justified by the critical, polemic, educational, scientific or informatory nature of the work in which they are incorporated;
 - (b) Press reviews;
 - (c) Dissemination, even in their entirety, through the press or by telediffusion, as current news, of speeches intended for the public made in political, administrative, judicial or academic gatherings, as also in public meetings of a political nature and at official ceremonies;
4. Parody, pastiche and caricature, observing the rules of the genre.

Chapter III of Book I in the French Intellectual Property determines the term of protection for the works and creations. *Art. L. 123-1* states that author has the right to take advantage of his or her work in any form to derive financial profit. After the author's death, this right is transferred to his or her successors for 50 years after the year of death and 70 years for musical compositions. And in case of works of collaboration where there are more than one author, "the calendar year taken into account shall be that of the death of the last surviving joint author" (*Art. L. 123-2*). In the case of anonymous or pseudonymous author, the term of protection is counted 50 years from January 1 of the calendar year following the publication and 70 years for musical compositions. But in case, the author or the authors revealed their identity,

the right of exploitation shall be applicable and the term of protection is how it is stated in *Art. L. 123-1*.

In addition to the Intellectual Property Code in France, HADOPI (Haute Autorité pour la Diffusion des Œuvres et la Protection des droits d'auteur sur Internet) a governmental agency that also helps in enforcing the copyright law in the country. HADOPI is the high authority for the dissemination of works and the protection of rights on the Internet is an independent public authority. The objectives of HADOPI law or the Creation and Internet law are putting end to peer-to-peer sharing works over the Internet and encouraging the legal downloading for works.

The main missions of the High Authority of HADOPI are encouraging the development of the legal offer, observing the legal and illegal use of works and providing protection for the works in addition to regulating and monitoring technical protection measures.

3.5 Copyright Law in the United Arab Emirates

Copyright in the United Arab Emirates (UAE) is protected by the Federal Law No. (7) of the year 2002 Concerning Copyrights and Neighboring Rights. Similar to the previous discussed law, in UAE the following are the works protected by the copyright law as mentioned in section 1 article 2:

books, pamphlets, essays and other written works, computer programs and applications, databases and works analogous to them as defined by a Minister's¹ decision, lectures, addresses, sermons and other works of similar nature, dramatic, dramatico-musical works and dumb shows, music compositions with or without words, sound and audiovisual works, architecture works, engineering plans and layouts, works of drawing, painting, sculpture and lithography (fabric,

¹ The Minister in the law refers to the Minister of Information and Culture.

metal, stones, wood) and engrave or similar works in the scope of fine arts, photographic works and works analogous to photography, works of applied and plastic art, illustrations, geographical maps, sketches, three-dimensional works relative to geography, topography and architecture designs etc, and derived works without prejudice to the protection stipulated for the works been derived from. The protection includes the title of the work if innovated and the innovated theme written for a broadcasting program.

In addition, the law protects performances, sound recordings and broadcasts. Noting that in order to obtain protection, the works must be deposited at the Ministry of information and culture.

The UAE copyright law also specifies what is not subject to copyright and not protected by the law, such as mathematical understandings, principals, procedures and methods, official documents (texts of law, regulations, decisions, agreements, etc.), news and current facts, and the works transferred to public property.

Section 2 (articles 5) of the Federal Law No. (7) of the year 2002 cites the rights of the author. The author obtains two main two main rights: economic and moral rights. Article 7 declares that only the author and his or her successors can have the license for exploitation of the work so only the author can benefit, financially, from the work he or she created. As well as the author has the moral rights that allow him or her to first publish the work. In addition to the right of writing the work in his or her name, moral rights give the author the right to protest against alteration of the work if it leads to distortion, mutation or causing derogation to the author (art. 5 part 3) and to withdraw the work from circulation (art. 5 part 4).


The term of protection that copyright law in UAE provides differs with different kinds of works. The economics rights of the author, as mentioned in article 20(1) of




the UAE copyright law, are protected “through the author’s lifetime and 50 years beginning from the first of the calendar year following the death”. And in the case of joint authors, economics rights are protected “through their lifetime and fifty years beginning from the first of the calendar year following the death of the last surviving author” (article 20 part 2). As for the applied art works, the term expires after 25 years of the date the work was published. The right of the performers is protected for 50 years after the performance was accomplished. The term of copyright for broadcasts is 20 years after the year when the first transmission was made.

Article 43 prohibits anyone who took a photo of someone else to publish it without a written permission from the photographed person unless the photo was taken in an open accident, related to renowned public or official figures.

3.6 Creative Commons (CC)

Creative Commons is a nonprofit organization that aims to spread the work and make it available to people to share and reuse for free and legally without the necessity of the author’s permission. Creative Commons allows the author to modify his or her copyright terms by providing legal tools that changes the “all rights reserved” to “some rights reserved”. Instead of reserving all of the rights granted by the copyright law, the author has the choice to make some rights reserved through the licenses offered by creative commons. The author can choose how people can legally share, use, repurposing and remixing his or her work. As mentioned in their websites, Creative Commons explains the license elements as the follows:

-  **Attribution (BY)** — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

-  **ShareAlike (SA)** — If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original.
-  **NoDerivatives (ND)** — If you remix, transform, or build upon the material, you may not distribute the modified material.
-  **NonCommercial** — You may not use the material for commercial purposes.”

Creative Commons website published a table showing what elements can be used in one license and those which cannot be combined in one (figure 4).












	 PUBLIC DOMAIN	 PUBLIC DOMAIN	 BY	 BY-NC	 BY-NC-SA	 BY-ND	 BY-NC-SA	 BY-NC-SA
 PUBLIC DOMAIN	✓	✓	✓	✓	✓	✗	✓	✗
 PUBLIC DOMAIN	✓	✓	✓	✓	✓	✗	✓	✗
 BY	✓	✓	✓	✓	✓	✗	✓	✗
 BY-NC	✓	✓	✓	✓	✗	✗	✗	✗
 BY-NC-SA	✓	✓	✓	✗	✓	✗	✓	✗
 BY-ND	✗	✗	✗	✗	✗	✗	✗	✗
 BY-NC-SA	✓	✓	✓	✗	✓	✗	✓	✗
 BY-NC-SA	✗	✗	✗	✗	✗	✗	✗	✗

Figure 4

So Creative Commons provides six licenses that people can use to specify how others can use and legally their work. The licenses are the following:

a. Attribution (CC BY)



This license allows others to use the work for all purposes even commercially. People can distribute, remix, tweak and build on the work as long as they give credits to the original work indicating the changes that were made in case there is.

b. Attribution – ShareAlike (CC BY SA)

This license grants others to also remix, tweak and build upon the work even for commercial purposes in the condition of licensing the new creation under the same license of the original.

c. Attribution – NoDerivatives (CC BY-ND)

This license prohibits others from changing or building on the work but gives the right to redistribute the work for commercial and non-commercial purposes with giving the credits to the author.

d. Attribution – NonCommercial (CC BY-NC)

With this license, others can remix, tweak and build upon the work but for non-commercial use or purposes only. The person who uses the work must as well give credits to the author.

e. Attribution – NonCommercial – ShareAlike (CC BY-NC-SA)

This license gives others the right to remix, tweak and build upon the work for non-commercial purposes only and in condition of licensing the new creation under the same identical terms.

f. Attribution – NonCommercial – NoDerivatives (CC BY-NC-ND)

This is the most restrictive license of them all. It allows others to only download and share the work or the content without changing anything and giving credits to the main author. This license also prohibits the usage for commercial purposes.

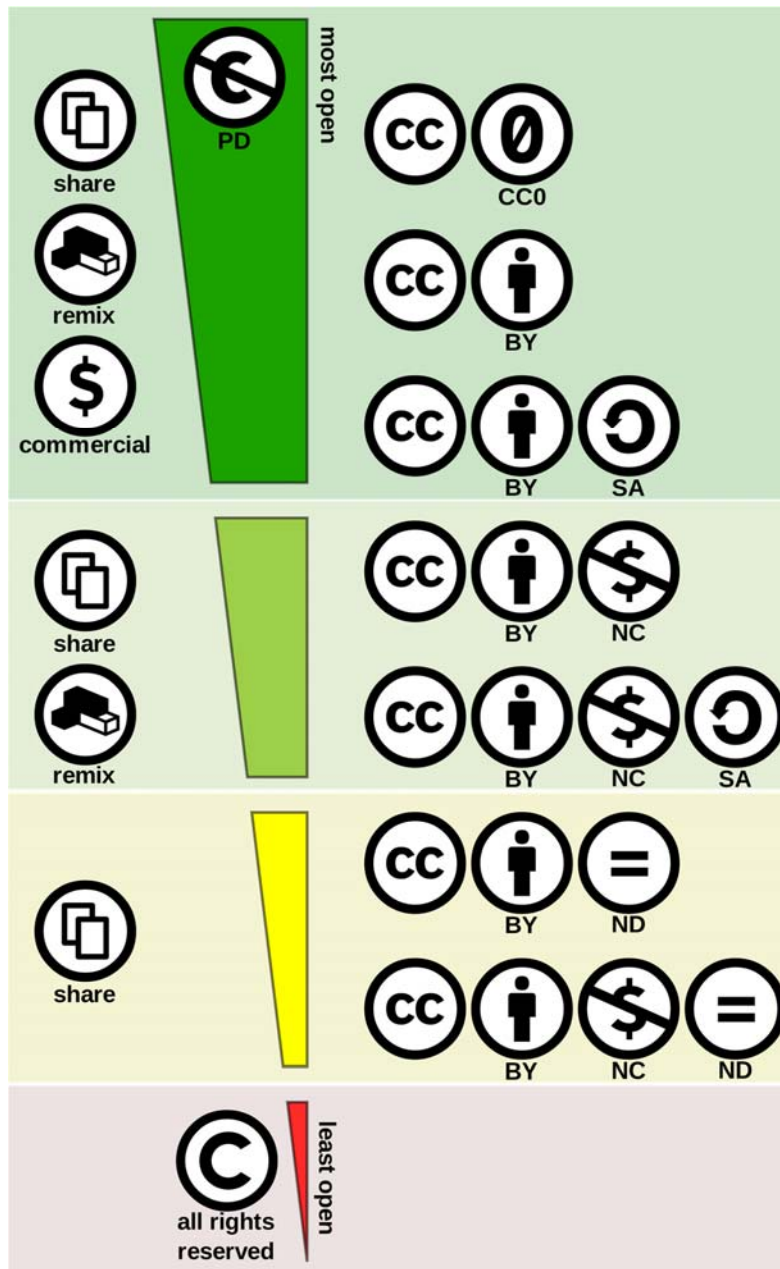


Figure 5 – Creative Commons
 (Source: Creative Commons Website)

Hypothesis and Research Questions

RQ1: Are Lebanese people aware of the copyright law?

