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A COMPARATIVE STUDY ON COPYRIGHT PROTECTION FOR DIGITAL WORKS IN PALESTINE AND UK

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ABSTRACT

The direct influence of technology on copyright was the main impetus for the development of copyright legislation. Because the Palestine Copyright Act of 1911 is out of date, it does not address the technological advancements in copyright field. The state of Palestine drafted a proposal for new copyright legislation that governs the copyright protection for digital works, but owing to the suspension of the parliament, it has not been enacted. This research aims to examine issues of the meaning of digital copyright works, the requirements for copyright protection for digital works, copyright protection for digital works that described in the Palestine Copyright Act of 1911, the Palestine Copyright Draft (Proposal) 2013, and UK CDPA 1988 in order to strengthen a substantial component of the law in Palestine. The comparative research approach was used, along with a functional method. The findings of this research indicate that the Palestine Copyright Act 1911 lacks copyright protection for digital works, while the Palestine Copyright Draft 2013 governs this issue to some extent. This study suggests that before the copyright draft is approved, changes need to be made, especially in regard to the issue of copyright protection requirements.

Keywords: Digital Copyright works, copyright protection, Palestine copyright law, Copyright Act 1911

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INTRODUCTION

Copyright law and technical advancement have a positive link. Technology advancements have an impact on copyright law through the emergence of new types of creations that fall under its purview. The purpose of copyright legislation in this regard is to defend the rights of the creators of digital works. Therefore, in order to stay up with technological advancement, nations have been attempting to update their copyright laws.

There are issues with copyright protection for digital works under the Palestine Copyright Act of 1911 due to the outdated of this Act. The copyright protection for digital works is one of several problems caused by the Act's outdated provisions. This research focuses on the challenges raised by the 1911 Copyright Act about copyright protection for digital works. Besides, this research highlights the proposed provisions in the Palestine copyright draft 2013 regulate those issues. A comparative approach employed in this regard to present the weakness in the current legislation for copyright law in Palestine (Palestine copyright Act 1911) and to discover the loopholes in the Palestine Copyright draft 2013 in order to suggest improvements. The UK Copyright, Designs, and Patent Act 1988 is the comparative item in this research because Palestine copyright law finds its roots in UK copyright law since the UK Copyright Act of 1911 is the same Act that applied now in Palestine which returned to the UK mandatory era over Palestine.

This study outlines the similarities and differences in copyright regulations for digital works in Palestinian Copyright Act 1911, Palestine Copyright Draft 2013, UK CDPA 1911, and several international copyright conventions (i.e., Bern Convention 1971, Trade-Related Aspects of Intellectual Property Rights (TRIPs) Convention 1994, and World Intellectual Property Organisation (WIPO) Copyright Treaty (WCT)) so that the Palestinian copyright draft 2013 can be enhanced to suit the present setting. In addition, this study presents an overview of digital works in copyright law in general and discusses the legal background of copyright law in the contexts of Palestine and the UK. Next, provisions concerning the meaning of digital copyright works, requirements for copyright for digital works, and types of copyright protection for digital works in Palestine and the UK.

METHODOLOGY

This research is doctrinal legal research which employs descriptive analytical approach, and it is library-based research that gathered data from library sources. The type of this research approach is a comparative legal research technique. As it enriches the history of community experience, Comparative Legal Study (CLR) is a significant instrument in the legal research

domain. Similarities and differences identified among different laws that control the same topic is referred to as comparison (Ali, I., 2020). Meanwhile, the functional method deployed in this study is typically applied at the micro-comparison level. The items of comparison are the provisions covering the meaning of digital copyright works (the definition), the protection of digital works, and the requirement for the protection of digital works in the Palestine Copyright Act 1911, UK Copyright, Designs, and patent Act 1988, international copyright conventions, and the Palestine copyright draft 2013.

A Primary data will be used in this research which represented on the Palestine Copyright Act 1911, UK Copyright, Designs, and patent Act 1988, international copyright conventions, and the Palestine copyright draft 2013. Besides, a secondary data will be used which gathered from literatures related to the topic from many sources.

COPYRIGHT LAW IN DIGITAL WORKS-A LITERATURE REVIEW

The meaning of digital copyright works

The term "copyright" simply means "right to copy," but it has come to refer to a set of exclusive legal rights given to copyright owners for original works of authorship, to protect their works (Storny Brook University, 2021).

Copyright, according to Bainbridge (2009), is a property right that exists (subsists) in diverse works, such as literary works, creative works, musical works, sound recordings, films, and broadcasts (Bainbridge, 2010).

According to the WIPO, the word "copyright" (or "author's right") refers to the legal rights that creators hold over their literary and artistic creations. Books, music, paintings, sculpture, and films are all covered by copyright, as are computer programs, databases, advertising, maps, and technical drawings, etc (WIPO, 2021).

On the other hand, digital work or labour is the organization of human experiences using voice, digital media, and the human brain to produce new goods (Fuchs et al. 2013). Any type of information that is available as digital data is referred to as digital content. Digital material sometimes referred to as digital media, is saved in certain forms on digital or analog storage (Rowley, 2008).

However, A creative work is protected in various digital media by digital copyright, which is an extension of any other sort of copyright (Wiesen, 2022). According to the agreed statement in WCT, digital copyright works are the digital or electronic form of copyright works. Hence,

digital works refer to literary and artistic works in digital format that meet copyright qualifications.

The great progress in technology has led to access to any of the literature on the digital environment in multiple and easy ways, and this leads to the necessity to suit copyright laws in light of technological development. This can be achieved by replacing copyright laws with one that focuses on copyright in the digital environment. However, copyright is the basis of creativity, and creativity is the basis of culture, and therefore copyright is the basis of culture (Patry, 2012).

Given the technological development that affected copyright, World Trade Organization (WTO) established (TRIPS) agreement, which contain conditions related to copyright in digital the environment that the states must act it in their copyright laws such as text for computer program and database as works protected in copyright law (Rowley, 2008). World Intellectual Property Organization (WIPO) established two international agreements in 1996 to protect copyright in the digital environment, which are the WIPO Copyright Agreement and the WIPO Convention for the Performance and Phonograms and they are named -Internet Agreements-. These agreements emphasize that copyright enjoyed legal protection in the digital environment. Besides, states parties have to amend their internal laws in line with the provisions of these agreements. These agreements specifically stipulate some protected digital works such as computer programs and databases, and emphasize the need to establish technological measures to protect copyright in the digital environment and to establish legal protection for these measures. The United States of America is the first country which amends the copyright law in line with the provisions of the WIPO agreements (Bhat, 2013).

