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**Blockchain is a secure future for copyright protection in the digital environment
and a challenge to existing legal systems**

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Abstract

This study aims to recognize the importance of blockchain as a technological technology produced by the Fourth Industrial Revolution in the process of protecting copyright and digital neighboring rights, The technical and practical aspects underlying blockchain technology and the protection it provides to the literary and financial rights of the author in the information society were discussed, This protection is spent even on neighbouring rights, making this technique a safe future for this type of rights, However, in parallel, blockchain technology poses significant challenges to the current legal system of copyright and related rights.

Keywords: Blockchain, Copyright, Adjacent Rights, Digital Content Stability, Smart Contract, Special version

Introduction

Copyright is in a severe crisis in the face of flagrant violations of the Internet, and these violations are exacerbated by the inability of legal texts to protect these rights on the information network, Technical protection is an effective and reliable tool for the protection of digital works, and within this range blockchain presents itself as the most important technology produced by the Fourth Technological Revolution for copyright preservation, protection and management, Whether with regard to moral rights such as the right to report the publication of the work and the right to parenthood and to ensure that there is no change or distortion in the work or its financial rights, Through the encryption system on which blockchain technology relies on digital rights management, By granting smart exploitation licenses to everyone from the digital work, Today, using the Block Chain Steem.it platform, which was made available in 2016, the author can publish and trade his work through steem, the digital equivalent that the author receives for his digital content protected by copyright law.

BlockChain is according to the above, a safe future for copyright protection on the Internet, but among the solutions it offers to protect copyright, it also challenges existing legal systems, led by copyright law, Where the first of these challenges appears in the problem of practicing exceptions to the financial right, which comes first of all except for this special version on the one hand, Blockchain itself lacks a legislative framework to regulate it in Algeria, which affects the validity of transactions such as publishing contracts, licensing and other transactions that the author can make.

From this point of view, the problem with this study is to find out how blockchain can be a safe future for copyright? In other things, how can blockchain be used to protect copyright in the digital environment and what challenges do it pose to existing legal systems in the field of literary and artistic ownership?

This problem is answered in two axes:

The first axis: the uses of blockchain in the preservation and protection of copyright in the Internet

Axis II: The challenges posed by the use of blockchain to the Law on Literary and Artistic Rights

The first axis: the uses of blockchain in the preservation and protection of copyright in the Internet

Blockchain, one of the most important secretions of the Fourth Industrial Revolution, This technology has emerged as a bitcoin management technology to later take its way towards transactions and the registration of intellectual rights(First)The privacy underlying blockchain gives effective protection to copyright on the Internet. Whether it is for moral rights such as the right to report the publication of the work and the right to parenthood and to ensure that there is no change or distortion in the work or its financial rights (II)

First: Blockchain database for currency and transaction management

Blockchain is a technical term produced by the digital technology revolution, and it is the basis of digital currencies and transactions,Its content and characteristics should be shown, and then the mechanisms and procedures for the work of this technique.

1-Blockchain, its content and stages of development

Blockchain is a modern technical concept that is legally difficult to understand, either for its content and technical features,It was also a technique that had not ceased to expand over the past decade, so determining its content depended on its stages of development.

1-1-Blockchain. Evolution in content

Blockchain, a scientific term called block production in the digital currency 'Bitcoin',that are sequentially excavated, and blockchain is the record by which all financial transactions are retained, As well as expenses, financial assets and everything related to bitcoin, which is the general accounting register¹ , In the financial sector, the uses of the virtual currency are disclosed, As well as tracking the path of the virtual currency in the internet environment²

In another definition, its authors go on to highlight all the processes managed on blockchainm,This definition accommodates the stages of development of blockchain technology, The latter considered it: 'A type of database, it is an electronic record that records and manages transactions, Each transaction is called block, and each block contains a mandatory character and a link to the previous block, So it's described as a series of cascading blocks, designed so that they can maintain the data stored in them and prevent them from being modified, i.e. when the information is stored, this information cannot be modified later³..

