

Towards identifying digital works worthy of legal protection in Algerian law

نحو تحديد المصنفات الرقمية الجديدة بالحماية القانونية

في القانون الجزائري

Adel Amirat*

University El Oued -Algeria

adel_amirat@yahoo.fr

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Abstract

Intellectual creativity through inventions has witnessed a great development by transcending the concept of traditional works and its direction towards the use of a new form of works. Electronic supports, this new type of digital works that appeared as a result of the technological development in large numbers and is in continuous development coinciding with the development of modern technologies by including most of this intellectual production within the electronic media published on the Internet, this accelerated birth of these works and what you know of the multiplicity and Characteristics specific to each type, which created an urgent need for national and international legislative intervention to regulate this aspect, define its concepts and scope of application, define its types and forms, and shed light on the most important problems raised regarding it, especially in terms of definition , and the right to protection as a creative mental work. And innovative.

Keywords: digital works, digital environment, intellectual property, computer programs, databases.

* *Corresponding author*

Introduction

The technological development taking place in the field of intellectual property led to the emergence of several new types of works as a result of modern electronic intellectual work. with legal protection.

This type of work led to the emergence of intellectual innovation in a new form in several forms and multiple images, which made some jurists call for the need to control this field by highlighting its concept, images and characteristics.

This study aims to explain the various digital works worthy of legal protection and covered by it, in addition to defining the true concept of digital works and what distinguishes them from the traditional work, as well as trying to identify and classify their types.

Due to the nature of the study and its requirements, we relied on the descriptive approach by addressing the most important concepts included in the subject of the research, especially the different definitions related to digital works by going through the most important types, then we used the analytical approach in some aspects that require analyzing the most important provisions of the legal texts for legislative attempts. Organizational to control this new aspect of the works, in view of the great jurisprudence and legal controversy about their types and classifications and the extent of their entitlement to legal protection.

On this basis, we raised the problem, which is What is meant by digital works worthy of legal protection and what is their content?.

Where will this problem be addressed in the following aspects:

-The concept of digital works.

Characteristics of digital works.-

The legal nature of digital works.-

Types of digital works.-

-Terms of protection of digital works.

Firstly: the concept of a digital workbook

The workbook, in its traditional concept, is everything that the human mind produces in a material, tangible way. It is a group of ideas transformed into tangible material existence, so that the output of the mind can be fixed in terms of ideas by fixing them on a material support such as writing, drawing, photography, sound, movement, or other things. Existing supports or those that may appear in the future, and out of that are the ideas mentioned or not fixed on a material support ¹.

In the light of the modern era, the concept of works has evolved, and we have what is known as the digital workbook, and due to the fact that they are materially intangible works, it has raised a lot of controversy about the issue of applying traditional legal rules to them in terms of their adequacy and validity to provide protection for such works, which are a new type of Creativity, and due to the rapid development of these works, raised a jurisprudential controversy in terms of their definition.

At first, the legislator tried to limit digital works to computer programs in accordance with the provisions of Article 04, paragraph 01 of Order 03/05 related to

copyright and related rights², and defined them as written literary works. Then, in Article 05 of the same order, he added works that appear in the form of databases. He considered them as derivative works, all of this without showing any clear legislative definition of digital works, and all that is understood from that is that there are two types, the first is original written works, which are computer programs and written works derived from being limited to databases³.

Article 05 mentioned above stipulates that "the following works are also considered protected works

-Translation, quotation, musical arrangements, editorial reviews and other adaptations of literary and artistic works.

Collections and selections of works, collections of traditional cultural heritage works and databases, whether they are reproduced on a support that can be exploited by a machine or in any other way, and therefore their originality comes from the selection of their materials or their arrangement that guarantees protection to the author of derivative works without prejudice to the rights of The authors of the original works.

Due to the lack of a standard in definition and reliance on enumeration, many aspects have been overlooked, including the omission of other digital works such as digital circles, domain names, e-mail, and innovations surrounding computer programs and multimedia, and the nature of these works such as electronic stamps has not been referred to. writing and methods of proving it.

Jurisprudentially, there were several definitions of the digital workbook, including the one that defined it as a mentally creative workbook that belongs to the information technology environment, as it depicts computer programs, databases, integrated circuits, domain names, and the Internet site...⁴.

There are also those who defined it as a "mental creative workbook linked to information technology and dealt with digitally"⁵.

In general, it can be said that most of the jurisprudence indicates that this creative work belongs to the digital environment.