RQ2: How do Lebanese people use the copyrighted materials on their social media platforms?

RQ3: How should copyright law be applied to social media platforms?

RQ4: Are educated people more aware of the usage of the copyrighted materials?

RQ5: Are Lebanese people aware of the "Copyright Report" that social media offer?

H1: People who are aware of copyright are more likely to respect others' works.

H2: People who create works are more likely to respect the copyright of others' works.

H3: People who spend more time using social media are more likely to infringe copyright.

Chapter 4: Methodology

This study will examine the knowledge that Lebanese people have of copyright law and how they use copyrighted material on social media. The study will also present a suggestion of a copyright law to be applied to social media. To investigate the study, two methods will be used: quantitative and qualitative research. The chapter will first explore the research method, then the research sample followed by the variables and data collection.

4.1 Research Method

The thesis used both the quantitative and qualitative research. The quantitative research was done to test the awareness of Lebanese people about copyright in general and specifically about copyright law in Lebanon. The qualitative research helped in formatting and structuring a new copyright law for the country by interviewing experts and legal professions.

First, this thesis used the quantitative research method, which collects data based on numbers using mathematical and statistical methods where the questions are static and standardized and there is no follow-up for questions (Wimmer and Dominick, 2014). In this thesis a survey was conducted to examine the awareness of the Lebanese people concerning copyright and how they use the copyrighted material on social media.

Second, a qualitative research method was used where information is collected based on words and content not on numbers using a flexible questioning approach (Wimmer and Dominick, 2014). For this thesis, one to one semi-structured interviews, where discussion is allowed rather than straightforward questions, were done with several lawyers and legal professions in Lebanon. The semi-structured interview gives

the interviewees a wider range discuss the topic rather than limiting it with specified questions.

4.2 Research Sample

For the survey, the population was the Lebanese people who use social media since they are the most exposed to copyright infringement due to posting and sharing works online. Non-probability sampling, the snowball technique, was used where the individuals that were selected as a sample are not known since in this study it was almost impossible to get a list of all the population and give an equal chance to all to participate. The survey was sent online for two weeks using SurveyMonkey. This method was chosen because it is cheap, accessible and can easily reach the number of participants needed. The online survey was sent to a number of people and 533 responses were received. The responses were divided into 53.4% female and 46.6% male, distributed among Lebanese aged from 14 years old to 63 years old ($M = 3.37$, $SD = .76$). 36.8% of the participants live in the north of Lebanon, 33.1% in Mount Lebanon, 14.8% in Beirut, 3.6% in the south of Lebanon, 2.6% in the Bekaa and 9% live overseas. The majority of the participants hold a bachelor degree (44%) and they are from different field and majors such as engineering, economics, journalism, biology, law, art, sciences, etc. In the demographical distribution of the respondents, South Lebanon (3.6%) and the Bekaa (2.6%) have the least response percentage among the other respondents. The survey was sent online and it reached the 533 responses through the snowball method, which makes it clear why the Bekaa and the South of Lebanon had the least responses. People were sending the survey to their families, friends, and colleagues therefore considering the religious and demographic distribution of the Lebanese people, the survey simply did not reach these two provinces of Lebanon much. It seems people sent it out to the ones that they knew.

Add to that, it should be noted that most people who originally were from the Bekaa or South Lebanon region might have become residents of Beirut, considering it is the capital and main work hub of the country.

For the one to one interview, among the interviewees were the Member of Parliament Georges Okais (previous judge). He was chosen for his legal background as a previous judge with a wide knowledge of the laws and being a member of the parliament can help in issuing a new law. Other interviewees were the judge Charbel El Helo, the lawyer Dolly Farah and the lawyer Jospheh Chamoun. They were chosen based on their successful career journey. They are known in the legal field and careers.

4.3 Variables

The following are the variables tested in the survey:

Gender. Gender is the sex of the participant. It was measured by asking participants to specify their gender female or male.

Age. Participants were asked to specify their age.

Education. Participants were asked to specify their major and level of education (from high school to doctorate)

Place of residence. Participants were asked to specify in which region they live: North Lebanon, South Lebanon, Mount Lebanon, Beirut, Bekaa.

Use of Social Media. This variable tested how much participants use social media, which platform and how.

Knowledge. Knowledge refers to how much information participants know about the topic. This variable was measured by asking people about copyright in general, about copyright law in Lebanon and the copyright notice on social media using a likert-type scale from strongly agree to strongly disagree which include five

statements such as “Works should not be registered to be protected by copyright law” and “Copyright protection ends after the death of the author.” Also categorical type questions such as “Do you know what copyright is?” and “Do you think you need to take permission to share other people’s work?”, were asked.

Behavior. Behavior refers to if participants respect or not the copyright of others and how they react after if face a copyright infringement. This variable was tested by a likert-type scale from strongly agree to strongly disagree which include 5 questions such as “I found a photo, video, etc. on a website so it's free to use on my social media platform” and “I can use a small amount of a creative work without considering it copyright violation” a question about what they do in case of a copyright infringement.

4.4 Data Collection

Data collection for the quantitative method was done through the use of a survey whereas the data collection for the qualitative method was done using semi-structured interviews.

The survey was placed on SurveyMonkey for two weeks and was sent out through social media, WhatsApp and Facebook mainly. The survey was formulated based on the research questions and hypotheses of the study. The participants were asked to fill out the answers. A consent form was added to the survey assuring that this survey was confidential and participants remained anonymous.

Semi structured interviews were conducted with four legal professions, the member of parliament Georges Okais, judge Charbel El Helo, lawyer Joseph Chamoun and Lawyer Dolly Farah. Mr. Georges Okais was chosen based on his career journey since he was a judge, he was a consultant for the minister of justice in the United Arab Emirates from 2010 till 2018 and a member of the International

Association for Court Administration. Mr. Charbel El Helo, Mr. Joseph Chamoun and Mrs. Dolly Farah were chosen given their good career reputation. All interviewees were contacted personally through phone calls. Semi-structured interviews where discussion is allowed rather than straightforward questions allowing the interviewees point out and add important ideas. The interviewees were asked about how the law is being applied in Lebanon, their point of view about the topic, and the cases they face. The interview also tackled the issue if people file cases with copyright subject or not. Plus, the survey results were discussed during the interviews to build a law suggestion that is homogenized with the need of the people. The interviews took place in November 2018. The length of each interview was 15 minutes.

4.5 Data Analysis

For the survey, it reached 533 responses. The collected data was entered into the Statistical Package for the Social Sciences (SPSS) and then was analyzed. RQ1, RQ2 and RQ5, which dealt with the knowledge of the Lebanese people about copyright and their awareness, are assessed through descriptive analysis and frequencies. While a univariate ANOVA was conducted to test RQ4, which shows the relation between people's level of education and their awareness about copyright. H1 dealing with the relation between copyright's awareness and the respect of copyright, H2 that tackles the relations between creating work and respecting copyright and H3 that study the relation between the level of education and respecting copyright are tested through chi-square and crosstabulation.

As for the interviews, they were recorded after getting the permission from the interviewees. Their answers were collected and put together, analyzed and discussed to form the law. The interviews were thematically analyzed. Maguire & Delahunt (2017) defines the thematic analysis that is the process of identifying patterns or

themes within qualitative data. So the answers of the interviewees were divided into themes and analyzed.

Chapter 5: Findings and Analysis

In this chapter, the collected data from the surveys and the interviews will be discussed and analysed. This chapter will focus on the demographics and use of social media, the use of the copyrighted materials, knowledge about copyright, awareness and respect of copyright, knowledge of copyright law and the suggestions for a new law.

5.1 Demographics and Use of Social Media

When it came to knowledge of the copyright law, results showed that there was not a significant difference among the different ages despite wide age range (from 14 to 64 years old). It shows that the respondents, regardless of their ages and majors, have the same knowledge on copyright.

Facebook was found to be the most used among the social media platforms as 52.1% of the participants ranked Facebook as number 1. The second most used platform was Instagram with 40.6%. However, the least used social media platform by the participants was Twitter with 7.3%. Most participants spend one to three hours using social media per day (53.4%) and 23.9% spent four to six hours while 13.3% used social media less than one hour per day and 9.4% spent seven hours or more on social media.

Hypothesis 3 suggested that people who spend more time using social media are more likely to infringe copyright. Hypothesis 3 was not supported. The chi-square test indicated that there is no significance between the time spent on social media and the infringement of copyright. 76.1% of those who spent less than one hour per day on social media gave credit to the original post. 82% of those who spent one to three hours on social media gave credits, 84.3% of those who spend four to six hours on social media gave credits to the author of the original post and 78% of participants

who spent more than seven hours using social media gave credits to the original post's author. Overall, this shows that regardless of the time spent on social media, the participants generally gave credits to the original post. This shows respect of copyright law and to the rights of the author.