WCT states that copyright works that are converted from a classical to an electronic format are protected. This implies that all copyright works published on online sites and pages are copyright protected, as downloading, distribution, or re-copying them without the author's consent or exceptions to the copyright law is prohibited (WIPO, 2016). In addition, copyright that is generated electronically from the original version is protected. Copyright works in the digital world, on the other hand, should be subject to the same criteria as conventional copyright works in terms of originality and fixation (Mahesh & Mittal, 2009).

Many new copyright works, such as computer programs and databases, have lately been protected by copyright law, indicating that copyright law is keeping up with technical advancements. Other copyright works, such as video games, are not yet covered by copyright

law explicitly. Video games are covered by copyright law, according to the majority of jurists across the world (Grzegorczyk, 2017).

The WCT, WPPT, and TRIPs conventions did not define digital copyright works, but they did identify two new types of digital works that should be protected by copyright laws: the creation of computer programs and databases. These two categories should also be considered in addition to the literary and artistic works described by the Bern convention, which states that "literary and artistic works" refers to all creations in the literary, scientific, and artistic fields, regardless of the mode or form of expression, such as books, musical compositions, computer programs, and databases among others (Bern convention, Article; TRIPs Article 10; WCT Article 4 &5).

The Protection of Digital Works under Copyright Law

A copyright violation is punishable by both civil and criminal sanctions. Anyone found accountable for civil copyright infringement may often be required to pay either actual damages or damages with a "statutory" value attached. Criminal sanctions, including as imprisonment and fines, can also come from willful copyright infringement.

Several challenges have emerged as policymakers, content owners, and manufacturers of consumer electronics and computers (including hardware and software) have battled to meet this challenge. Initially, neither technology nor legal action by themselves can offer a workable answer. The treatment of works within devices like computers and the treatment of works when they travel between devices and through wired or wireless networks are the two main challenges that copy protection must handle. Moreover, the creativity, speed, and openness that have characterized the computer and Internet revolution must be considered in copy protection technologies and structures (De Werra, 2002).

The Charles Clark remark, "the answer to the machine lies in the machine," has been used frequently in policy forums. In fact, numerous technical safeguards have been created to help with the security of digital works. Some of the issues raised by the advancements in digital and analog technology can be addressed using the current technical methods and new ones that are being developed (Ginsburg, 2007).

TPMs are exposed in this digital age since they are susceptible to hacking just like any other piece of software. TPMs can be gotten around. It refers to opening a protected work's lock using numerous techniques that users might utilize. TPMs are extremely susceptible to software and hardware attacks.

The necessity to safeguard them stems from the fact that denying them such protections will stifle creativity and innovation (Loren, 2002). Therefore, International copyright treaties recognized these challenges and obliged countries member to provide legal protection for TPMs.

According to Article 11 of the WIPO Copyright Treaty, parties to a contract shall provide sufficient legal protection and efficient legal remedies against the circumvention of effective technological measures that authors use to exercise their rights under this Treaty or the Berne Convention and that limit acts in relation to their works that are not authorized by the authors concerned or permitted by law.

In addition, TRIPs read in article 18 that "Contracting Parties shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by performers or producers of phonograms in connection with the exercise of their rights under this Treaty and that restrict acts, in respect of their performances or phonograms, which are not authorized by the performers or the producers of phonograms concerned or permitted by law".

Requirement for the Protection Digital Works

Authors' legal rights over their original written and unpublished literary or artistic works are referred to as copyrights. They restrict the freedom to access and distribute them. Copyrights shield the physical nature of the original product, not the underlying concepts or ideas. Not only books, songs, and artwork are covered by copyrights, but also computer systems, libraries, and scientific sketches (Ginsburg, 2018).

Originality

The definition of originality is not specified in international copyright treaties (Gervais, 2002). The obligation of originality for defense, on the other hand, may be inferred from the treaties. The Berne Convention, for example, states that "translations, adaptations, arrangements of music and other alterations of a literary or artistic work shall be protected as original works without prejudice to the copyright in the original work" (Berne Convention. 1886. Article 2(1) and (3)). As a result, it appeared that the determination of the concept's scope was left to national legislatures. Despite this, the majority of national copyright laws do not describe the term.

They fall short of explicitly stating that originality is a requirement for copyright rights, among other things (Gervais, 2002).

There are different arguments about concept of originality in history from the objective and subjective schools. The objective school has its origins in the British common law tradition and is supported by a long string of cases. For example, University of London Press, Limited v. University Tutorial Press. The “sweat of the brow” or “industrious collection” school is another name for the school. According to this academy, in order for a work to be considered original, it must demonstrate that adequate talent, labor, or industry was invested in its creation. It is not important to participate creatively in the creation of the work (Oriakhogba, 2018).

The subjective or imagination school, which has its origins in France's civil law tradition, believes that when assessing originality, "a method that involves looking not for proof of talent and labor but rather for the mark of the author's personality in the piece" should be used. To look at it another way, the creativity school believes that seeking originality is difficult without creativity. Originality requires at least a rudimentary level of creativity” (Drassinower & Abraham, 2004).

The level of creativity expected here is not the same as the inventive requirement required by patent law. It's the imagination, which implies that the work in question isn't just a copy, but rather one that requires effort, talent, and some independent decision or analytical activity on the author's part. Following the US Supreme Court ruling in the case of Feist Publication Inc. v Rural Telephone Service, this school of thinking is now deeply established in the United States (Hailshree, 2009).

Fixation

Instead of protecting ideas themselves, copyright law regulates representations of ideas. According to current Copyright laws, a produced piece of work must be fixed in some physical form or format in order to receive copyright protection. Hence, fixation is a copyright condition (Ahmad & Snehil, 2011).

Fixation is not required in all countries as a requirement for copyright protection. In fact, there is no explicit clause in the TRIPs arrangement to that effect. Even the Berne Convention, which is incorporated into the TRIPs agreement, does not provide a minimum requirement for fixation. It simply states that copyright exists in literary and artistic works, regardless of the mode or way in which it is expressed (Berne Convention, 1971).

Countries with a common law heritage, such as the United Kingdom, the United States, and Australia, have one kind of fixation provision or another. Countries with a constitutional history, on the other hand, are largely silent on the fixation conditions. For example, the French Intellectual Property Code 1992 protects "the rights of authors in all works of the mind, whatever their kind, form of expression, merit or purpose". It also deems a work to "have been created, irrespective of any public disclosure, by the mere fact of realization of the author's concept, even if incomplete" (Elizabeth, 2013).