Secondly: Characteristics of the digital workbook

The digital workbook has several characteristics that distinguish it from other works, the most important of which are summarized as follows:

1- The digital workbook is attached to the digital carrier

The traditional workbook is on a paper carrier, while the digital workbook depends on the digital carrier, and the workbook has been upgraded from its paper original by passing it on the scanner, so the text becomes numbered⁶.

2- The digital workbook is characterized by complexity

The novelty of digital works and the speed of their technological development makes it difficult for jurisprudence to define their concept and limit the types that may be covered by protection, and the detection of crimes contained therein requires the intervention of specialists in the electronic aspect.

3- The digital work is not subject to reservation

It is not possible to seize the digital work, but it can be reproduced in the case of imitation ⁷.

4- The digital work is a perpetual right

The digital work is considered a permanent right of the author even after his death. Its ownership is transferred to his heirs for a period of 50 years ⁸.

Then he is subject to the provisions of the law that determined his fate after that.

thirdly: The legal nature of the digital work

Jurisprudence differed on determining the legal nature of the digital work, based on the idea of the nature of the right affected by the owner of the digital work and the idea of the nature of the system that protects this right.

1- In terms of the nature of the right of the owner of the digital work

Jurisprudence was divided regarding the nature of the right enjoyed by the owner of the digital work into two groups.

A group considers the right of the owner of the digital work to be a real right, because the right enjoyed by the owner of the digital work is the right of ownership as is known in the general provisions of this right, and its owner benefits from all the elements branching from this right, such as exclusivity, disposal and exploitation, and if he initiates Third parties exploit this work without the permission of its owner.

The latter has the right to pursue the perpetrator with the misdemeanor of imitation or piracy, and this is what the French judiciary adopted in a ruling dated 08/14/1996 issued by the Paris Court of First Instance and in terms of considering copyright as an intellectual right, this finds Adaptation is supported by considering the digital work as a mental product of its creator that enjoys originality and personal character, just like the literary and artistic works surrounding the author's law ⁹.

2- In terms of the nature of the system for the protection of digital works

Digital works fall within the category of protected works. It is jurisprudence that called for these works to be subject to a special system consisting of two parts, a technical part and a second part called the technical measures of protection. In the first part, these works are adapted as works protected by copyright law and are considered as original works. If it takes the form of computer programs as derivative works, if it appears in the form of databases, and in order to benefit from protection, it must be innovative, original, and fixed in a physical support.

With regard to the second part, it stems from the digital feature that characterizes these works, which require protection through Technical measures that protect it from any illegal exploitation ¹⁰.

In this requirement, we address an attempt to determine the content of digital works by explaining their various types and the conditions that must be met to be protected.

Fourthly: Types of digital works

Digital works know great diversity and development at an accelerated rate, and we can refer to the most prominent of them as follows: computer programs, databases, website addresses, domain names, e-mail, multimedia, topography of integrated circuits.

1- Computer software

In this regard, we will try to define computer programs and address its various types.

a) Definition of computer software

Article 04 of Ordinance 03/05 related to the protection of authors and related rights states that “the following are considered in particular as protected literary or artistic works: written literary works such as literary attempts, scientific and technical research, novels, stories, poems, computer programs, and Oral works, such as lectures, sermons, sermons, and other similar works.

Through this text, it is clear that the Algerian legislator recognized the protection of computer

programs explicitly, but he did not provide a specific definition for it, which opens the way for the jurisprudential role to assume its original role in completing this aspect.

Perhaps he tried to maintain the development that took place in this concept without being restricted by a specific concept to accommodate technical developments, and among the definitions contained in this regard is that which he defined as a set of instructions and commands that can be used through a computer in order to obtain certain results, and These programs form the flexible side of the computer, and the author of these programs is not considered an inventor, while the hard part of the computer may be subject to the patent, which is intended as a movable physical means that is used to achieve specific goals and actions, just like any other machine¹¹.

As defined by the World Intellectual Property Organization, it is a set of instructions that allow, after being transferred from a machine-readable support, to indicate, perform, or accomplish a specific function, task, or result by means of an information-processing machine¹².

Included among the protected computer programs are the operational programs or the base that allow the exploitation of the computer, and the application programs related to calculation, word processing, spreadsheets, etc¹³.

b) Types of computer programs

Computer programs can be classified based on their role into two categories, the first category is the source programs, and the second category is the target and translation programs.

- Source programs

In turn, two other categories are included in this category of programs: drivers and application programs. Driver programs. Their role is based on carrying out basic functions inside the computer, because the computer user is unable to deal with the computer without resorting to operating programs, because the latter is the factor. Helping to control the computer so that it performs its functions to the fullest, the most important of which is the control and control of the components of the computer and the performance of operations that help to deal with the components in order to copy, withdraw and save the components and other operations¹⁴.