The kind of posts that people mostly shared on their social media platforms were pictures (68.4%), followed by status (23.7%) and videos (7.9%). The numbers show that the type of work mostly shared was pictures. This somehow shows that extent to which images and photos are important in today's world as people rely on pictures and share them more than they share texts. Images may be an easier and faster way to deliver the message. Pictures also catch the attention of users who not have the time to read long length texts. Participants should be aware that pictures, same as text, obtain the copyright protection.

50.84% of the participants created posts of their own and the majority of them (71.96%) shared their work online. 74.48% shared others' posts on social media. Social media is a platform where everyone's work can be easily shared that the majority of those who create works such as photos, writings, videos, etc. share their work online with other people. People tend to share their work for a number of reasons such as showing people how good the work is, sharing a story to inspire others or just for fun and it can simply be to receive good comments and reactions for their own satisfaction. But sharing the work online does not mean people are giving others the right to use it; this is clearly mentioned in the copyright policies of Facebook, Instagram and Twitter. The user owns all the content and information he or she creates and posts. The ability of sharing, saving and screenshotting the work does not mean everything posted online can be freely used. It is true that once the works are posted on Facebook the user grants Facebook a non-exclusive, transferable, sub-

licensable, royalty-free, worldwide license to use any Intellectual Property content that someone has posted on or in connection with Facebook but Facebook also mentioned in its policies that posting works or information using the public setting means that the user is allowing others to access and use the post on condition of associating it with the person who originally posted the content (Facebook Help Centre, Copyright, 2015). Although it is mentioned, not many have a clear understanding of it or even read it.

In Instagram's copyright policy, it is mentioned that the user can only post works that do not violate or infringe other's copyright except in the case whereby the user has the authority and permission to do so (Instagram Help Centre, Copyright, 2019). In addition, the copyright laws and the copyright policies of the social media platforms mention exceptions and fair use of how works can be shared without violating copyright.

5.2 Use of Copyrighted Material

The use of copyrighted material was addressed by the second research question, which asked the participants about the usage of the copyrighted materials on their social media platforms. 71.96% of the participants who created work of their own shared these works on social media while 74.48% of the participants shared other people's posts. When participants were asked about how they share others' posts, 76.41% of them answered 'share' which means they use the share button provided by the social media platforms. The majority do respect somehow copyright since the share button allows people to share others' posts while the copyright policies of the social media platforms emphasize that when a user shares the work of others it should stay associated with the person who created the original content. So by sharing the work using the "share button", the name of the original author will be shown and this

let others know that the post was created by him or her. This shows that the moral right of copyright is somewhat respected. It would be completely respected when people take permission to share the posts.

While most people share a post, 12.11% of the participants mentioned that they would screen-shoot the post and repost it as their own post on their social media platforms without mentioning the original author or creator. This is definitely considered as copyright infringement since no credits are given to the author and people are posting the work as if it were their own. On another hand, 81.2% give credits to the original post and 90.2% think that it is not right that someone share their work without giving them credits. What is noticeable is that 9% do not give credits to the original post but they think it is not right to do so. Even if 9% is not a big number yet it is considerable and it shows a discrepancy in the understanding of rights since the same people that said that they would share others' work without giving credits to the original post mentioned that they did not accept others sharing their posts without giving them credits.

In the laws that were previously discussed, exceptions and limitations for copyright are mentioned and differ from a country to another. In the United States, fair use is the legal doctrine where limitations are broadly distributed into four categories. In the United Kingdom, on the other hand, fair dealing is more specific than fair use. In France, the United Arab Kingdom and Lebanon, there are specific exceptions of copyright mentioned in their laws. None of these laws grant the right of taking someone else's work and owning it. Moreover, none of the laws allow not giving credit to the original author. Using works under the fair use, fair dealing or the exceptions means that the author should be acknowledged otherwise it is considered copyright infringement.

5.3 Knowledge About Copyright

87.99% of the participants agree that copyright law protects everything a person can create or come up with while 7.88% are neutral and 4.12% disagree. This indicates that participants are aware that all kinds of works are protected by copyright. Copyright law does protect everything except ideas. It provides the protection for the expression of the ideas. The World Intellectual Property Organization (WIPO) states the works covered by copyright followed by the expression of “but are not limited to” and they are: novels, poems, plays, reference works, newspapers, advertisements, computer programs, databases, films, musical compositions, choreography, paintings, drawings, photographs, sculpture, architecture, maps and technical drawings. Although WIPO mainly cited everything a person can create and share with others, it kept the shared categories broad but added “not limited to” to make sure everything can be created is covered by copyright. Also mostly in all the laws discussed previously, the same list of works is mentioned. In the Lebanese copyright law, chapter II lists the protected works with the expression “among others work” which also means that the law does not limit the protection to the types of works that are stated.

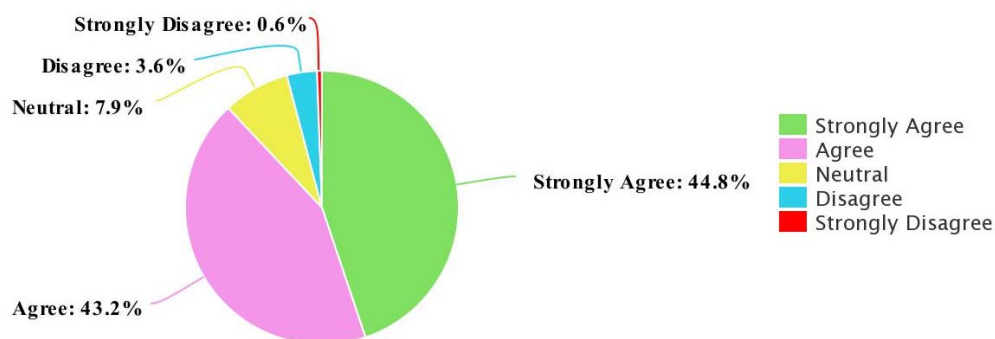


Chart 1: copyright law protects everything a person can create or come up with

48.78% of the participants think that works should be registered to be protected by copyright law. Participants then were not aware that all kinds of work are automatically protected by copyright without any formalities and registrations according to the World Intellectual Property Organization (WIPO) as well as the laws discussed in this thesis including the Lebanese copyright law, which states in its 5th article: "The author of any artistic or literary work shall, as a result of the creation of the work, have an absolute property right over his work and shall reserve all his rights without having to follow any formalities." There is a misconception concerning copyright protection. Intellectual property is divided into two categories. The first is the Industrial Property, which covers patents for inventions, trademarks, industrial designs and geographical indications, and copyright. The industrial property should be registered to have the legal protection. The second is the Copyright Protection, which is granted automatically when the work is created. So the work itself has the protection of copyright regardless where it is published. However, laws were ratified and legislated to satisfy the needs of the Internet. The Internet treaties (WCT and WPPT), the Digital Millennium Copyright Act in the United States, the Copyright Notice in the United Kingdom and the HADOPI (Haute Autorité pour la Diffusion des Œuvres et la Protection des droits d'auteur sur Internet) in France have copyright on online platform and allow users to take action in case of infringement. Unfortunately in Lebanon, there is no such law. Moreover, Lebanon did not sign and is not a member in the Internet Treaties (WIPO Copyright Treaty and WIPO Performances and Phonogram Treaty).

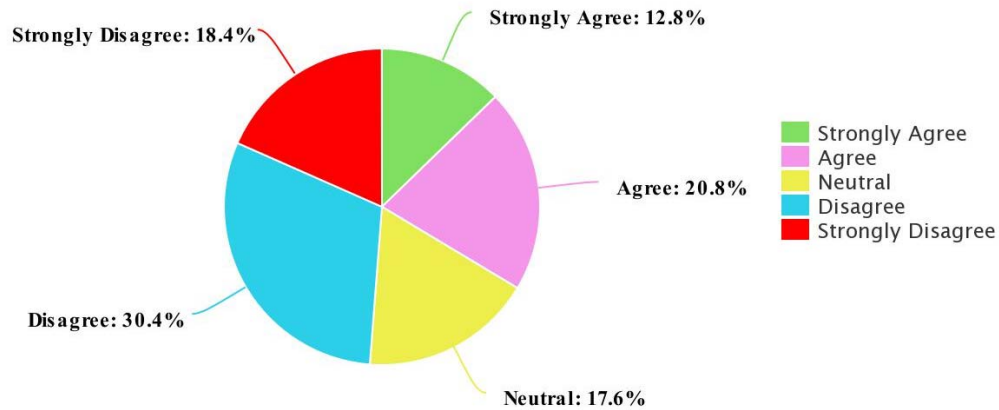


Chart 2: Works should not be registered to be protected by copyright law

The majority of the participants (79.55%) agreed that copyright law gives the creator the exclusivity of using his or her work and 13.32% were neutral. No one is eligible to use someone else's work without permission from the author. Otherwise, it is considered an infringement. As mentioned in the law, the rights of the author are exclusive for the author unless he or she gives the authorization or permission to use and benefit from their works. According to WIPO, authors have the exclusive right to use and authorize their work. The WIPO Copyright Treaty (WCT) grant three main rights to the author which are the right of distribution (Article 6), the right of rental (Article 7) and the right of communication to public (Article 8).