DIGITAL WORKS IN PALESTINE COPYRIGHT LAW

Legal Framework for Copyright in Palestine

In 1924, the British Copyright Act of 1911 [Act 45] was extended to Palestine by royal order. Rather than the Order-in-Council, the power to establish the law came from the British Foreign Jurisdiction Act and the Imperial Copyright Act. The directive to extend the deadline was published in the official newspaper, and it is named the Palestine Copyright Act.

The Act defines the subject matters of copyright law aim to protect any original literary, dramatic, musical, and artistic works. The act scopes the legal protection for copyright that grants the sole right of the owner to produce, reproduce, or publish the work, and some defences for copyright users like fair dealing, re-use by the author, publicly located sculptures, educational use, news reporting, among other things. The Act contains some special provisions for certain works especially joint works, government publications, posthumous works, mechanical instruments, photographs, political speeches, and foreign works (Palestine Copyright Act1911).

On the other hand, in 1934, the Copyright Act of 1911 was published in English, followed by Arabic and Hebrew in 1936. The publications occurred following the defendant's defence in the case of Palestine Telegraph Agency Ltd v. Jaber [1931], which contended that notwithstanding the royal order applying the 1911 statute to Palestine, the copyright statute 1911 did not require publishing in an official newspaper.

The absence of a defined copyright doctrine in Palestine can be explained by the application of the Copyright Act 1911 in Palestine. The British saw it as another element of the legal-commercial infrastructure, but it was also seen as too sophisticated for the local communities, as the event of the Act's translation proved. The limited local scholarly engagements with copyright law were either irrelevant or solely scholarly, and this was attributed to cultural

factors such as an absence of libraries, lawyers, and legal education (Telegraph Agency Ltd v. Jaber [1931]).

According to decrees No 1 and No 2 from the head of the Palestinian Authority. The Palestine Copyright Act 1911 is the law for copyright in the West Bank and Gaza because it was not canceled under any military order and it was the copyright Act that regulates copyright issues before 1967. Hence, Palestinian Decrees No. 1 and No. 2 authorize the applicability of the Copyright Act of 1911 to those regions.

The 1911 Copyright Act, however, has to be completely revised because it is so outdated. Consequently, a draft of the new Palestinian copyright legislation has been created by the Director of the Copyright Department of the Ministry of Culture in the Palestinian Authority with the assistance of Jordanian legal professionals and will later be presented to the Council of Ministers. After reviewing the draft law, experts from the Investment Climate Development Project, financed by the US Agency for International Development, came to the conclusion that it is suitable for the requirements of the Palestinian people in this area. Additionally, the proposed law is entirely compliant with the WTO TRIPS agreement, which would make Palestine's membership in the body easier (United states Agency for International Development, 2013).

However, the copyright draft did not pass by the specialist authorities in Palestine, many reports require to pass this law by the president of the Palestine National authority without achieve any progress in this regard.

On the other hand, During the British mandate period, Palestine was a member of the Bern Convention, based on the Palestine government's ratification of the Bern Convention modifications in 1908, while it was under British mandate administration in 1924 (Jewish Telegraphic Agency, 1924.). However, after 1908, the state of Palestine did not adopt the Bern Convention revisions. As a result, the state of Palestine must approve the new Bern Convention modifications. In addition, Palestine signed the Arab Copyright Convention 1981 without submit the ratification.

Analytically, Although Palestine has a strong legal foundation for copyright law, the complementation of fundamental elements to improve copyright law is insufficient, creating a gap between the past and the present. While the state of Palestine saw a significant rise in copyright protection in the first 50 years of the twentieth century, due to the adoption of a

contemporary copyright laws and membership in the Bern convention, it dropped precipitously after that, with no improvement until date.

The Copyright Act of 1911 does not assist in fulfilling the freedom of innovation that is guaranteed under the Palestine Basic Law. Palestine worked to create a new copyright legislation in the absence of the Copyright Act of 1911. It is clear that the proposal was accepted in an illegitimate manner by copying from the Jordanian copyright law, which may cause numerous problems if it is put into effect.

Definition of Digital Works

A digital copyright, in general, is a copyright that extends the protection of a creative work into other digital mediums. This is often used to make sure that work that is created digitally is protected in a manner similar to how work created physically is protected (Flanagan & Maniatis. 2008). With the spread of computers and digital media, this has gained in significance. Such protection frequently includes measures to prevent a work from being copied, including digital rights management (DRM) software. Therefore, any original, creative work that exists in a digital media is established as a digital copyright work (Story, 2002).

According to the Palestine Copyright Act of 1911, all original literary, dramatic, musical, and artistic works are protected by copyright. According to this Act, "copyright" refers to the exclusive right to create or duplicate the work or any significant portion of it in any form of physical form, to perform—or, in the case of a lecture, to deliver the work or any significant portion of it in public, and, if the work has not yet been published, to publish the work or any significant portion of it (Palestine Copyright Act 1911, Article1).

According to the Act, literary works include plans, tables, charts, and collections. Any piece for recitation, choreography, or entertainment in a dumb show whose scenic arrangement or acting form is fixed in writing or another way is considered a dramatic work, as is any cinematographic production whose arrangement, acting form, or combination of incidents represented gives the production a unique character. Painting, drawing, sculpture, artistic workmanship, architectural works of art, engravings, and photography are all considered artistic works (Palestine Copyright Act 1911, Article 35).

However, the Act makes no mention of copyright in connection with digital forms. Despite the fact that the Act includes a general rule for copyright protection for original literary, dramatic,

and artistic works, this rule must recognize the Act's provisions for copyright works in digital format in order to be applied.

Furthermore, the Act does not define or interpret new works that are closely tied to the digital world and protected by copyright law as literary works. For instance, copyright protection for computer program as literary work. Additionally, the provisions of the Act do not apply to copyright works produced using electronic methods or to newly generated works recently protected by copyright law, such as databases.

On the other hand**,** the Palestine copyright draft 2013 guarantees protection for all creative works in the fields of literature, science, and the arts, regardless of its genre, significance, or intended use. Works that use sound, movement, writing, or photography as their primary means of expression are protected, including books, lectures, musical and audiovisual works, sculpture, photographs, computer programs, and more (Palestine Copyright Draft, 2013. Article 3).

Any product for creative works in the literary, artistic, and scientific domains is referred to as a copyright work in the draft. The proposal makes it clear that making copies of the works available to the public in any format, including electronic, constitutes publication of the works. The draft makes it clear that copies of copyrighted works can be made directly or indirectly, in any format, including by storing them temporarily or permanently in an electronic format (Palestine Copyright Draft. 2013, Article 2).

For digital copyright works, it is evident that there is no specific definition, though. The broad rule that provides copyright protection for any production in the literary, artistic, and scientific fields includes computer programs as an example. Additionally, the draft specifically covers the creation of electronic databases. However, the proposal clearly addressed the issue of electronic formats for copyright works by reaffirming their inclusion in the definitions of publishing and copy.