These programs are considered an important part of the work of the computer, and an example of them is the executive programs that dominate all storage, input and output operations of information and data, which leads to the computer performing its functions according to what is expected in the best way.

Application programs address problems related to computer users and are done in one of the high-level languages that can be exploited by everyone, regardless of the type of computer used, of course, with the introduction of some applications on it if necessary, in order to carry out specific functions, such as word and text processing programs ¹⁵.

The application programs are mostly designed in the form of tables devoid of any data and include unified application programs and special application programs, so that the first type relates to certain sectors such as law firms and merchants, as well as other units that need foundations in dealing with a unit, that is, they address specific problems, and This is what makes her writing to be in a specific language, and then more than one user is dealt with through it. As for the second type, it is related to specific people, as it is prepared in advance to serve a specific person in light of his protests and actions, and often a request is prepared from the user specifying his characteristics and what can be To accomplish it according to his needs ¹⁶.

- Target and translation programs

We will try to explain the target programs and translation programs as follows:

The target programs are those programs translated into machine language so that they are able to be embodied and executed on the computer, meaning that it is capable of receiving data to implement what is required of it and it is not subject to modifications to it because it is written in a language that is not understood ¹⁷.

Translation programs are specially designed for translating and classifying programs written in the source language into machine language, and are also used to convert source programs into target programs, that is, they convert programs from the written language into the language that the computer can deal with and understand ¹⁸.

2- Databases

The Algerian legislator considered databases among the digital works that are explicitly protected through the text of Article 05 of Ordinance 03/05 related to copyright and related rights, which stipulated that "the following works are also considered protected works: ... databases, whether they are reproduced on a removable media to be exploited by means of a machine or in any other way, whose originality derives from the absence of its materials or arrangement..."

The Algerian legislator contented himself with referring to the databases through the above text and did not define them, which makes us resort to the jurisprudential definition in this regard.

a) Define databases

Databases A method for organizing data in the form of a huge basic file that allows dealing with data in a comprehensive manner that meets the different needs of decision makers, which is also called the Data Bank ¹⁹.

Thus, databases are considered an intellectual innovation aimed at selecting, collecting, or compiling literary, artistic, or musical works, computer towers, texts, sounds, numbers, facts, data, and documents that are arranged, coordinated, and stored in a systematic or organized way so that they can be accessed. Retrieving information from them individually by electronic or non-electronic means, as databases take information bases with the spread of multimedia and the numbering system in multiple forms such as encyclopedias ²⁰.

That is, databases are a collection of information that consists of data, facts, and others, whether in printed form or computer memory collections, or in another form produced independently and linked in a systematic and systematic manner that can be accessed individually and by electronic means.

b) Characteristics of databases

Databases have a number of characteristics, the most important of which are mentioned through the following ²¹:

Databases are legally recognized intellectual production.-

-Databases have a physical entity, as they are either located on an electronic carrier such as a computer hard disk or a computer network, including the World Wide Web, or on a traditional carrier such as papers, microfilms, or microfiches.

-Databases are distinguished from raw data and data and the programs that manage the latter in the event that the database is electronic and can access the materials, data and works it contains individually, whether electronically or non-electronically.

-It is of great importance in most fields, such as law, economics, medical sciences, and others.

3- Multimedia

The Algerian legislator did not know this type of work and contented himself with referring to it through Executive Decree No. 98/257 of August 25, 1998, which regulates the conditions and modalities for the establishment and exploitation of Internet services, that web pages are a multimedia page consisting of texts and graphics. Graphics and images linked between them by links called multiple texts ²², which makes us seek the help of jurisprudential work in this regard.

- Definition of multimedia

Digital media is a set of interactive services in the form of digital data to process and transmit information in all its forms, such as texts, data, sounds, real or virtual still or animated images²³.

Therefore, it is not conceivable to play multimedia except in the electronic environment, because it combines many other works such as still or moving images, sounds or texts, which there is no doubt that merging them is only by using the Internet to obtain a new information product that has its own entity that is completely different. For the group of other works that it consists of, to be stored at a later stage inside the computer or on a physical support to facilitate its transfer and reuse.

4- Topography of integrated circuit

It is also called integrated circuits, and its technical name is semiconductors, and it is considered the operations center that contains all the software in the computer, which is considered one of its most important physical components.

- Defining the topography of integrated circuits

The Algerian legislator defined it through the text of Article 02 of Ordinance 03/08 related to the protection of formal designs of integrated circuits²⁴.

The first paragraph of it stipulates that “Integrated circuits, as they are a product in its final form or in its selective form, in which at least one of its elements is an active element, and all links or part thereof is an integral part of a body or surface of a piece of material and is intended to perform an electronic function.