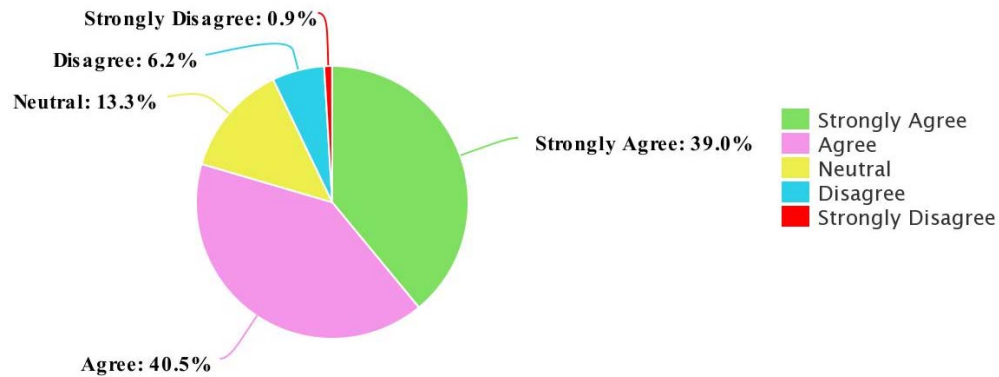


Chart 3: Copyright law gives the creator the exclusivity of using his or her work

Most participants (66.41%) are aware that copyright does not end after the death of the author. But here it is important to differentiate between the moral rights and the economic rights of copyright. The moral rights are the protection of the integrity and the ownership of the work. The moral rights never end even when the economic rights end after a certain period of time following the death of the author. Noting that the economic rights are the financial benefits from the work. After the death of the author, the heirs benefit from the economic rights for the terms and duration specified in the law. This period of time depends on the country's law. In Lebanon, it is mentioned in article 49 of the copyright law: "The term of protection granted under this Law to the economic rights of the author, shall be the life of the author and 50 years after his death, to be computed from the end of the year in which the death has occurred."

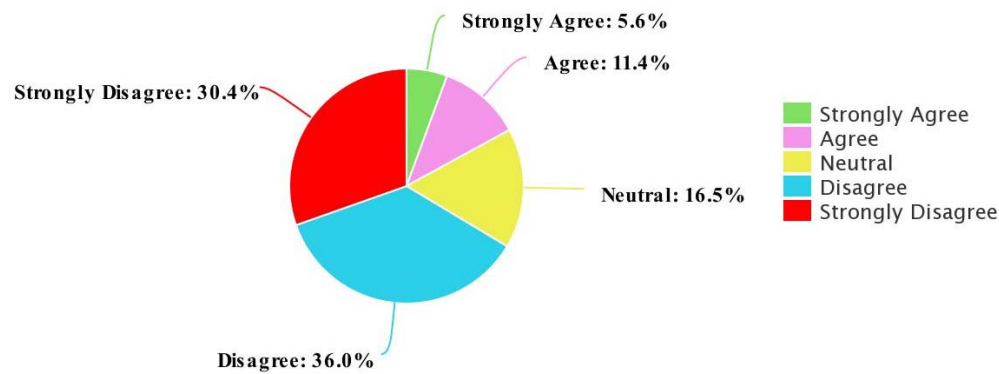


Chart 4: Copyright protection ends after the death of the author

56.84% of the participants disagree with the statement that everything posted online can be used without acknowledgment and permission, 20.45% neither agree nor disagree and 22.71% agree. The copyright protection is granted for the work itself despite the place of publishing or the publishing method. So the works posted online cannot be used freely. The developed countries, as mentioned previously, legislated laws about online copyright where their people became more aware about this issue. Unfortunately, Lebanon lacks such laws which explains the relatively high percentage of those who answered with neutral. 20.45% of the participants do not know if they can use the material posted online or not. It is an indication that people are not aware about using copyrighted material posted online.

As for those who agreed (22.71%), they might think that the lack of law allows them to use the work posted online or simply the work is being posted and is available to the public, which gives others the right to use it. But not having a law covering online copyright does not mean that the works posted online can be freely used without acknowledgment or permission of the author. Although the laws are put to be applied in a certain specific geographical territory but, in this case, the work itself is granted the copyright protection. The Internet is a global territory with no limits

giving people from anywhere in the world access to the same content. Logically if a copyrighted material was posted online from the United States where the Digital Millennium Copyright Act (DMCA) is applied, it has the copyright protection in other countries. The work does not lose its copyright protection once it is posted online. Facebook mentions in its copyright policy that the laws of the country of the user whose copyright was infringed are applied and in case the laws of the country does not cover online or digital copyright, the DMCA will be applied. Everything created by a person has the copyright protection irrespective of where it is published so the content posted online is not free to use without the acknowledgment or permission of the main author.

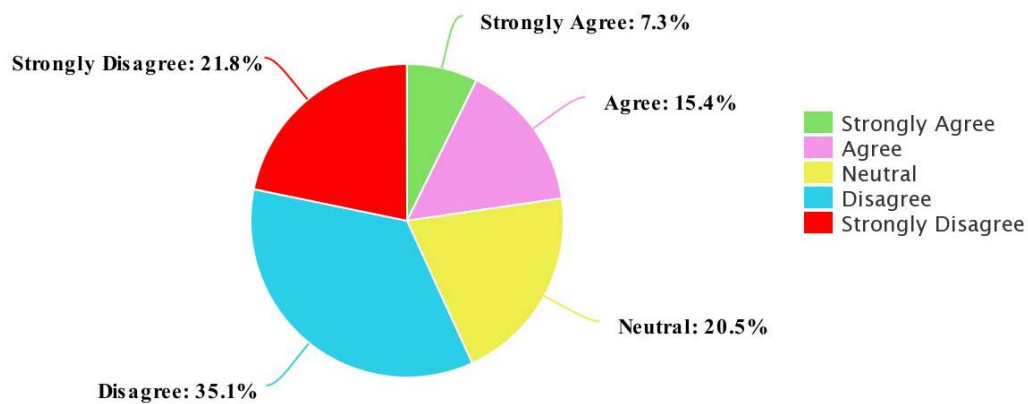


Chart 5: Everything posted online can be used without acknowledgment and permission

5.4 Respect of Copyright

Respect of copyright was tested by the hypothesis 1 which suggested that people who are aware of copyright are more likely to respect others' works. H1 was not supported. The Chi-square test indicated that there is no significance between people's awareness of copyright and the respect of others' works. 82.9% of those who know what copyright is give credit to the original post they share. However, 67.3% of those who do not know what copyright is also give credit to the author. In addition,

44% of those who are aware of copyright take permission to share the work of others and 48.1% of those who said they do not know what copyright is also take the permission. Moreover, 71% of the participants who know what copyright is think that they should take permission for sharing the posts of others and 75% who do not know about copyright also think they should take permission. In sum, these numbers indicate that Lebanese participants respect copyright even though they do not know what copyright is. Respondents acknowledge the author and take the author's permission not only because they know what copyright is but also for ethical reasons.

Hypothesis 2 also tested the respect of copyright by claiming that people who create works are more likely to respect the copyright of others' works. Chi-square test indicated that hypothesis 2 was also not supported. There is no significant statistical difference between people creating work of their own and respecting the copyright of others; 85.6% of those who create work of their own give credits to the author of the original post and 77.1% of those who do not create work also give credits to the original post. Add to that, 48.9% of those who create work take permission to share the post and 39.7% of those who do not create work also take permission to share others' work. 74.8% of those who create work think that they should ask for permission to use or share the works of others and 67.9% of those who do not create work also think that permission is needed to share others' work. The responses of those who create work and those who do not are slightly different but the majority respects the copyright of others. What is worth noticing is that the percentage of the participants who think that they should take permission is higher than those who actually take permission. While only 48.9% of those who create work of their own take permission to share others' works, 74.8% think they should take permission. The same applies to those who do not create work of their own. Participants know that

permission should be taken but not all of them apply it. Lebanese are aware of copyright and its implications but there is irreverence in its application. The reason may be that actions are not being taken against the infringer.

Moreover, 43.71% of the participants disagree that there is no need for acknowledging the author if the work is used for non-commercial purposes while 28.33% agree and 27.95% are neutral. The results show that participants are not aware of how to use the exceptions of copyright. Using work for non-commercial purposes is fair use or exceptions of the economic rights but acknowledgment is respecting the moral rights of the author that are granted by copyright. In other words it is respecting the integrity and ownership of the author. Acknowledgment of the author is a must in all situations even if the work is used for non-commercial purposes or any other purpose that is stated in the fair use, fair dealing and the exceptions of copyright. Exceptions in the Lebanese copyright law are mentioned in chapter VI of the law, such as personal use and news reporting. Article 30 mentions that the media while reporting should also acknowledge the author: The media shall be permitted, without the authorization of the author, without obligation to pay compensation to the author, and within the limits of fair practice, to use short excerpts of works that are displayed or heard during current events in the course of reporting such events in the media, provided that the name of the author and the source are mentioned.