Types of Copyright Protection for digital Works in Palestine

The Copyright Act of 1911 provides for both civil and criminal protection for works that are copyrighted. The owner of the copyright has the right to seek civil remedies from anybody who violates that right, including injunctions, interdictions, damages, accounts, and other remedies that are or may be granted by law. In addition, a criminal penalty against a copyright violator was introduced by the act, which represented a fine between 250 milligrams and 50 pounds. If

the violator commits the same offense again, the court may impose the same penalty or a sentence of up to two months in prison (Palestine Copyright Act amendment. 1924).

However, there is no mention of a specific copyright protection for digital environments in the 1911 Act. A recent development in copyright legislation is the new kind of copyright protection. For instance, the WIPO Copyright Treaty 1996 provisions for technical protection methods.

On the other hand, the Palestine copyright draft 2013 establishes comprehensive legal protection for copyright holders, in contrast to the Copyright Act 1911. The proposal outlines a procedure for handling copyright violations. The draft gives the owners of copyrights the ability to ask a specialist court to take preventative action against copyright violators in connection with an order to cease the violation, confiscate any materials or instruments used in the reproduction, and seize any proceeds from illicit exploitation (Palestine copyright Draft 2013, Article 46).

In addition to the aforementioned, the draft gave the author the right to seek appropriate compensation for any violations of his rights. Besides, the draft offers copyright criminal protection. It was clearly stated that any violations of copyright holders' rights are considered crimes and should result in a sentence of three months to a year in prison, a fine of 1,000 to 6,000 Jordanian Denar, or both (Palestine copyright Draft 2013, Article 51).

In terms of digital Copyright works, the draft specifies the new form of protection that is adapted to digital works termed technical protection measures in addition to the pre-existing protection. The draft gives the author the authority to put in place technological safeguards to stop copyright violations in the digital sphere. Additionally, the draft offers criminal immunity for any act of circumvention of technological controls (Palestine copyright Draft 2013, Article 55).

In addition, "rights management information" is another digital tool for digital copyright works that is included in the copyright draft. The term "rights management information" has been defined as information that identifies a work, its author, the owner of any intellectual property rights in the work, the performer, or the terms and conditions of use of the work, any amount or codes that represent such information, when any of these items is attached to a copy of a work or appears in connection with the communication of a work to the audience. However, the draft states that anybody who alters any information stored in electronic form without the

right holder's consent to ensure rights management is infringing on a copyright (Palestine copyright Draft 2013, Article 54).

Analytically, it is evident that the draft included a number of legal protections for electronic formats of copyrighted works. In contrast to the Copyright Act of 1911, there is a clear acknowledgment of the criminal and civil protection over digital copyright works,

and the criminal penalties, particularly the monetary fines, have been valid. Additionally, the adoption of technical protection mechanisms and rights management data in the copyright draft refers to updating the document to reflect changes in technology. Consequently, the copyright draft's proposed provisions are much more advanced than the Copyright Act of 1911.

Requirement for Copyright Protection for Digital Works in Palestine.

In Palestine, general rule for copyright protection was established in the original copy of the Copyright Act of 1911. The Act states that every original literary, dramatic, and artistic work has a copyright if (a) the work was first published within the aforementioned areas of His Majesty's dominions in the case of a published work; and (b) in the case of an unpublished work, the author was at the time the work was created a British subject or resident within the aforementioned areas of His Majesty's dominions.

It is obvious that the Act makes the originality requirement very plain. The Act also stipulates that the work must be a literary, dramatic, or artistic creation. In contrast, the Act adds two additional requirements to provide the original work copyright protection, requiring that the work be published in UK territories if it is, and that the creator be a resident of Britain if it is not.

However, Palestine does not have the same level of originality requirements as the rest of the world, and there is no known Palestinian legal precedent with a dispute over the originality notion. Additionally, there are problems in translating the Copyright Statute of 1911 into Arabic, particularly with the first article of the act. The original copy of the law in English or the original text of the act makes clear that the copyright must be used in every original literary, dramatic, musical, and artistic works; however, the translation of the law into Arabic that was authorized in Palestine does not include this requirement. Therefore, the Act has to address the question of the originality requirement, and it needs to be interpreted.

Additionally, the 1911 Act makes no mention of the fixation requirement and makes no mention of the need for the copyrighted works to be written, recorded, or fixed in any way. As a result, the absence of copyright protection in this instance opens the door to a host of potential

problems. Therefore, in order to create a true scale for copyright law, the issue of fixation copyright works needs to be improved under the act's requirements.

On the other hand, provisions concerning the conditions for copyright protection are not specifically included in the 2013 Palestine copyright draft.

Works created in the fields of literature, art and science, shall be protected by copyright, according to Article 3 Paragraph 1 of the draft. The same article's paragraph 2 indicates that works expressed through speech, writing, movement, drawing, and photography are the works that protected by copyright laws. However, the draft has no definitions of creative work and no rules defining the level of creativity necessary for copyright work.

Regarding digital works, it is clear that they must comply with the conditions set forth in the draft since the copyright draft provides protection for electronic versions of copyright works. Consequently, in accordance with the proposed criteria, digital works must be creative and express themselves through written, spoken, movement, and photographic means (Palestine Copyright draft, 2013).

Analytically, the discussion above makes it evident that the 1911 Act's originality requirement is not adopted by the draft, but that it instead contains the creativity criterion by stating the creative element in various clauses. However, the proposed rules in the draft do not provide any guidance on how to interpret the creativity criterion. Additionally, there were no legal interpretations that the courts might apply in figuring out this factor. Therefore, it is required to make this requirement apparent because it is considered one of the basic rules for copyright law. On the other hand, the 2013 draft attempted to incorporate the second aspect of copyright protection, which is represented by the necessity for fixation, but the text's language was not entirely apparent. The draft does not address the idea and expression of the idea, leaving room for several disagreements.

DIGITAL WORKS IN UK COPYRIGHT LAW

Background of UK Copyright Law

The United Kingdom is without a doubt the home of copyright law legislation and codification, whereas the ancient Greek world is regarded as the cradle of art and culture. This is so because Britain gave birth to the Queen Anne's Statute on Copyright, the first copyright law in history. Before the Statute was passed, in the fifteenth century, monopoly privileges granted by the Crown to printers were the source of copyright (Sápi, 2018).