The second paragraph also stated that “the formal design is similar to topography as a three-dimensional arrangement, whatever the form in which the elements appear, at least one of them is an active element, and for all or some of the connections of an integrated circuit, or such a three-dimensional arrangement of an integrated circuit for the purpose of manufacturing.

With this definition, the Algerian legislator has described this type of work and defined its scope.

As for jurisprudence, several definitions have been received in this regard, among which we mention the one who defined it as a chip or chip consisting of miniature electronic parts integrated into a computer.

Integrated is a product in its final or intermediate form that includes the components of at least one of them as an active element and forms with some connections or all of them an integrated entity on a piece of insulating material in order to achieve a specific electronic function²⁵.

It is also defined as every three-dimensional arrangement in which one of the elements of these dimensions is active and is allocated to an integrated circuit used for manufacturing²⁶.

It is understood from this that the topography of integrated circuits has a great importance in the modern industrial field, especially with the development of what is known as the electronic brains connected to the computer that work to feed the machines by delivering orders, which makes their schematic designs considered such as a new innovation in which the human intellectual effort appears clearly.

5- Website addresses

It was called by many labels, most notably the domain name, the domain name, the domain name, or the domain name, and the contents of its definitions differed jurisprudentially and legislatively, some of which are based on the objective side and others on the technical side.

- Define the website

The Electronic Commerce Law defined it through the text of Article 06, Paragraph 08, as “a string of standardized letters and/or numbers registered with the National Center for Domain Names and allowing identification and access to the website.

It is understood from this that the Algerian legislator preferred to call it domain name²⁷.

As for jurisprudence, there are many definitions, among which we mention the one that likened it to multimedia and said that it is an exchange service for multimedia communication consisting of texts, static or animated images, and tones translated into HTML to be placed at the disposal Network users, and it thus represents an interface for a project, service, information or answers, whether for a fee or for free²⁸.

Most of the jurisprudence preferred naming websites by the name of the domain, so its literal translation under the name of the domain name is not appropriate for the term, which actually means the domain name or the domain name²⁹.

6- Email addresses

E-mail is a modern version of traditional mail, and it is one of the most prominent services provided by the Internet. It is used for correspondence through it by most of its users due to the advantages of this service, especially its ease of use, speed of communication and low costs, as it does not matter the size of the message or the distance. Or the proximity of the place to which it is sent, just as e-mail transmits all forms of electronic files such as images, programs, texts and applications, just as sending an e-message can be to more than one beneficiary at the same time and at the same cost without considerable effort.

a) Define e-mail

The Algerian legislator did not define e-mail at a time when some international legislation defined a definition for this type of digital work, as US law defined it as a means of communication through which private correspondence is transmitted through a network of public or private telephone lines, and the message is often written on a computer system. And store it before sending it electronically to the computer of the service provider, who also takes care of storing it with him, provided that it is retrieved via the telephone line system to the computer of the recipient³⁰.

Its definition came in the French Law on Trust in the Digital Economy of 2004 in its first article, fourth paragraph, as “every text or voice message, whether sounds or images are attached to it or not, is sent over the public telecommunications network and stored on one of the servers or in the peripheral equipment of the addressee.” to be able to retrieve it upon request.”³¹.

b) The legal nature of e-mail addresses

Jurists differed regarding the legal nature of e-mail addresses, and I found four trends in this regard.

The first trend:

The e-mail in it is considered among the elements of the legal personality, and it is thus a new image of the civil name or domicile, because it includes in a part of it the user's name and surname, and it is similar in its function to the name in that it is used to distinguish the user from other users, but the problem that What is raised by this opinion is whether the e-mail represents the name, surname, or pseudonym. As

for saying that the e-mail is similar to the home, this is due to the possibility of the e-mail being linked to a specific geographical location, and it is thus similar to the home of the person who is considered his usual place of residence, and because the e-mail It does not specify the location of the person, it only determines the location of the service provider on the Internet. Some researchers considered that it expresses the default home and not the real home The person who registers the e-mail address has chosen a legal home to practice an activity³³.

The second trend:

This approach is similar to the e-mail with a phone number or a social security number, considering that the e-mail is a set of letters and numbers written by the user and linked to a communication protocol. There is a great deal with him technically and functionally, but this opinion does not provide any legal benefit in determining the nature of e-mail³⁴.

The third trend:

His e-mail is not similar to any other type, as it is an independent legal idea in itself, and this is highlighted by the legal and judicial difference about its legal nature, and it also has its own registration system, documents and bodies for its registration, and judicial rulings of its own, and thus it differs from trends However, this opinion was criticized on the grounds that it did not provide any special legal regulation for e-mail³⁵.