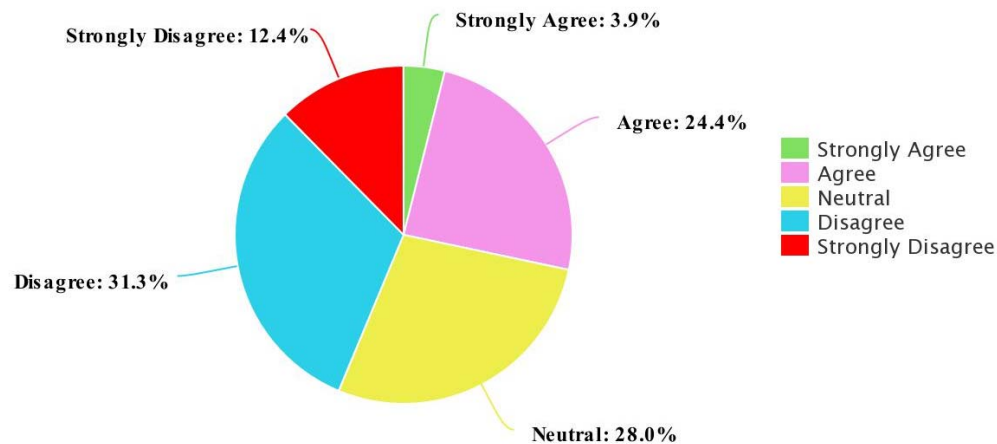


Chart 6: I do not have to acknowledge the author if I am using works for non-commercial purposes

72.04% of the participants disagree with editing and changing the work of other people so it becomes theirs, 15.01% agree and 12.95% are neutral. This indicates that participants are aware that editing others' work is prohibited. Article 15 of the Lebanese copyright law states the following:

The copyright holder shall have the exclusive right to exploit the work commercially and, accordingly, shall have the right to authorize or prohibit the following:

- a) any copying, printing, recording and reproduction of the work in any manner or form including photography, cinematography, sound or visual recordings of any kind or any other form;
- b) any translation, adaptation, alteration, transformation, summarizing, reworking of the work or rearrangement of the music;
- c) the sale, distribution or rental of the work;
- d) the importation of copies of the work manufactured abroad; - the public performance of the work;

This article gives the author the right to authorize or prohibit not only the reproduction or copying of the work but also any transformation of the work. Article 15(b) prohibits the editing of others' work without their permission and authorization.

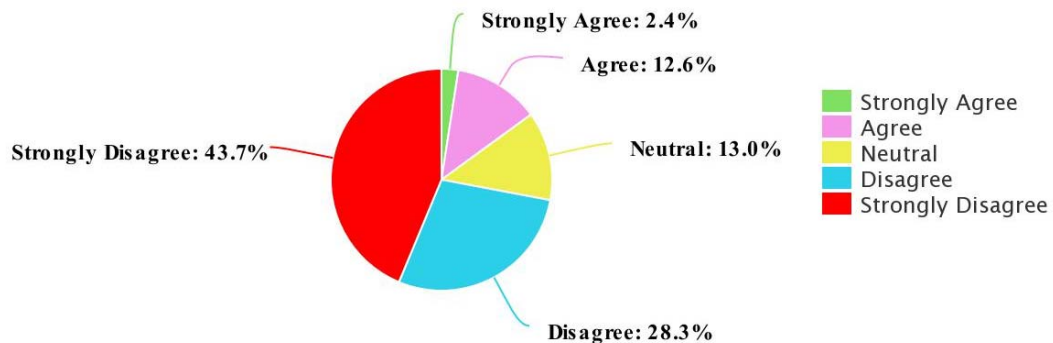


Chart 7: I can edit or change the work of others and make it my own

38.65% of the participants agree that photos, videos and works found on websites can be used freely on social media platforms while 30.77% disagree and 30.58% are neutral. The difference between the responses of the participants to this question and the previous questions is obvious. The previous questions were about the concept of copyright in general where the majority knew the answer. In this question, the respect of online copyright is tested. The highest percentage is of the participants who agree that works found on the Internet can be freely used. No work is free to use unless that is mentioned on the work or in another words, the author has given the authority to use his or her work through creative commons. Everything a person creates is automatically protected by copyright without any formalities, even without mentioning that it is protected and without having the copyright symbol (©). Some people use the creative commons on their works. They state how their work can be used without considering it as copyright infringement. 75.8% of the participants do

not know what creative commons are. This number indicates that people use works found online without checking their copyright and without knowing the laws governing the use of such copyrighted materials. In addition, such usage may have legal consequences that users are not aware of.

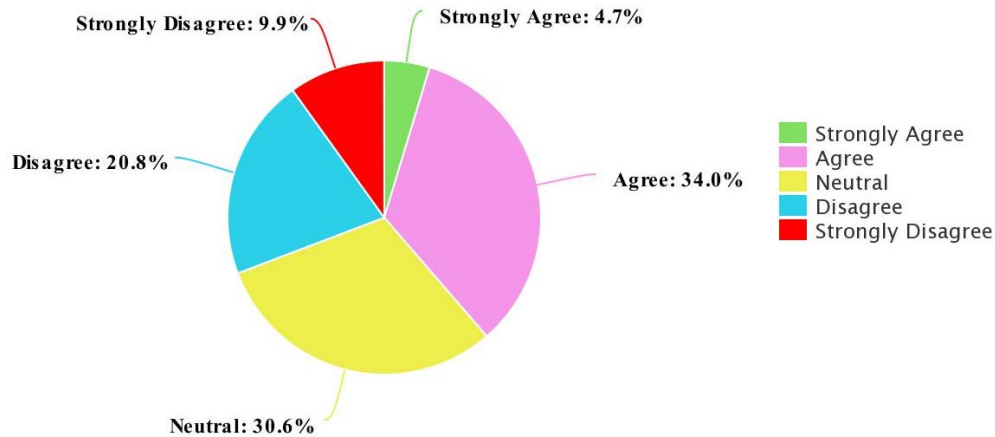


Chart 8: I found a photo, video etc. on a website so it's free to use on my social media platform

53.47% agree that people can use others' work if they give credits to the creator, 23.45% are neutral and 23.08% disagree. Using others' work definitely needs the permission and the authorization of the author. Using the work of someone else and giving them credits can be considered copyright infringement without taking the permission or the creator's authorization unless the use of the copyrighted material is under the fair use, fair dealing and the exceptions, which are previously discussed, such as using the work for educational and research purposes. Acknowledgment of the author in this case is sufficient. Facebook, Twitter and Instagram mentioned in their policies that everything posted under fair use on their platforms is acceptable. Posts that infringe copyright will be automatically deleted. Moreover, the social media platforms give the user the ability to file a complaint by filling the online copyright notice that they offer to limit the infringement of copyright. Also if

someone files a complaint against the other, he or she can defend himself or herself by claiming that the usage of the work is under fair use. In this case, the post will not be deleted.

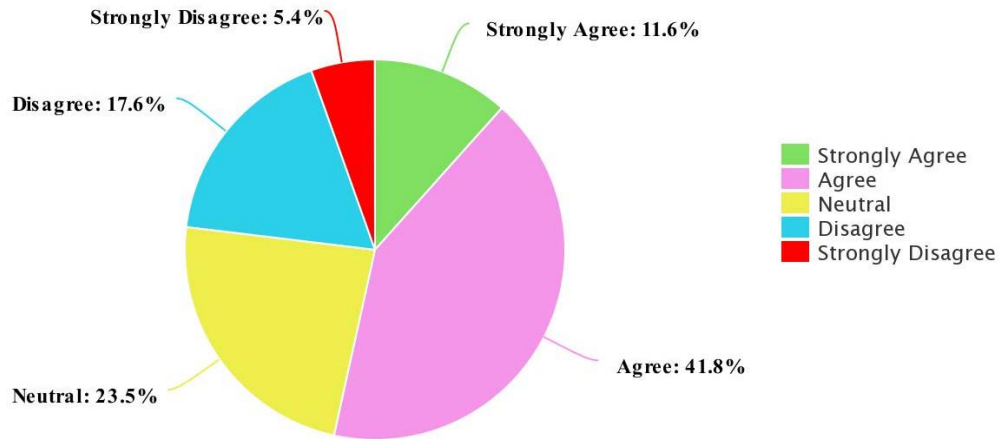


Chart 9: If I give credits to the creator (photographer, musician, etc.), I am free to use his/her work

39.77% of the participants disagree that if a person use a small amount of a work is not considered copyright violation, 33.21% are neutral and 27.02% agree. People cannot use others' work in all cases no matter how small or big is the amount of the work. As can be concluded from the copyright laws, the amount has no significance. It is always considered as copyright infringement.

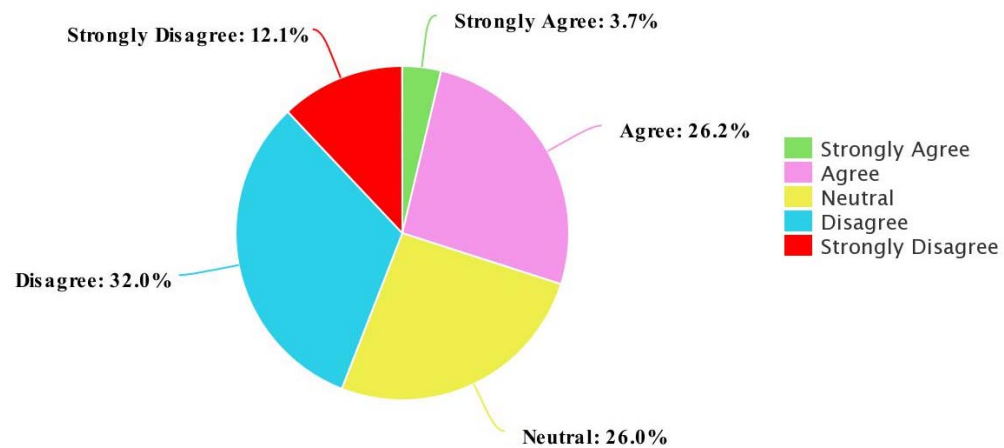


Chart 10: I can use a small amount of work without considering it copyright infringement

In most of the previous question, “neutral” got a high percentage. Participants neither agree nor disagree with most of the statements presented above. In general, participants know the concept of copyright, but do not much know about the copyrighted online material, or how to deal with such material in a context where users are bombarded with information and different usage habits are evident. Campaigns on online copyright awareness and knowledge are much in the Lebanese society.

5.5 Awareness of Copyright Law

The first research question, which dealt with Lebanese people's awareness of copyright law in Lebanon was investigated through questions such as are Lebanese people aware of the copyright law? Do they know what copyright is? What kind of work needs the permission to use and share? And what do they know about copyright in Lebanon and how did they know about it?