The Statute of Anne 1709, a common law principle, served as the basis for the creation of copyright law and copyright in the UK. With the passage of the Copyright Act 1911, it was become a statute. The Copyright, Designs and Patents Act of 1988 is the current law. The law grants authors of written works, plays, music, visual arts, sound recordings, broadcasts, movies, and published editions' typographical arrangements the right to choose how their work is utilized (Witness Ltd, 2022).

The importance of Queen Anne's Statute stems chiefly from the fact that it was the first written copyright law in the entire world, not only in Great Britain. The Statute played a significant role in establishing the so-called civil state as part of this process. The Statute of Anne actually established an assignable copyright with the intention of safeguarding not just authors but also publishers who served as authors' legal heirs (Cornish, 2010).

The development of copyright law in the United Kingdom has been marked by some fragmentation, which was primarily demonstrated by the legislative strategy that each category of protected artwork was given its own act. The end outcome of this legislative strategy was essentially that there were no consistent principles that would guide the broad and uniform restrictions of the many sorts of copyrighted works. The following copyright law acts were created to demonstrate the fragmentation of British copyright law: the Statute of Anne in 1709, the Engraving Copyright Act in 1734, the Sculpture Copyright Act in 1798, the Dramatic Copyright Act in 1833, the Lectures Copyright Act in 1835, the Fine Arts Copyright Act in 1862, the Copyright Act in 1911, the Copyright Act in 1956, and the current Copyright, Design and Patent Act (CDPA) (Patterson, 1968).

Following a Royal Commission's suggestion in 1875 that the government enter into a bilateral copyright agreement with the United States of America to give reciprocal protection for British and US authors, the International Copyright Act was passed in 1886. The Act introduced an exclusive right to import and/or produce translations and repealed the requirement that foreign works be registered (Atkinson & Fitzgerald, 2016).

The United Kingdom ratified the Berne Convention for the Protection of Literary and Artistic Works in 1887. The Convention mandated that the copyright of its own residents be recognized in the same manner as the works of authors from other member countries. Later amendments to the Convention established certain requirements for copyright law, including that copyright must be an automatic right (i.e., does not require registration) and that all works (aside from

photographic and cinematographic works) must be protected for at least 50 years following the author's passing.

However, the 1911 had a significant part in strengthening the UK's copyright laws. The common law copyright was eliminated along with the other objectives of the Copyright Act of 1911, which sought to integrate all the divulging branches of the previous Acts into a single cohesive system (Coyle, 2003).

The Act put into effect modifications brought about by the 1908 Berne Convention's first revision. The Act, in particular, provided protection for audio recordings and architectural works, repealed the need to register copyright with Stationer's Hall, and increased the duration of copyright protection in the UK to the holder's lifetime plus 50 years. Additionally, copyright owners were granted the freedom to publish and market their works, as well as to reproduce, perform, and approve works in public (UK Copyright Act 1911).

The few copyright acts that persisted despite the 1911 Act, as well as the entire 1911 Act, were repealed by another Act that went into effect on June 1, 1957 and called Copyright Act 1956. This Act sought to amend the Registered Designs Act 1949, with regard to designs related to artistic works in which copyright subsists, and the Dramatic and Musical Performers' Protection Act, 1925, as well as for purposes related to the aforementioned matters. It also sought to make new provisions in respect of copyright and related matters in place of the provisions of the Copyright Act 1911, and other enactments relating thereto (UK Copyright Act 1956).

The 1956 Act added three new sorts of works to the list of those on which Copyright could exist: cinematograph films, broadcasts, and the typographical layouts of printed editions. The UK's ratification of the Universal Copyright Convention was taken into account, and additional Berne Convention changes were put into practice by the Copyright Act of 1956. Films and broadcasts were granted protection under the Act for the first time in their own right. Additionally, the Performing Right Tribunal was created particularly to settle Copyright disputes (Hughes, 2011).

The 1988 Copyright, Designs, and Patents Act was passed as a result of the papers submitted to Parliament and the "Whitford Report." The Performers Protection Acts of 1958, the Copyright Computer Software Act of 1985, and the Copyright Act of 1956 were all repealed in favor of the existing legal structure. The new rules established by this Act were effective on August 1st, 1989.

The 1988 Act added a variety of new rights, including the ability to rent sound recordings, movies, and computer programs (section 18(3)), as well as a comprehensive system of moral rights for writers (sections 77-89). A new property right known as the design right was created as a result of the Industrial Designs issue, which had long plagued both the courts and the legislature (Wilson, 2022).

Since the Act's implementation, numerous changes have been made, mostly to accommodate various European Directives. A significant change made in 1995 was to synchronize the duration of protection throughout all EU nations by extending the period of copyright protection to the life of the author plus 70 years. In 2003, additional changes were made to implement a number of European Directives intended to better harmonize copyright rules among EU member states. As implied by its name, the Act also changed the UK's laws governing patents and designs (Stamatoudi & Torremans, 2021).

In terms of copyright, the 11 directives and 2 regulations are the source of all EU-derived laws. To a greater or lesser extent, these directives have been incorporated into UK legislation, and the UK is currently bound by the CJEU's interpretation of these directives. Nothing changed till the end of 2020. The UK's system of intellectual property rights continued as usual till the end of this year in accordance with the terms of the Withdrawal Agreement (Brexit withdrawal agreement, 2020).

After 2021 comes to an end. Given its national, territorial character and foundation in post-Brexit duties under international treaties, the fundamental principles of UK copyright law were largely unchanged by Brexit (Moynihan, 2020). There are some exceptions, which are covered below, but many of the modifications to UK copyright law made by EU legislation and EU Court of Justice case law over the course of the UK's membership will continue for the foreseeable future as part of the "retained EU law" that is now incorporated into UK law (Gaunt, 2022).

The most significant effects of Brexit are on those aspects of copyright and related rights, such as database rights, European Union Orphan Works, and the "country-of-origin" principle for satellite broadcasting, that depend on EU membership and reciprocity of protection for their existence (Brexit withdrawal agreement, 2020).

Analytically speaking, the UK may be regarded as the cradle of copyright law. The legislation governing copyright had several revisions between the Ann statute and the 1988 Copyright, Designs, and Patents Act, most of which were caused by the emergence of new copyright

issues, particularly those involving digital works. In other words, copyright legislation in the UK has always been vital and has attracted significant attention throughout its history**.**

Definition of Digital Works

According to UK Copyright, Designs and Patents Act 1988, copyright is a property right which subsists in accordance with following descriptions of work; (UK Copyright, Designs and Patents Act 1988);

(a) original literary, dramatic, musical or artistic works,

(b) sound recordings, films [or broadcasts], and

(c) the typographical arrangement of published editions.

However, 'copyright work" means a work of any of the previous descriptions in which copyright subsists when they meet qualification for copyright protection (UK Copyright, Designs and Patents Act 1988).