1-2-Blockchain mechanisms explain their content:

The mechanisms of blockchain work illustrate its content, as this technology works according to three main mechanisms, Where all transactions are completed, It is as follows⁴:

The first of these mechanisms is: the distributed ledger is a decentralized financial register, containing financial, legal, electronic and material asset statements, It can be shared online using peer-to-peer technology and all participants can obtain a special replica of this recording⁵.

The second mechanism is the decentralized database, which states that there is no single device that controls blockchain technology, But the latter is a series distributed among all the individuals participating in it around the world, Decentralization provides security for blockchain technology.

The third mechanism is exploration, which is intended to use computers and the Internet to solve a complex mathematical equation and document information, In order to extract encrypted assets, the first person to solve the equation is rewarded through transactional wages⁶.

Within the framework of these definitions, the blockchain concept technically appears to be a supplemental database that maintains a distributed ledger that can be openly examined. In terms of transactions, Blockchain is a network for the exchange of information and assets between individuals without the intervention of intermediaries, Legally, blockchain helps verify the validity of transactions, replacing a third party, the trusted broker.

2-Blockchain features :

Blockchain is based on many creative features and characteristics that rightly turn out to be a changing technology for the traditional transaction system, and that it is a promising future for it, which has prompted some legislation to recognize it. Blockchain has characteristics and features that make it a promising system of e-commerce and the preservation and management of intellectual property rights, the most important of which are:

- Blockchain is a hard-to-penetrate system, and the difficulty of penetration is due to the nature of blockchain technology, The decentralization of the block system provides a high degree of encryption for information, so that decentralization is based on a set of data chains, and if one series is hacked, the other is not accessed, which achieves a high degree of security⁷.

- Provide blockchain security and protect transactions from manipulation, preventing fraud and fraud during the execution of transactions conducted,

Transactions are not manipulated after they are completed, so that blockchain prevents transactions from being modified or deleted later, generating significant trust among users⁸

- Blockchain documents transactions, as blockchain is an open and distributed digital record, allowing everyone to enter all the data on it, Whether these data are government actions or transactions between individuals in any area of intellectual property, whether in terms of digital copyright management or in terms of preserving the moral and financial rights of digital works⁹.

These benefits prompted the United States to explicitly recognize blockchain in many states, and Vermont approved in June 2016¹⁰ with the legality of dealing with the commercial documents integrated into blockchain, Arizona then followed, legally acknowledging the legality of blockchain and smart contracts, in a law passed in March 2017¹¹.

The French legislator also recognized the blockchain system in 2016 in the Money Act, but made no direct reference to the term blockchain. However, he made no direct reference to the term blockchain, providing for the possibility of issuing or waiving bonds under an electronic joint registration system that allows for the documentation of such transactions¹².

Second: Blockchain and copyright protection in the internet environment

The author has two rights to his work, moral right and material right, so in this element we will show the role of blockchain in protecting moral rights and then financial rights.

1-Blockchain and the protection of the moral rights For the digital workbook

Article 22 of The Copyright Order 03-05 contains the author's literary right: the right to parenthood, the right to respect, the right to withdraw and the right to publish.

1-1-The right to parenthood, which is the copyright to be attributed to the work, Blockchain protects this right to be a technology that acts as a digital filing of the work, This is a presumption to determine the author of the work, Therefore, the one who deposited the work is considered his owner, Even if it's contrary to the truth, This is one of the challenges facing copyright protection using blockchain.

And the importance of the digital deposit of the work book in proving the right to paternity of the work and protecting this right in the internet environment The photography company kodak created the blockchain platform to enable authors to install their works on them, This has been done by other companies in the field of photography ¹³.

1-2-The right to respect

The author enjoys The right to respect his name, his character and his production (Article 24 of the Copyright Act) The right to respect the author's mental production dictates that the latter have the means to protect his works against any change or against any work that may prejudice his honour or legitimate interests. (Article 25 of the Copyright Act), nor can the publisher make amendments to the work by correction, addition or deletion except with the consent of the author, Legally protected works are presented in any way only after obtaining a license from their legal owner or representative (Article 90,99,100 of the Copyright Act); Blockchain prevents others from attacking the integrity of the work, so that the author has under the encryption code, the so-called hashta. The work of the classifier exercises this right — the right to respect easily — which prevents any imitation or violation of the integrity of the work installed on the blockchain, This technique thus shifts from illegal copying of the work, enabling the author to exercise his right to respect.

