

## **ALAI Congress in New York: Opening Remarks**

### **The Representative of WIPO**

**The Honorable Mary Beth Peters, Register of Copyrights**

**Professor Jane Ginsburg, Chairperson of the U.S ALAI group**

**Ladies and Gentlemen, Dear Friends**

In its business section of June 11 2001, the New York Times published an article with the following title:” AOL Plans A Digital Smorgasbord”.

It contained an interview with Gerald Levin, chief executive of AOL Time Warner, who was asked about his company’s vision:

“Subscriptions”, he said. Full stop.

Asked what kind of subscriptions he had in mind, he responded simply:

“Everything. Anything you want to name. Every movie, every written piece of paper will ultimately be delivered on demand. And I’m enthralled”.

Actually the declaration is not really prophetic.

Mr. Levin is not announcing a hypothetical futuristic brave new world. In fact the future is amongst us. Heaven is already on earth...

Ask Stephen King: he could not agree more. His first short story, published a couple of years ago solely on the Internet, yielded hefty profits in the order of a 6 digit figure.

Napster and MP3, yesterday’s bad guys, are also following suit. Newly converted into law-abiding citizens, they are feverishly preparing themselves, with a little help from newly acquired friends, for the digital distribution of music through our computers, in a legitimate manner and for a fee.

Needless to say, for such sweeping developments to take place, some conditions have to be met. Copyright management systems, adapted to the new environment, need to be put in place. And technological protection, such as scrambling or encryption, is an essential ingredient, a key component in whose absence authors and right holders will hesitate to disseminate their works on the net. The importance of protection against the circumvention of such technological measures was recognized by the 1996 so-called WIPO “Internet treaties” as well as in recent national laws.

A couple of months ago, I was lecturing on these issues in Morocco. A student raised his hand and put to me that such measures of protection are not really new, they have been known for a long time. According to his theory, they were in fact invented for the first time by Sheherazade. In her account of the tale of Ali Baba and the Forty Thieves, that is part of the 1001 Nights, Sheherazade tells of a system put in place to prevent the intrusion of undesirable persons into the cave where the thieves had stored their treasure. The key that would allow access to the treasures consisted in the recitation of the magic words: “Open Sesame”. That, my student claimed, was the first- ever mention of a technological measure of protection.... Given such an interpretation, Ali

Baba would seem to have the dubious glory of being considered the world's first hacker. And Sheherazade would deserve at least moral rights credit.

Ladies and gentlemen, dear friends, this is the first time ALAI meets in the U.S. However ALAI is not a newcomer to Americans, or rather Americans are not newcomers to ALAI. I have been told that right from the beginning, in the good old heroic days, the first "Comité d'honneur" of ALAI that was created in Paris included- apart from Victor Hugo, the founder- two prominent Americans: Henry Wadsworth Longfellow and Ralph Waldo Emerson.

Now, 125 years later, we have the long overdue encounter between ALAI and our American friends, taking place on American soil. And what is more quintessentially American and yet richly international than the City of New York?

It is, thus, with the utmost pleasure that I would like to dedicate the forthcoming days of discussion to those American pioneers, the early companions of Victor Hugo, who believed in the necessity of strong international protection for creators and authors.

I would also like to pay tribute, at the start of this conference, to a great American lawyer and academic, the founder of the ALAI American group. Allow me to greet the scholar, the music publisher, the composer, the poet, Mr. Renaissance- person, Professor Jack Kernochan.

And last, but not least, one should not forget the unforgettable, Sheherazade, without whose creativity and vivid imagination, we might have been "circumvented" from discussing these important issues.

I cannot guarantee that the next few days will be as full of delights as in the 1001 Nights. But I can safely predict that we will be having fascinating discussions at Columbia University and a great time in the Big Apple.

As a sultan of ALAI I hereby declare our Congress open.

Victor Nabhan