In 2003, when the UK was a member of the EU. It changed the Copyright, Designs and Patents Act of 1988 in accordance with Directive 2001/29/EC of the European Parliament and of the Council of May 22, 2001 on the Harmonization of Certain Aspects of Copyright and Related Rights in the Information Society. The general purpose of the modifications was to enhance copyright protection in digital environments.

The term "digital copyright works" is not defined separately in the UK Act. The provisions of the act's article 1 demonstrate that they do not distinguish between digital and non-digital works. In other words, the 1988 Act established a general norm that applied to all original creative forms, whether they were digital or not. This is because several other provisions of the Act were amended in 2003 to expand the copyright protection to cover digital works based on Directive 2001/29/EC of the European Parliament. For instance, "copying" refers to recreating a literary, dramatic, musical, or artistic work in any material form. This includes archiving the work using any electronic method and medium (UK Copyright, Designs and Patents Act 1988, Article 1,2, 56).

The author's right to communicate with the public is another illustration. According to the legislation, making a work available to the public by electronic transmission so that they can access it from a location and time of their own choosing is one way to communicate with the public (UK Copyright, Designs and Patents Act 1988, Article 20).

The UK Copyright, Designs and Patents Act of 1988, on the other hand, grants copyright protection for new forms of digital works as digital literary compositions even though it does not define the word "digital works." Many Act amendments included provisions for this task. For instance, copyright protection for the creation of databases and computer programs as literary works (UK Copyright, Designs and Patents Act 1988, Article 1&2).

The CDPA 1988 defines the terms "electronic" and "electronic form of copyright" under article 178. The term "electronic form" refers to a form that can only be used electronically. Powered by electric, magnetic, electro-magnetic, electro-chemical, or electro-mechanical energy is what is meant by the term "electronic." The definitions provided here only serve to clarify the terms' conceptual meaning; they do not, however, contain any clauses that address copyright for electronic or digital media. These definitions therefore support the Act's trend of protecting copyright in digital or electronic form and help to understand the Act's provisions solely (UK Copyright, Designs and Patents Act 1988, Article 178).

According to the CDPA 1988, there are a general rule grants the copyright protection for original literary, dramatic, musical or artistic works, sound recordings, films [or broadcasts], and the typographical arrangement of published editions. However, these works should meet the copyright requirements in order to receive the protection.

As was previously mentioned, the CDPA 1988 underwent numerous revisions to keep up with technological developments. In this regard, international copyright conventions and EU directives served as the foundation for the majority of modifications. However, the act's original text from 1988 demonstrates that it was passed to address new copyright advances at the time, which were mostly tied to technological advancements. For instance, the statute first provided protection for computer software in 1988 (CDPA,1988).

The issues of copyright protection for digital works have been addressed by many schools of thought. The philosophical perspectives of legal experts underline the fundamental elements of the digital copyright paradigm. These schools of thought vary from full abolition of copyright protection for works to a reasonable approach that recognizes the public-private rights balance. The majority of opinion favors the moderate approach, which emphasizes the need of providing exceptions and limits to copyright works in digital form without repealing copyright law (Mezei et al., 2018).

It is difficult to classify digital works under copyright law generally and CDPA 1988

specifically due to technological developments. Any original literary and artistic works are generally protected by copyright under an open-ended policy. The improvements in this area, however, can aid in highlighting the general rule for creative works protected by copyright in the digital world because the copyright was initially established in analog and then expanded to embrace the digital world.

CDPA 1988 protects the original literary, dramatic, musical or artistic works in analog and electronic form. For example, the term 'book' includes the meaning of e-book and audio book (CDPA, Article 40A,1A). Besides, the copyright work can be created and purchase electronically through electronic copy (CDPA 1988, Article 56). Copying in relation to a literary, dramatic, musical or artistic work includes storing the work in any form by electronic means (CDPA 1988, Article 17).

Under the literary works meaning, CDPA 1988 grants copyright protection for computer programs and database as a new creation for copyright that related to digital media. According to the Act of 1988, computer programs fall under the definition of a literary work for which copyright is granted. The CDPA and the pertinent EU legislation (Council Directive 2009/24/EC on the legal protection of computer programs, the "Software Directive") do not, however, define computer programs.

In the recent cases of Svaz Softwarové ochrany v Ministerstvo kultury (Case C-393/09), the CJEU came to the conclusion that the following are protected under the Software Directive: source code, object code, and the preparatory design materials (such as functional specifications, graphs, flow charts, etc.) leading to the development of (provided that the nature of the preparatory materials is such that a computer program can result from them at a later stage).

When it comes to databases, there are two types of intellectual property protection available: copyright and sui generis database rights (sometimes known as "database rights"). Both of these automatic, unregistered rights give the owner control over specific database usage. However, the EU Database Directive was the first to codify database rights (UK Intellectual Property Office and Government Digital Service, 2020). All European Economic Area (EEA) members, including the UK when it was a part of the EU, provided protection for eligible databases. Through the 1997 Copyright and Rights in Databases Regulations, the UK put the regulation into effect (CDPA, 1988).

The selection or arrangement of content in a database that is original is protected by copyright (i.e. creative) in UK. The contents of a database are safeguarded by database rights. For a database to be eligible for database rights, the data must have been obtained, verified, or presented with a significant financial investment (UK Intellectual Property Office and Government Digital Service, 2020).

A database, as defined by the CDPA, is a grouping of separate works, data, or other resources that have been organized in a systematic or methodical way and are each individually accessible via electronic or other methods. However, a literary work that consists of a database is only considered unique if the author's original intellectual development can be seen in the

author's choice or arrangement of the database's contents (CDPA, Article 3A).

However, the CDPA's Part 1 clarifies which copyright works are protected by copyright. These creations are protected by the CDPA both in the analog and digital worlds. Because the act's provisions address the issue of an electronic form of any invention in many clauses, it is obvious that any electronic form for a copyright work can be deemed to be a digital work. Additionally, it is clear that there are two types of literary works relating to the digital environment that are protected by copyright: computer programs and databases. Because of how computer programs are created, they are obviously tied to the digital world. However, databases that are created or modified in an electronic format and meet the requirements for copyright are likewise protected by copyright. In light of the CDPA regulations, these two formats serve as good examples of digital copyright works, indicating that the act is qualified to protect all new works of art and literature that are related to the digital world.

To sum up, any original literary, dramatic, musical, or artistic work, sound recording, film, or broadcast, or the typographical arrangement of published editions that was created electronically or transformed to electronic form is considered a "digital work" under the CDPA of 1988. Examples include databases and computer programs that were generated electronically, as well as books that were converted to electronic formats.