When participants were asked if they take the permission to share others' work, the majority answered that they do not (55.53%) while 44.47% take the permission

for sharing other people's posts online. But when asking them that if they think that permission is needed to share other people's posts, the majority answered 'yes' (71.48%) and only 28.52% think that permission should not be taken. So people do not take permission but they think they should. In addition, 63% of the participants claim that all sorts and kinds of work (videos, photos and status) need the permission from their author to be shared. People are, then, aware of copyright but they do not apply it maybe because there is no law governing copyright. There is no law that specifies online copyright in Lebanon. Another reason may simply be the lack of knowledge on how to do so.

It seems that everyone agrees on the terms and policies when signing up but barely anyone reads them. Facebook policies mention that everyone has access to what is posted online but the posts always should be associated with the person who originally posted the content. The copyright policies of the social media platforms, Facebook, Twitter and Instagram, give the author a kind of protection for his or her work by providing the copyright notice where any user can file a complaint that leads to the removal of the post that violates other people's copyrighted material. Social media platforms automatically remove any kind of content that contains someone else's copyrighted material. Another reason for violating copyright could be that people share other people's work and in general, no one tells them not to or even files a complaint against them; this allows them to think that it is right to share and use others people's work. There is no accountability for those who infringe on copyright noting that it can be easily done by filling out the copyright notice. 58.35% of the participants are not even aware of the online copyright form that social media platforms (Facebook, Twitter, Instagram) offer. This signals a need not only for a law

tackling online copyright but also awareness campaigns to teach people how they can protect their work when it is posted online.

Around 90% of the participants knew what copyright is but 'nothing' was the main answer received with regards to what the participants know about copyright law in Lebanon. It is true that in Lebanon, in general, there is a lack of awareness about the laws the country has but in this case, copyright law in Lebanon as discussed previously is not updated and does not satisfy the needs of our technological and developed era. There is no law to organize copyright on online platforms and this justifies why people are not aware of such a law. What captures the attention is the answers of those whose major is law. Law students and graduates also know a little about copyright in Lebanon and about copyright online. Some of them said that "it is a crime", "it is punished by the law", "not very much" and only a few explained what copyright is or were even able to define the concept of copyright in general. Others only stated that copyright law in Lebanon was not effective and needed to be updated and modified. Some of them even know "nothing" about copyright law in Lebanon. Even law students and legal professions do not know about copyright law in Lebanon and even more, they do not know about online copyright. The majority agree that if a photo, video or any work is found on a website, it can be freely used. The majority also said they are 'neutral' towards these two statements: 'If I give credit to the creator (photographer, musician, etc.), I am free to use his/her work' and 'I can use a small amount of a creative work without considering it copyright violation'. The main reason for this ignorance of copyright law in Lebanon is simply that the law is outdated and is not well applied. Among the participants, those who are majoring in law are an indication that the law is not adequately discussed in universities as online

copyright law is not taught as a subject. In the digital age, these legal topics should be included in the curriculum since almost everything is becoming digital and online.

The relation between the level of education and the awareness of copyright is addressed by the research question 4: are educated people more aware of the usage of the copyrighted materials?

Univariate ANOVA was conducted to assess if the educated people are more aware of the usage of the copyrighted material. The analysis indicated that there is significance among the groups ($F(4) = 4.174, p < .05$). Further analysis using Tukey's Post hoc test indicated that there was a significant difference between high school level ($M = 3.22, SD = 1.298$) and bachelor ($M = 3.71, SD = 1.177$), high school and masters ($M = 3.84, SD = 1.139$). There was no significant difference on people's copyright awareness between high school and doctorate/PhD ($M = 3.96, SD = 0.908$). The only significance was between high school and other levels except for doctorate/PhD level, which indicates that participants are not learning about copyright throughout their academic journey. The results indicate that the level of education is not related to the level of awareness of copyright among Lebanese respondents. The respect for copyright in universities stems from the strict non-plagiarism policies in classes and assignments.

Research question 5 dealt with the awareness of the copyright report that social media offer. 58.3% of the participants are not aware of the copyright report offered by social media platforms while 41.7% know about the copyright report. The copyright report can be found in the terms and policies of each and every social media platform, but most of the participants, as mentioned previously, do not read them. All social media platforms ask us to read and accept their terms and policies but how many actually read those terms and policies? People accept terms that they are not aware of.

They are violating these terms and policies without even knowing that they are. As discussed in previous sections, social media platforms (Facebook, Instagram and Twitter) explain what copyright is and what is considered as infringement of copyright. People may infringe on copyright even if they do not intend to. Doing so may imply consequences on the user without him or her knowing. They cannot refuse the consequences because they have already accepted the terms and conditions. Social media platforms automatically remove content if they detect copyright violation. But sometimes the author whose copyright was infringed reports the content you have posted and may impose other penalties, such as fines, depending on the laws of each country. So the best way to avoid infringement is to post original work.

The majority of the participants (75.8%) do not know what creative commons are. Checking the creative commons for pictures found online or any content online will help reduce copyright infringement. Using creative commons allows and helps other to use the work without infringing copyright. So creative commons should be introduced more in the Lebanese society.

When the participants face copyright infringement, 45.6% prefer first to talk to the person who violated their copyright. Only 29.27% file a complaint and 25.14% do nothing. I would like to mention some comments the participants left on this section: (what do you do when you face a copyright violation?)

“Depends on the damage”, “it depends on what he violated, if just a quote lets say, I will do nothing but if a hard work like article, poetry, etc. maybe I will talk to him”, “I am not a public figure, I don't matter”, people should know that any violation no matter what it is, it is considered an infringement. If the work is only a quote or an article, the result is the same. If you are a public figure or not, the result is

the same. Copyright is a right for all and it protect all kinds and types of works despite their importance and significance. None of the laws mentioned specifications and conditions for the copyright protection of the work. Everything created by a person is protected by copyright without any exception. Adding that article 2 of the Lebanese copyright law claims that the copyright protection applies to all kinds of work regardless of its value, importance or purpose. Others mentioned that they will do nothing if they face copyright infringement “because no one would listen in Lebanon and it is a waste of my time and money and nerves”, and because “we don't have fruitful law”. Both statements are true. Going through the court in Lebanon is a long never-ending process. So people prefer not to waste time and money. In addition, Lebanese participants do not give importance to copyright; they think they will not spend time and waste money for something that is not that important. But, they can save money and time with a few clicks by filling out the copyright notice that social media offer.

Participants are aware of copyright as a concept but they generally do not know about the copyright law in Lebanon. This indicates that awareness of copyright law in Lebanon should be spread among Lebanese. Moreover, the law is outdated and needs to be amended to satisfy the needs of the digital age. The lack of law and people's knowledge of copyright are related. When having a well structured law and well application of it, awareness can be done in the society teaching about the new law and then people will respect it and apply it.

5.6 Suggestions for a New Law

As noticed throughout the thesis, Lebanon lacks a law related to online media and more specifically a modern copyright law that covers and protects the rights of the authors and creators online. Research question 3 dealt with how the law should be

applied to social media and online material. Interviews were done with the Member of Parliament Georges Okais, judge Charbel El Helo, lawyer Joseph Chamoun and lawyer Dolly Farah who they gave an overview of the current law and suggestions to be added to the law. During the interviews, the results of the survey were discussed with the interviewees to share with them what the Lebanese people knew about copyright and how they applied their knowledge.

All the interviewees agreed that the copyright law in Lebanon is outdated and needs to be modified and updated to cater to the requirements of the digital age. This is understandable since the law was issued in 1999, before the existence of the Internet in Lebanon. The interviewees also agreed that Lebanese people do not file a copyright complaint in general. In their various capacities as lawmakers and workers, they mentioned that they rarely receive a copyright infringement case. When they were asked about the reason, their answers mainly fell into two categories: the first is that Lebanese people are not aware of the topic according to MP Georges Okais and lawyer Joseph Chamoun. The second reason, stated by the judge Charbel El Helo and lawyer Dolly Farah, is that the courts in Lebanon have a long never ending process which makes people not want to waste their money and time on non-important things, in their opinion, such as copyright.

To some copyright may not be important but people should know that copyright involves theft; it is, for instance, the equivalent of stealing money. At the end, copyright infringement is a kind of stealing others' work. Lawyer Joseph Chamoun said that people are still "illiterate" when it came to this topic. He added that people are receive pictures then they remove the sender's name and send those pictures to others as if they were their own. People think that it is normal, they do not think of it as copyright infringement. Moreover, judge Charbel El Helo suggested that the

respect of copyright should be introduced in the educational curriculum in schools since it is the best place to start changing and educating society when it comes to copyright; this would teach children about the value of their own work and other people's work; it is a lesson in citizenship and safeguarding of rights.

As for the law, the Member of Parliament Georges Okais emphasized the importance and necessity of issuing a new intellectual property law that deals with and covers issues related to the digital world of today. We are living in a technological era where the law should also cover and organize all the online actions. MP Okais suggested two main strands that the law should focus on. The first part should cover an updating and introduction of laws related to the use of the Internet, electronic documents and work, publishing work online and specifically on social media. There should be a full policy covering all these aspects. The second strand is related to the sanctions in case of infringements. The sanctions should be clear and detailed enough to include the different cases of infringement. Currently, sanctions are listed in the Chapter XI under Provisional Measures, Damages and Sanctions of the Lebanese copyright law. Article 82 of the Lebanese copyright law is a good proof of why the law should be updated. Article 82 claims: "The judge of expedited matters, the president of the court of first instance or the public prosecutor may temporarily seize material constituting evidence of an infringement of copyright or a related right and shall leave it in the custody of the defendant." The judge can seize tangible materials but now with the Internet and the online platform, how can a judge seize online materials? So, the law should be updated to cover the online publishing, the use of the electronic and digital materials and a penal legislation.