1-3-The right to withdraw

The right to remorse is also called the right granted to the author to take the decision to withdraw his production after its publication or before it is published with compensation for the waiver, The right to withdraw from challenges constitutes the Copyright Act of Blockchain because it cannot be exercised.

1-4-Right to publish, That only the author has the decision to publish his work. This publication shall be in his own name or under a pseudonym and he has the right to transfer this right to others. (Article 22 of the Copyright Act), The author has the right to choose how to disclose his production and determine its conditions. It is no difficulty for the author to exercise his right to publish through blockchain, so that it is the author who decides whether or not to install his work on the Internet. It is no difficulty for the author to exercise his right to publish through blockchain¹⁴, so that it is the author who decides whether or not to install his work on the Internet.

2-Smart licensing contracts to exploit the material rights of the blockchain-installed book work

Article 27 of Order 03-05 stipulates that 'The author has the right to exploit his work in any form of exploitation and to obtain a return from it', However, this right is not absolute, as it must be exercised within the limits established by law, The same article mentioned above in its second paragraph included the processes that the author may for the author or for whom the copyright has come to do it, Thus, the author's financial right includes: the right to transfer production, The right to present production to the public and the right to track.

2-1-the right to transfer production: It means that the work can be copied by any means, This allows all modern technical means to be taken into account. The transfer is subject to the author's approval and payment for money.

2-2-The right to present production to the public:

The book work is communicated to the public through public representation or performance, by audio or audiovisual radio broadcasting, wired, fiber optics, wire distribution or any other means of transmitting signals carrying sounds, images and sounds together, or by radio broadcasting by a body other than the original broadcasting body by a subwoofer, radio or television placed in an open space, The book work is also reported in any information system, So blockchain is publicly realized, And that it falls within the legal concept by any means, And it includes acting and copying, This means of publishing would allow the public to contact the book work, The Copyright Act allowed the author to exploit his work in any way When is it edited and physically installed on any prop.

The author exercises his financial right on blockchain by either placing his work directly on blockchain according to the smart contract system¹⁵. or through a technical intermediary outside blockchain that provides access to the book work on the network, Which enables the author to exercise his exclusive rights to his book work by granting or preventing licenses, This also applies to neighbouring rights holders.

Copyright licenses are granted under blockchain through the smart contract system, which can be through Oracle software Check performance for license either by automated transfer by cryptocurrency, or by automatic payment in a traditional bank account¹⁶. So, the blockchain links the digital book work to the account of all Internet users, so that each user has a digital copy of the book work, But without having the possibility of using it except with the author's license, which makes blockchain as the electronic agent for the author, automatically manages copyright on the work, The organization of

contracts for the dissemination and broadcast of digital content and the regulation of the conditions for licensing exploitation.

So, The encryption system on which blockchain technology relies works to manage the author's digital rights By granting smart exploitation licenses on special terms for each copy of the book work with public access over the Internet, It can also be made available to exploit a copy in accordance with the open licensing system, while providing the licensee with the encryption source code¹⁷.

3-Right to track : It means the right granted to the author throughout his life and to the heirs after his death, on a certain percentage of the price of his original art composition in case of sale or resale, Article 28 of paragraphs 1 and 2 stipulates that the right to trace is granted only to the author throughout his life, After his death, he returns to his heirs.

The right to track blockchain is exercised with ease, So that the blocks within each chain are connected to an encryption code Chronologically, enabling you to track all the actions that fall on the bookwork on the internet, From there, the author can track resale immediately, The author obtains the percentage legally due for resale.

Axis II: The challenges posed by the use of blockchain to copyright law

Despite the advantages offered by blockchain, The latter predicts With many future risks and threats to state legislation (First) It also creates many challenges to copyright law Whether it relates to the exercise of moral or material rights, These challenges arise in users' practice of exceptions to the financial right, The most prominent is the right of the special version (II)

First: Blockchain risks push legislation not to recognize it

Despite the advantages offered by the blockchain system, the latter foretells many future risks and threats, as the greatest risks appear in its elimination of intermediary institutions in the field of finance and business, so that countries' dependence on the blockchain system leads to the elimination of a large number of jobs such as real estate preservation , authentication, insurance companies, banks, brokerage... and other related functions, as the blockchain eliminates credit intermediation for doing it.