Protection of Digital Works under Copyright Law

Sections 296 ZA to 296 ZF were added to the CDPA 1988 in order to implement Article 6 of the EU Information Directive that related to technological measures for protection copyright. The important thing to remember is that technological measures applied to copyrighted works other than computer programs.

The sections establish both civil and criminal culpability for evading either technological access control or copy control procedures.

The TPMs under CDPA are any technology, device or component which is designed, in the normal course of its operation, to protect a copyright work other than a computer program. Such methods are successful when the copyright holder restricts access to or protects against the use of the work by the use of encryption, scrambling, or other forms of alteration of the work, or through a copy control mechanism (CDPA, 1988, Article 296ZF).

The clause states clearly that liability only arises from the circumvention of copyright protection technologies. Therefore, circumvention is not prohibited as long as the work is not protected by copyright. However, a dilemma occurs when the protected work combines works that are both copyright- and other-regime protected. Despite the fact that the Directive specifies a number of exceptions to the technological protection measures, CDPA has not implemented any.

The CDPA has provided for a general method to ensure that the public is able to enjoy the work by applying the limitations and exceptions allowed under the copyright mandate rather than recognizing scenarios in which technological measures can be legitimately overcome. However, the employment of TPMs might stop actions that are covered under copyright exceptions. Therefore, the law includes a complaints procedure that attempts to ensure that a TPM does not unjustly bar individuals from receiving the benefits of an exemption (CDPA, Article 296ZE).

Additionally, to the direct copyright violator, the service provider may also be held accountable. Service provider liability is governed under CDPA 1988. When a service provider has real knowledge that another person is using their service to violate copyright, the High Court may order that person to stop (CDPA, Article 97).

The CDPA provides copyright protection for right management information in addition to technical protective measures. Any action against information provided by the copyright owner or holder of any right under copyright in the digital world that identifies the work, the author, the copyright owner or holder of any intellectual property rights, or information about the terms and conditions of use of the work, as well as any numbers or codes that represent such information, was prohibited by the act (CDPA, Article 296ZG).

Based on the prior discussion, the CDPA of 1988 recognized the technological advancement brought about by digital copyright works by allowing copyright holders for those works to

create technological safeguards to prevent infringements due to how simple it is to do so in the digital world. The Act also advanced by granting protection for technological protection measures and establishing criminal penalties for anyone who violate the protections.

Therefore, the copyright protection for digital works under the CDPA constituted both civil and criminal protection against those who infringe on any digital works as well as for those who get around any technological measures employed to protect copyright work.

Requirement for the Protection of Digital Works

Any original literary, dramatic, musical, or creative works were covered by copyright law, according to the UK CDPA of 1988. Therefore, in order to be granted copyright protection, originality is necessary. The CDPA of 1988 does not, however, define the term "originality." The idea has legal precedent in the UK, particularly in the labor and talent theory (CDPA 1998. Article 1). Additionally, the concepts of originality and authorship are linked. As a result, when the originality condition is met, the person might be considered the work's author. When referring to a work, the "author" is the person who creates it (CDPA 1998, Article 9 (1)).

It is not necessary for the work to be a novel for the originality requirement to be satisfied in the UK legal system; rather, it must have "originated from the author" in the sense that it cannot be a copy of another work. The expression of the notion is what constitutes originality, as was noted in the University of London Press Ltd v. London Tutorial Press Ltd case. The CDPA of 1988 does not stipulate that the expression must be in a novel form, only that it must not be plagiarized and come directly from the author. Therefore, in the UK, the "labor, skill, and judgment" test is employed to determine whether the creation has enough uniqueness (Rahmatian, 2013). It should be mentioned that the ECJ (European Court of Justice) established the additional factor of the "author's own creative creativity" to be used as a barometer of copyright originality in the Infopaq International A/S v. Danske Dagblades Forening judgment.

The recent CJEU rulings can be interpreted as supporting the prevailing belief that there are actually two different levels or even qualities of originality operating under UK copyright law. The first is the originality requirement for "usual" categories of works covered by copyright law (literary, dramatic, musical, and artistic works), and the second is the originality requirement for special categories of works, such as databases and computer programs, which are both considered literary works under the law. Even images fall into a third group of works with a unique originality notion (Rahmatian, 2013). For example, a literary work that consists

of a database is only considered original if and only to the extent that the database's contents were chosen or organized using the author's creative judgment (CDPA, Article 3A).

However, this is the outcome of implementing the related EU Directives, which appear to establish a continental European understanding of originality in the manner found in author's rights (droit d'auteur) countries (Bently & Sherman, 2009).

On the other hand, in general, UK copyright law presumes that works must exist in some fixed form before they qualify for copyright protection. That is, they need to be "fixed." The spot of creation is typically the site of fixation for the majority of artistic works, such as photographs. For musical, dramatic, or literary works, however, this isn't always the case. For instance, a musician might create a brand-new song entirely on the spot while performing live on stage. The improvised tune won't be covered by copyright unless it is fixed (Adeney, 2011).

UK copyright law explicitly stipulates that a literary, theatrical, or musical work does not have copyright "unless and unless it is recorded, in writing or otherwise," regardless of who fixes the work-the creator or someone else.

It is important that the work is fixed (CDPA, Article 3 (1)).

As a result, digital copyright works in accordance with the UK CDPA 1988, two requirements-originality and fixation-must be met in order to qualify for copyright protection. The general rule applied to every copyright work in any format is set forth in the CDPA, which makes no distinction between digital and non-digital works in terms of copyright protection requirements. The originality requirement is also neither defined nor made clear by the CDPA, leaving it up to the courts to decide how to interpret it, which can result in conflicting results.

ANALYSIS OF THE DISCUSSION

Comparison between (ICT), Palestine Copyright Act 1911, Palestine copyright draft 2013 and CDPA 1988.

Table 1 outlines the provisions pertaining to the protection of digital copyright works under the international copyright treaties, the UK CDPA of 1988, the Palestine Copyright Act of 1911, and the Palestine Copyright Draft 2013. According to these clauses, the Palestine Copyright Act of 1911 is the vitality issue. For artistic, dramatic, and literary works, there is a basic norm for copyright protection that does not apply to digital copyright works. To make up for the serious lack of regulation of copyright for digital works, the draft Copyright Law 2013 was created. This legislation represents a big step forward in this area.