Issuing a new law alone is not enough. Awareness about copyright should be spread so the law can be applied and respected by the Lebanese people. When people

know the law, they will apply it and they will respect it. The Member of Parliament stated the importance of initiating two types of awareness campaigns. The first is the social awareness, which involves everyone and can be done through the educational curriculum as judge Charbel El Helo suggested. The second awareness should be in the form of trainings for those who are concerned with the law; such training is given to the judges, lawyers, cybercrime bureau personnel and others so they may know how to apply the law, how to judge and how to defend rights. Lawyer Joseph Chamoun praised MP Okais' suggestion concerning the training as he claimed that even some lawyers who are not updated when it came to the latest technologies do not know much about the topic. Training was therefore necessary to ensure that the upholders and safeguarders of the law are aware of what it is they are upholding and safeguarding.

The Member of Parliament Georges Okais also emphasized the significance of transparency; for that purpose, he suggested the establishment of an outside monitoring body or a non-governmental organization (NGO) to oversee the work of the government. Having an NGO concerned in applying the copyright law on online platforms will help in enforcing the law in addition to the role that the NGO can play in initiating awareness campaigns.

So the main amendments and additions to the current Lebanese copyright law concluded from the results of the survey and the interviews are the following:

- Chapter I of the Lebanese copyright law defines the main terms and expressions used in the law. The terms and expressions related to the Internet should be added. For example, the difference between “share” and “use” the work should be stated. Sharing is only posting the work on the online platforms while using means to benefit from the work found online for any purpose. Noting that

sharing posts should always be associated with the original author. Otherwise, sharing the work can violate copyright.

- Chapter II articles 2 to 4 mention the types of work that are protected by copyright and the works that are excluded from the copyright protection. To this section, an article should be added which suggests that everything posted online is also subject to copyright unless stated otherwise, in the case of using creative commons, as follow:

To be added to Art. 2:

All works published on online platforms are also protected by this law and are not free to use unless stated otherwise or with an authorized license.

The implementation and awareness about the use of the creative commons is also important to decrease copyright infringements. The creative commons as mentioned previously, allows the author to specify how his or her work can be legally used without taking permission; in such a case, where the work is used as specified by the author, there would be no copyright infringement. Creative commons should be added in the law as exclusion of the copyright protection.

- Chapter III specifies who is the copyright holder and mentions the terms of protection. Article 5 states that the author has an absolute right over his or her work as a result of the creation of the work without having to follow any formalities. This should also be applied to digital material by adding that people who post their work online also have an absolute right over their work. As well as the person who created the work is not a copyright holder:
 - In the case of a company with social media accounts, the company holds the copyright protection not the employee who created the work.
 - The digitized copies of older works will not result a new copyright.

To be added to Art. 5:

Authors have an absolute right over their works that are published online except in two cases: (1) in the case of a company with social media accounts, the company holds the copyright protection not the employee who created the work, and (2) The digitized copies of older works will not result a new copyright.

- Chapter IV mentions the criteria of eligibility for protection. Article 12 states who is eligible for the protection of the Lebanese copyright as follow:

- Lebanese authors,
- Non-Lebanese authors who are nationals of, or resident in, a State party to the Berne Convention for the Protection of Literary and Artistic Works or the Universal Copyright Convention,
- Authors who are nationals of any State that is a member of the Arab League but which is not party to the above-mentioned Conventions, provided reciprocal treatment is applied,
- Producers of audiovisual works who have their headquarters or habitual residence in Lebanon or in any State party to the Berne Convention for the Protection of Literary and Artistic Works or the Universal Copyright Convention.

Article 13 cites the works that are eligible for protection of copyright according to the place of publishing as follow:

- literary and artistic works first published in Lebanon;
- literary and artistic works first published in a State party to one of the above-mentioned Conventions;

- literary and artistic works first published outside Lebanon and outside the States party to one of the above- mentioned Conventions, provided that they are published in Lebanon or in a State party to the above- mentioned Conventions within 30 days of their publication in the other country.

It can be noticed that these articles, articles 12 and 13 of Copyright Law, specified and limited the application of the law to the geographical territory. Yet the online world is virtual and has no geographical limits. The law should add that works that are published online or on social media platforms are also eligible for copyright protection. All people with accounts on social media platforms should be eligible for the protection of copyright and the laws of the original author's country should apply in case of infringement.

To be added to Art. 12:

- People with social media accounts are eligible for the protection of the copyright law
 - In case of infringement, the law of the original author's country shall apply or if the infringer is Lebanese, the Lebanese law can be applies as well.
- Chapter V is about the rights enjoyed by copyright holders. Article 14 states that “the copyright holder shall enjoy economic and moral rights.” These rights should also be moved to the online materials. For example, preventing the copying of an e-book. The thesis focused more on the moral rights but it is important to mention that economic rights are also applicable to online material since the Internet is the new form of publishing.

- Chapter VI deals with the exceptions of copyright. Creative commons that allows people to use the work without considering it infringement of copyright should be added to the exceptions. Also sharing the work as it is associated with the original author, giving him or her credit and acknowledgment, without any commercial or beneficial purposes, can also be considered to be added in the exceptions.
- The terms of protection are listed in chapter VIII of the Lebanese copyright law. Article 49 mentions that the duration is applicable on the economic rights only. In Lebanon, the duration is the lifetime of the author plus 50 years. This can be applicable to the Internet platforms as well with emphasis that the moral rights never ends. But due to the technological developments and fast changes in the digital era, the duration of protection should be minimized on online platforms to 10 years. When it comes to economic rights, the average time for the protection of economic rights in almost all countries and laws is 50 years after the death of the author.

To be added to Art. 49:

The term of protection granted under this Law to the economic rights of the author, shall be the life of the author and 50 years after his death, to be computed from the end of the year in which the death has occurred.

As for the works that are published online, the term of protection shall be 10 years after the death of the author

- Chapter XI states the provisional measures, damages and sanctions. In this section, a whole new policy related to the online platforms should be implemented giving the author the ability to file a copyright infringement complaint in an easy and fast way. The best way is to create an “Online

Copyright Form” where the author can fill out the main information about his or her work and the Uniform Resource Locator (URL) of the infringed material. The copied work then will be reported and deleted. The site should provide the laws in terms everyone can understand them with examples and present the consequences of such infringement. Also, the author must be able to prove the infringement and the person responsible for taking care of the complaints must return an answer in an adequate time. The online form will save time and money; this will encourage the Lebanese to file complaints and apply the law. The online form only serves the moral rights so when the damage reaches the economic rights, the author should refer to the Lebanese courts. And in this case, the online copyright notice should be privatized to a non-governmental agency since, referring to the results of the study, the courts have a slow moving nature while these issues demand fast actions that would save time and money.

The law alone is not enough to decrease the copyright infringement. People should be aware of the online copyright concept so they know their rights and not to infringe the copyright of others. An NGO should be established with three main objectives. The first is spreading awareness about copyright and the use of online materials among Lebanese people and the legal professions who will be applying the law (judges and lawyers). The second objective is to observe the application of the law to provide transparency. The third is creating and operating the online copyright form.

Another important change that should be done is the implementation of “copyright” in the school educational curriculum emphasizing the importance of teaching children about legal concepts that will decrease the violations of laws.

Children should learn that using others' work is wrong and illegal as it is similar to an act of theft and is considered an offence.

In the digital era, there are some limitations that restrict the application of the copyright law or can be out of control due to the fast spreading of the material and the ease of publishing and transmitting the material. Personal use is an exception to the copyright protection. People can use the work for personal use where it is not considered an infringement. But it is different in the digital age. In the print age, one copy was available to the user while in the digital environment; a user can have an infinite number of copies. Users can as well share his or her copy with others due to the ability of storing and sharing the works in several online places and means. So laws can not help at times when people can always find a way to get their needs for free. But raising children and making them aware of the topic will definitely help. In this cases, working on the people's behavior and thinking is much useful than the law.

Another limitation is the orphan works that are found online. While surfing the websites and social media platforms, a lot of photos, videos, statuses come up without knowing their original author. The same photos, video or status are posted by many, which make it quite impossible to find the original author. People pass the work on to others without mentioning the source of it.

The laws that are applied online should be stricter since it is easier to infringe copyright online. The technological means of saving, sharing and screenshoting the works of others increase the infringement of copyright where most of the people think that if they exist so they can be used and not considered as infringement. For example, Facebook offers an option for photos to be shared externally. Users can directly send a picture from Facebook to other social media platforms. Smartphones offer the "screenshot" of the page where any page, image, text, etc. can be easily copied and

reproduce. On the Internet, there are some website where users cannot copy the content but user can still take a screenshot of it.

This should be clarified by the laws and by spreading the awareness in the society.

Chapter 6: Limitations and Suggestions

This study has several limitations. First, the lack of resources and references about the topic in Lebanon made it difficult to start building the study.

Second, the survey did not reach and did not get many responses from the people living in the Bekaa and South Lebanon regions. Asking help in spreading the survey from people living in these regions might have ended with a better result. As well, generalization cannot be made

Another limitation is the low number of interviewees, which is due to the short of time. In addition, some legal professions were contacted through emails but no reply was received. Interviews could have been conducted with more people who have different aspects, such as university legal professors.

Chapter 7: Conclusion

The Internet has become a form of publishing platform where copyright infringement has been spreading due to the ease of sharing and saving works. The works published on the Internet deserve to be protected by copyright. In Lebanon, the main reason for not giving the importance for the online copyrighted material is the lack of laws and lack of awareness about the topic. As shown in the results, participants think that everything online is free to use when it is not the case. All works gain the copyright protection as soon as they are created.