The elimination of intermediary institutions creates a social threat because of the challenges it poses to many governmental and non-governmental institutions, especially in the financial, management and business sectors, where

workers in these institutions become without jobs¹⁸. However, there are those who believe that the blockchain does not abolish the intermediary system, but rather proposes itself as an alternative to it, but within the privacy of digitization that is open and available to everyone¹⁹. The blockchain is also unable to isolate itself from the outside world, especially in light of the nature of smart implementation based on the verification condition on which this system is based²⁰.

Among the disadvantages that are strongly presented in the blockchain system, is that it may be used to organize illegal acts such as drug and arms trade, etc., and the blockchain system is facing difficulty in replacing and replacing systems that have been stable for years and have proven their effectiveness as banks in the face of a relatively modern technology²¹.

Second: The stability of digital content on the blockchain and the problem of practicing copyright law rules :

The stability of digital content on the blockchain raises many problems for copyright law, most notably the inability of the author to exercise his right to withdraw and the inability of Internet service providers to remove illegal content, and also comes the problem of exercising exceptions to copyright

1-Blockchain and the inability of the author to exercise his right to withdraw

According to the general rules in the copyright law, the latter has the right to withdraw his work from circulation, which is called the right of remorse. It is implemented according to certain conditions set by the copyright law²². Exercising this right raises difficulty in the event that the work is published by an electronic publisher, if the latter has made it available to the public to download it, as any user can copy the work on any of the Internet sites, which makes it impossible for the author to exercise his right to withdraw, and this matter intensifies In the event that the work is installed on the blockchain, the work is stored on all network users' devices, and therefore each user has a copy of the work, which makes it impossible for the author to withdraw his work²³.

1-The stability of digital content and the problem of implementing Internet service providers to remove illegal content:1

One of the technical characteristics offered by the Blockchain is the stability of digital content on it, which prevents distortion, distortion or deletion of the work installed on the network, which achieves protection for the moral right represented in the right to respect.¹

However, this technical advantage of the Blockchain creates a challenge to the obligations established for Internet service providers, as Internet service providers are obligated to take the necessary measures to remove illegal digital content as soon as it becomes aware of its illegality, or if circumstances and circumstances exist for the apparent illegality of this content, and from this point of view Blockchain technology poses the biggest challenges under the guidance of the European No. 970/2019 of April 17, 2019, issued on copyright and related rights in the digital single market, which adopted a more stringent liability regime in the face of providers of services for broadcasting protected digital content over the Internet, where the responsibility of any of these is based on making any legally protected work available unless proven that it has made every effort to obtain the permission of the right holder, or in the absence of a license has taken the necessary technical measures to prevent illegal use or has immediately acted upon receipt of notice from the right holder to prevent the broadcast of the illegal content, remove the content or remove it or Prevent downloading of protected content in the future²⁴.

3- The stability of digital content on the blockchain and the problem of exercising exceptions to copyright:

The private copy is one of the most important exceptions to the author's financial right. This exception allows others, after the author has published his work, to make a single copy of the work for personal use. And the special copy, although it finds what is legally justified as an exception to the material exclusivity of the author over his work, its legality is determined only in accordance with specific legal controls. Works in some special cases, provided that making such copies does not conflict with the normal exploitation of the work and does not cause unjustified damage to the legitimate interests of the author.¹ According to this text, the Berne Convention drew the general framework for the special version and gave the legislation of countries the detail in that. From this point of view, the Algerian legislator drew the controls for the use of the special copy, as it stipulated in Article 41 of Ordinance 03-05 related to copyright and related rights that “it is possible to reproduce, translate, quote or modify one copy of a work for the purpose of personal or family use...”, According to this text, the approval of the exception of the special copy is bound by two conditions, the first being that one copy of a work must be reproduced, and the second condition that the purpose of copying is for personal or family use.