Table 1:
Comparison between (ICT), Palestine Copyright Act 1911, Palestine Copyright draft 2013, and CDPA 1988 in regulate digital copyright works

Treaties	**Article**	**Details of the provision**
Bern Convection	2(1)	The expression "literary and artistic works" shall include every production in the literary, scientific
WCT	4, 5, 11, 12, and the agreed statement 1.	(Article 4) Computer programs are protected as literary works within the meaning of Article 2 of the Berne Convention. (Article 5) Compilations of data or other material, in any form, which by reason of the selection or arrangement of their contents constitute intellectual creations, are protected as such. (Article 11) Contracting Parties shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by authors in connection with the exercise of their rights (Article 12) Contracting Parties shall provide adequate and effective legal remedies against any person knowingly performing any of the following acts knowing, or with respect to civil remedies having reasonable grounds to know, that it will induce, enable, facilitate or conceal an infringement of any right covered by this Treaty or the Berne Convention: (i) to remove or alter any electronic rights management information without authority; (ii) to distribute, import for distribution, broadcast or communicate to the public, without authority, works or copies of works knowing that electronic rights management information has been removed or altered without authority. Agreed statement concerning Article 1(4): The reproduction right, as set out in Article 9 of the Berne Convention, and the exceptions permitted thereunder, fully apply in the digital environment, in particular to the use of works in digital form. It is understood that the storage of a protected work in digital form in an electronic

		medium constitutes a reproduction within the meaning of Article 9 of the Berne Convention.
TRIPS	Article 10	1. Computer programs, whether in source or object code, shall be protected as literary works under the Berne Convention (1971). 2. Compilations of data or other material, whether in machine readable or other form, which by reason of the selection or arrangement of their contents constitute intellectual creations shall be protected as such. Such protection, which shall not extend to the data or material itself, shall be without prejudice to any copyright subsisting in the data or material itself.
Palestine Copyright Act 1911	Article 1	All original literary, dramatic, musical, and artistic works are protected by copyright.
Palestine Copyright Draft 2013	Article 3,55,54, and 296	(Article 3) (1) Copyright protection granted for all creative works in the fields of literature, science, and the arts, regardless of its genre, significance, or intended use which include computer programs, and more (4) Compilations of data or other material, in any form, which by reason of the selection or arrangement of their contents constitute intellectual creations, are protected as such. (Article 55) The author has the authority to put in place technological safeguards to stop copyright violations in the digital sphere. Any act of circumvention of technological controls is considered a copyright violation and punishable under the provisions of this Act. (Article 55) anybody who alters any information stored in electronic form without the right holder's consent to ensure rights management is infringing on a copyright. (Article 3,1) Works created in the fields of literature, art and science, shall be protected by copyright. The same article's paragraph 2 indicates that works expressed through speech, writing, movement, drawing, and photography are the works that protected by copyright laws
CDPA 1988	Article 1,178,3 3A	(Article 1) (1) Copyright is a property right which subsists in accordance with this Part in the following descriptions of work—

		(a)original literary, dramatic, musical or artistic works, (b)sound recordings, films [or broadcasts], and (c) the typographical arrangement of published edition. (2) In this Part "copyright work" means a work of any of those descriptions in which copyright subsists. (3) Copyright does not subsist in a work unless the requirements of this Part with respect to qualification for copyright protection are met (see section 153 and the provisions referred to there). (Article 178) "electronic" means actuated by electric, magnetic, electro-mechanical energy, and "in electronic form" means in a form usable only by electronic means. (Article 3) (1) "literary work" means any work, other than a dramatic or musical work, which is written, spoken or sung, and accordingly includes— (a) a table or compilation other than a database, (b) a computer program; (c) preparatory design material for a computer program and (d) a database (Article 3A) (1) "database" means a collection of independent works, data or other materials which— (a)are arranged in a systematic or methodical way, and (b)are individually accessible by electronic or other means. (Aticle 296 ZA) Circumvention of technological measures (1) This section applies where— (a)effective technological measures have been applied to a copyright work other than a computer program; and (b)a person (B) does anything which circumvents those measures knowing, or with reasonable grounds to know, that he is pursuing that objective (296 ZB) Devices and services designed to circumvent technological measures. (296ZG) Electronic rights management information

		(1) This section applies where a person (D), knowingly and without authority, removes or alters electronic rights management information

The conventional texts for the Bern Convention were enhanced by the WCT and TRIPs copyright treaties, which included the digital format for copyrighted works and provided copyright protection for computer programs and database compilations. In addition, the WCT governs rights management information and technological protection procedures for digital works.

On the other hand, the CDPA 1988 used in this study as a point to compare legislation demonstrates a significant advancement in addressing the issue of copyright protection for digital works. Under the terms of this Act, it is possible to clearly touch the bounds of copyright protection for digital works. The definitions of literary works, electronic formats, and databases provide a detailed explanation of the meaning of digital works in Article 1 Paragraphs 1 and 2. In addition, the standards for digital works are spelled forth in detail in paragraph 3 of article 1. The protection of technical security measures and appropriate management information is governed by Article 296.

The discussion above can be used to enhance the 2013 Palestine copyright draft.

This draft needs to be improved by defining what should be included in digital copyright work as well as what distinguishes creative digital work from not. By including a definition for the copyrighted work and the electronic or digital format for copyright works, as the CDPA does, the draft can support the regulations for digital copyright works.

Copyright protection for digital creations is still a problem. Technological developments constantly produce new digital works that are subject to copyright regulations. For example, video games and other digital material. However, the matter is currently in the hands of the courts. To enact copyright regulations that specify what kinds of digital works can be protected by copyright, the specifications for copyright protection for digital works, and the rights for copyright holders in digital works, this issue needs to be addressed by legislators and international conventions.

CONCLUSION

There is a recognized gap in the Palestine Copyright Act of 1911's regulation of the copyright protection of digital works. The problem is not simply with a few additional sections that should be added to the Act; rather, it is with its existence across the whole Act and in every searched-for or highlighted section. Additionally, the claim that the current laws may be applied to digital

works is wrong since the copyright legislation under the 1911 Act is not qualified to include digital works.

The discussion indicates the 1911 Act uses an antiquated method to regulate the copyright Act, and its requirements for copyright protection are unclear. Besides, The Act does not recognize digital works as protected, and their electronic format is not controlled. Copyright works are not properly protected by the 1911 Act, as the fine penalty is no longer recognized in Palestine and the Act does not regulate digital protection and the rights for copyright holders in digital age.

Nonetheless, the absence of copyright regulation under the Copyright Act of 1911, particularly in the digital context, prompted the state of Palestine to create the 2013 Palestine Copyright Draft. According to the debate, the copyright draft primarily controls copyright protection for digital works. The draft has a few critical flaws that need to be fixed before it is approved. The upgrades will, however, strengthen the copyright protection for digital works and elevate Palestine's standing in the field of copyright worldwide.

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