The legislation of a new law and the establishment of a Non-Governmental Organization, with the proper enforcement of the law, will decrease the percentage of copyright infringement. The NGO will be responsible of spreading the awareness about copyright, observing the application of the law providing the transparency and operating the online copyright form. But due to the facilities that the internet offers and the technological developments, it is difficult to stop this phenomenon.

Awareness about copyright can play an important role in limiting copyright infringement. Normally people do not kill or do not steal because they were raised on the idea that killing and stealing are wrong and prohibited. So when people know that infringement copyright of others is a kind of a crime and they will be sued for such an action, people will stop infringing copyrighted material.

When people are aware, laws will be respected and when the laws are well-applied by the government, people will follow the laws. In addition, when people know their rights, they help in applying the law by filing a complaint against those who violate their right. If the process for filing copyright infringement complaints is made accessible and easier, people would be more willing to practice their rights. With the online copyright form, people save money and time. They can file a

complaint within few clicks; this would help decrease copyright infringement violations. When there is accountability, violators will not re-do their action. So the law and the people' awareness are related to each other and both are equally important when it comes to the application of the laws.

Appendix

I – Survey

Please complete this survey, which will take around 10 minutes. Your response will remain anonymous and confidential.

The purpose of this survey is to examine the knowledge and awareness of the Lebanese people about online copyright.

(Please note that "work" means everything a person creates such as photos, videos, posts, etc.)

Thank you in advance for your time.

1. Gender:

Male Female

2. Age: ____

3. What is your level of education?

- High School
- Bachelor
- Masters
- Doctorate/PhD

4. What is/was your college major? _____

5. Where do you live?

- North Lebanon
- South Lebanon
- Mount Lebanon
- Beirut
- Bekaa

Other (Please Specify): _____

6. Rank from 1 to 3 (1 most used to 3 least used)

- Facebook
- Twitter
- Instagram

7. How many hours do you spend on social media per day?

- Less than 1 hour
- 1 – 3 hours
- 4 – 6 hours
- 7 hours or hours

8. What do you post the most?

- Pictures
- Status
- Videos

About what? _____

9. Do you create work of your own?

Yes No

If yes, do you post them on social media?

Yes No

10. Do you share others' posts?

Yes No

If yes, how?

- Screenshot & repost
- Copy/Paste
- Share
- Save picture & repost

11. Do you give credits to the original post?

Yes No

12. Do you take the permission to share others' work?

Yes No

13. Do you think you need to take permission to share other people's work?

Yes No

14. What kind of work do you need to take permission for?

- Pictures
- Videos
- Status
- All of the above
- None

15. Do you know what copyright is?

Yes No

16. What do you know about Copyright Law in Lebanon?

17. How did you know about Copyright?

- School
- University/College
- Media
- Other (Please Specify): _____

18. Do you think it is right for other people to share your work without giving you credit?

Yes No

19. Please answer the following questions on a scale from Strongly Agree to Strongly Disagree:

- a) Copyright law protects everything a person can create or come up with
Strongly Agree – Agree – Neutral – Disagree – Strongly Disagree
- b) Works should not be registered to be protected by copyright law
Strongly Agree – Agree – Neutral – Disagree – Strongly Disagree
- c) Copyright law gives the creator the exclusivity of using his/her work
Strongly Agree – Agree – Neutral – Disagree – Strongly Disagree
- d) Copyright protection ends after the death of the author
Strongly Agree – Agree – Neutral – Disagree – Strongly Disagree
- e) Everything posted online can be used without permission and acknowledgment
Strongly Agree – Agree – Neutral – Disagree – Strongly Disagree
- f) I do not have to acknowledge the author if I am using works for non-commercial purposes
Strongly Agree – Agree – Neutral – Disagree – Strongly Disagree
- g) I can edit or change the work of other people and make it my own
Strongly Agree – Agree – Neutral – Disagree – Strongly Disagree
- h) I found a photo, video, etc. on a website so it's free to use on my social media platform
Strongly Agree – Agree – Neutral – Disagree – Strongly Disagree
- i) If I give credit to the creator (photographer, musician, etc.), I am free to use his/her work
Strongly Agree – Agree – Neutral – Disagree – Strongly Disagree
- j) I can use a small amount of a creative work without considering it copyright violation
Strongly Agree – Agree – Neutral – Disagree – Strongly Disagree

20. What do you do when you face a copyright violation?

- Talk to the person who violated copyright

- File a complaint
- Nothing
- Other (Please specify): _____

21. Are you aware of the online Copyright Report that social media platforms offer?
Yes No

22. Do you know what Creative Commons are?
Yes No

II – Interviews

A. Questions:

- 1) Discuss the Survey results
- 2) Is Copyright Law applied in Lebanon? How?
- 3) What do you think should be changed?
- 4) Do people file court cases for copyright infringement?
- 5) What about online copyright?

B. List of Interviewees:

- Member of Parliament Georges Okais (previous Judge)
- Lawyer Dolly Farah
- Judge Charbel Helo
- Lawyer Joseph Chamoun

References

- Audio-visual Media Law, No. 382 of September 4, Lebanon. (1994)
- Bertho, J., Robert, A., & Avocats, J. (2018). Copyright litigation in France: Overview. Retrieved from <https://uk.practicallaw.thomsonreuters.com>
- Code de la Propriété Intellectuelle, France (2018)
- Copyright, Designs and Patents Act 1988, UK. (2017)
- Copyright Law, 17 U.S.C. (2016)
- Dowle, C., & El-Turk, B. (2016). Patents, trade marks, copyright and designs in United Arab Emirates: Overview. Retrieved from <https://uk.practicallaw.thomsonreuters.com>
- Facebook Help Center, (2018). Copyright. Retrieved from <https://www.facebook.com/help/>
- Federal Law No. 7 of 2002 Concerning Copyrights and Neighboring Rights (UAE)
- Ghoussaini, N. (2017, May). Lebanese Media Law up in the Air. *An-Nahar*, Retrieved <https://en.annahar.com>
- Haute Autorité Pour la Diffusion Des œuvres et La Protection Des Droits Sur Internet. (n.d.). Retrieved from <https://www.hadopi.fr/>
- Herzfeld, O. (2016, May). Fair Use In The Age Of Social Media. *Forbes*. Retrieved from <https://www.forbes.com>
- Intellectual Property Office. (2015). Copyright notice: Digital images, photographs and the internet. Retrieved from <https://www.gov.uk>
- Instagram Help Center, (2018). Copyright. Retrieved from <https://help.instagram.com>
- Law on the Protection of Literary and Artistic Property, No. 75 of April 3, Lebanon. (1999).
- Lebanon's Copyright Law: Paving the Way to Global Integration. (n.d.). Retrieved from <http://www.mideastlaw.com>

- Maguire, M., & Delahunt, B. (2017). Doing a Thematic Analysis: A Practical, Step-by-Step Guide for Learning and Teaching Scholars. *All Ireland Journal of Teaching and Learning in Higher Education*, 3.
- Meouchi, C., & Dib, M. (2016). Media Law in Lebanon: An Overview. Retrieved from <http://www.medialawinternational.com>
- Muriel-Torrado, E., & Fernández-Molina, J. (2015). Creation and Use of Intellectual Works in the Academic Environment: Students Knowledge About Copyright and Copyleft. *The Journal of Academic Librarianship*, 41(4), 441-448.
- OECD. (2015). Copyright in the Digital Era: Country Studies. Retrieved from <http://www.oecd.org/sti/ieconomy/Chapter5-KBC2-IP.pdf>
- Okediji, R. L. (2006). The International Copyright System: Limitations, Exceptions and Public Interest Considerations for Developing Countries. *UNCTAD - ICTSD Project on IPRs and Sustainable Development*, Issue 15
- Owen, L. (2015). Fair dealing: a concept in UK copyright law. *Learned Publishing*, 28(3), 229-231.
- Press Law, September 14, Lebanon. (1962)
- Sciacchitano, F. (2015). Assessment of Media Legislation in Lebanon. *MedMedia*. Retrieved from <http://www.med-media.eu>
- The Avalon Project: The Statute of Anne; April 10, 1710. (n.d.). Retrieved from <http://avalon.law.yale.edu>
- The Digital Millennium Copyright Act of 1998, US
- The Statute of Anne: The First Copyright Statute (1709). (n.d.). Retrieved from <http://www.historyofinformation.com>
- Twitter Help Center, (2018). Copyright. Retrieved from <https://help.twitter.com>

US Copyright Office. (2001). Executive Summary Digital Millennium Copyright Act Section 104 Report. Retrieved from <https://www.copyright.gov>

US Copyright Office. (2019). More Information on Fair Use. Retrieved from <https://www.copyright.gov>

What is Copyright? (n.d.). Retrieved from <https://www.bbc.co.uk>

What is Intellectual Property? (n.d). *WIPO Publications*, 450(E)

Wimmer, R. D., & Dominick, J. R. (2014). *Mass media research: An introduction*. Belmont, CA: Wadsworth.

WIPO Copyright Treaty (WCT), 1996

WIPO Performances and Phonograms Treaty (WPPT), 1996

Arabic References:

إدوارد عبيد، حق المؤلف والحقوق المجاورة في القانون اللبناني والقوانين العربية والأجنبية، لبنان، صادر،
٢٠٠١

بلال عبدالله، حق المؤلف في عصر الويب 2.0 ، لبنان، العدل، ٢٠١٣، العدد الثالث، ص ١١٥١
غسان رباح، قانون حماية الملكية الفكرية والفنية الجديد مع دراسة مقارنة حول جرائم المعلوماتية، لبنان، نوفل،
٢٠٠١

وزارة الإقتصاد والتجارة، حقوق المؤلف والحقوق المجاورة - لبنان، ٢٠١٨، www.economy.gov.lb