Placing the work on the Blockchain platform does not prevent copying the work at all. Rather, it may restrict illegal access to it except with controls that

ensure copyright protection. However, if the author has installed his work on the Blockchain directly and copied it on all blocks, then the user cannot. By copying it, and in this case, the blockchain represents an anti-copy system, and in this case the problem of conflict arises between technical protection and the restriction of the private copy, which should not be in accordance with the provisions of the WIPO Internet Agreement adopted on December 22, 1996, which stipulated technological measures in the provisions of Article 11 of them on technological protection and on the legal protection of technological measures through which the work is protected on the Internet. This article states: "Contracting parties shall provide adequate legal protection and effective legal sanctions against circumvention of effective technological measures which are used by authors in exercising their rights under this Treaty or the Berne Convention and which prevent or limit acts that are not authorized by authors or not permitted by law in relation to their works." "Authors should take all necessary measures that the use of such measures does not deprive beneficiaries of the exercise of the exceptions provided for in the laws. This is what we mean by the word balance between two types of rights. Accordingly, it should be noted "that there is a contradiction between the copyright's protection of his work under the Blockchain and the effect of the latter on the right to the private copy as an exception to copyright that is decided for the benefit of society.

However, the author can install his work on an external medium, whether a central server or on a cloud computing system¹, so the practice of restricting the private copy does not arise here unless the protection is strengthened through blockchain technology, which prevents copying the work. Therefore, the blockchain as a technological protection system. It does not affect the registration of the private copy except by the method used by the author to install his work on this technology²⁵.

Conclusion

This study examined the role of blockchain technology and its importance in preserving, protecting and managing copyright and related rights in the Internet environment, and that it provides a high level of copyright protection. This study came out with the following results:

- Blockchain technology is one of the most important products of the Fourth Industrial Revolution. At the beginning of its emergence, this technology emerged as a technology for managing cryptocurrencies "Bitcoin" to take its way later towards transactions and registration of intellectual rights and gives the privacy on which the Blockchain is based, effective protection of copyright in the Internet,

whether It was for moral rights such as his right to decide to publish the work and the right to paternity and to ensure that no change or distortion was made in the work or its financial rights.

- Blockchain foretells many future risks and threats to countries' legislation, so it has not been accepted by many global legislation, and the challenges of the blockchain did not stop at this point, as it creates many problems for copyright law, whether it is related to the exercise of moral or material rights, as well as These challenges also appear in the problematic practice of users' exercise of exceptions to the financial right such as the right of private copy.

Among these results, the study recommends the following:

- Blockchain, an inevitability produced by the fourth technological revolution, the Algerian legislator should prepare for it and draw up the legal features to deal with it by keeping pace with the copyright law with the rapid technological developments, including the blockchain technology.

Legal and programming jurisprudence should search for a balance between the privacy of the blockchain (the stability of digital content) and the privacy of copyright legal rules such as the right of withdrawal and restriction of the private copy.

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²Rehab Faiza Ahmed Sayed, "Blockchain Technology and Documentation of Arab Intellectual Production: An Analytical Evaluation Study of the "Edaa" Engine with a Conceptualization of a Blockchain Platform for Researchers and Academic Institutions", Journal of Arab Libraries and Information, Year 40, No. 2, April 2020, p. 15

³Wikipedia, the free encyclopedia: https://ar.wikipedia.org/wiki/سلسلة_الكتل

⁴A,Seco, "Blockchain: Concepts and potential applications in the tax area",2017 <https://www.ciat.org/blockchain-concepts-and-potentialapplications>

⁵Peer-to-peer technology. This technology is known as a system for exchanging data and information files over the Internet in a direct manner. Therefore, this technology is based on two simultaneous processes, the first is the download process and the second is broadcast and transmission, and it is just downloading the file until it is placed At the disposal of other Internet users who can do the same process. See: Bendriss Halima, Legal controls for the practice of restricting the private copy and the effect of

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⁶Ihab Khalifa. Blockchain is the next technological revolution in the world of finance and management. Future Academy Papers, Abu Dhabi, United Arab Emirates. Third Issue, March 2018, p.02

⁷Rehab Faiza Ahmed El-Sayed, op. cit., , p.37.

⁸Rehab Faiza Ahmed El-Sayed, op. cit., , p.39.

⁹ M. Mekki, Les mystères de la blockchain, Recueil Dalloz, 2017, p.2161

¹⁰ Vermont Stat. Ann. Title 12 § 1913 (2016). « (a) As used in this section, "block chain technology" means a mathematically secured, chronological, and decentralized consensus ledger or database, whether maintained via Internet interaction, peer-to-peer network, or otherwise..."

¹¹.Muammar Bin Tariah, Smart Contracts Embedded in Blockchain, Journal of the Kuwait International Law School, Special Supplement, Issue 04, Part One, May 2019, p. 480

¹² L'article (L.223-12) du Code Monétaire et Financier modifiée par l'Ordonnance n° 2016-520 du 28 avril 2016 relative aux bons de caisse. Ord. N°2016-520, 28 avr. 2016, JO 29 avr. N°0101. Et voir Ordonnance n° 2017-1674 du 8 décembre 2017 relative à l'utilisation d'un dispositif d'enregistrement électronique partagé pour la représentation et la transmission de titres financiers. Ord. n° 2017

¹³Ashraf Jaber, Blockchain and the future of copyright protection, International Journal of Jurisprudence, Judiciary and Legislation, Volume 02, Issue 01, 2021, p40

¹⁴Farha Zarawi Saleh, The complete in Algerian commercial law, intellectual rights, industrial and commercial property rights, and literary and artistic property rights, Ibn Khaldoun for publication and distribution, Oran, 2006 edition.p.468.

¹⁵The term smart contract appeared with the American programmer Nick Szabo, who said that legal contracts and agreements in general tend to follow logical formulas, just like the codes that programmers write for the software industry (if Party A performs such an obligation, Party B will) obligated so-and-so) So Szabo claimed that paper contracts could be replaced by computer programs that executed the terms of the contract automatically. But this idea encountered a basic problem: that the program must be stored on a computer or server, and thus be vulnerable to hacking and modification; So this idea remained unworkable until the emergence of blockchain technology. See: Irfan Muhammad Al-Khatib, "Smart Contracts ... Credibility and Methodology: An In-depth Critical Study", Journal of the Kuwait International Law College, Eighth Year, Issue 02, Serial Issue 3, June 2020. p. 137

¹⁶ M,Mekki, Le contrat, objet des smart contracts (Partie 2), Dalloz IP/IT, op.cit.,p28

¹⁸Ihab Khalifa, The Post-Information Society, The Impact of the Fourth Industrial Revolution on National Security, Al Arabi for Publishing and Distribution, Cairo, 2019, p. 69

¹⁹Irfan Muhammad Al-Khatib, "Smart Contracts... Credibility and Methodology: An In-depth Critical Study", Journal of the Kuwait International Law College, Eighth Year, Issue 02, Serial Issue 3, June 2020, p. 103

²⁰As smart contracts do not have the ability to implement conditional independent, so that their implementation is linked to the will of one or both parties, or to the outside world, which is a trusted party that guarantees the occurrence of the incident, and the outside world is linked to blockchain technologies through the Oracle system, which is software that is limited to Its mission is to link the virtual world with the traditional external world, for more details on the "Oracle" system see:S. Drillon, La révolution Blockchain: la redéfinition des tiers de confiance, RTD Com. 2016, n°22, p.893

²¹Ihab Khalifa, Blockchain, the next technological revolution in the world of finance and management, Future Academy papers, Abu Dhabi, United Arab Emirates, third issue, March 2018, p. 06

²²Article 24, first paragraph of Ordinance 03-05 relating to copyright and related rights, and in comparison with French legislation, this right is also regulated under the same conditions. arts. L 121.4 c. fr. propr- intell : « nonobstant la cession de son droit d'exploitation , l'auteur , même postérieurement à la publication de son œuvre , jouit d'un droit de repentir ou de retrait vis -à- vis du cessionnaire . il ne peut toutefois exercer ce droit , qu'à charge d'indemniser préalablement le cessionnaire du préjudice que ce repentir ou ce retrait peut lui causer.... »

²³Ashraf Jaber, op. cit., p. 44.

²⁴Ashraf Jaber, op. cit., p. 42.

²⁵Ashraf Jaber, op. cit., , p. 47.