Fourth trend:

It is considered that e-mail is one of the elements of industrial property, as is the case with the trademark, name and commercial address. It is one of the intangible elements of the business and therefore it can be subjected to the same legal system to which the elements of industrial property are subject. This opinion is based on the economic importance of e-mail, especially in the field of Commercial projects, as it is the gateway to electronic commerce³⁶.

It can be said that despite the advantages and services offered by e-mail, it is blamed for not providing protection and data sent through it, as others can view it. Therefore, many people avoid sending important and confidential data through it, such as warranty card numbers and phone calling card numbers. and other sensitive data³⁷.

In general, e-mail addresses can be protected through the provisions of the Penal Code, pending the interest of the legislator in this aspect and the allocation of legislative and regulatory texts of his own that are more effective and sufficient to confront the attacks and are able to keep pace with the challenges that this inevitable aspect produces.

7- Domain names

They are distinct electronic addresses consisting of letters of the alphabet or numbers through which a specific site can be accessed on the Internet. Domain names are divided into general names that take the word COM, NET, ORG, or GOU ... and special domain names allocated to each country, such as the word DZ for Algeria or France. FR or for USA³⁸.

As for its protection so far, there are no comprehensive legislations regulating domain name issues, and this is among the legal problems raised, especially when the name is identical, close, or similar to a trade name or trademark, of course if we exclude the legislative rules regulating technical services on the line. And the standards for its submission and the rules for protecting the user from the dangers of harmful content enacted by many Arab countries.

Fifthly: Conditions for protecting digital works

Digital works of originality and innovation that are brought into existence in a tangible physical form are legally protected, and that the digital work is intended for publication, regardless of the method used in its publication.

1- The originality of the digital work

Article 03, Paragraph 02, of Ordinance 03/05 related to copyright and related rights states that “protection is granted whatever the type of work, its mode of expression, degree of eligibility, and destination, once the work is deposited, whether or not the work is supported by any support that allows it to be communicated to the public.

It can be understood from the above text that originality is an obligatory condition for the protection of digital works, that is, the work must be the creation of the author himself, and that it was not completely or fundamentally transferred from another work, meaning that every original work must contain an element of innovation, but it should not be confused Between originality and innovation, because not every work that contains an element of innovation is original, because there are what are known as derivative works, which in turn are covered by protection because they contain the conditions of innovation.

Creativity is the personal character that the compiler gives, which allows the compiler to be distinguished from other compilations, and through it the author’s personality emerges through presenting his idea, his style, and his method of dealing and analyzing classified topics to the extent that the author’s name can be known as soon as he reads his compilation³⁹.

The innovative nature as a basis for protection by copyright law is limited to literary and artistic works only, to the exclusion of other intellectual property systems such as industrial and commercial property that require novelty. The character of the personality resulting from the effort of the creator, while the novelty is measured on an objective scale, it represents the lack of a counterpart to the new thing in the past⁴⁰.

In general, originality is a matter of reality subject to the discretion of the judge, and it differs according to the workbook and the images of the assault on it.

2- The physical presence of the digital work

Article 07 of Ordinance 03/05 related to copyright and related rights stipulates that “the protection of ideas, concepts, principles, methods, methods, work procedures and patterns related to the deposit of intellectual works per se is not guaranteed except by the manner in which they are included, structured or arranged

in The protected work and in the formal expression independent of its description, interpretation or clarification.

The actual physical embodiment of the work is necessary for it to be protected, and that is when it comes into existence in a tangible material form. The novelty of ideas alone is not sufficient to say protection. Rather, these ideas must exist in a tangible form, regardless of the method of embodiment that enjoys protection.

The presence of a physical space for the digital work is necessary, whether this space is occupied in the virtual environment at the level of the Internet or through a specific physical space such as CDs or hard disks.

3- Preparing the digital workbook for publication

The Algerian legislator stipulated, through Article 03, Paragraph 02, of Ordinance 03/05 related to copyright and related rights, that the work should be ready for publication by any means, in order to allow it to be communicated to the public.

The method of preparing for publication differs according to the quality and nature of the digital work. For example, the author is the only person who has the right to decide whether or not to publish his work, and no one can force him to publish it. He may see that his work still needs improvements and additions, so he postpones it. He published it until the completion of his book ⁴¹.

Conclusion

Technological development has led to the emergence of a large number of works, many of which have taken the virtual space as their medium. The majority of jurisprudence called them the term digital works. Digital mental innovation is constantly evolving, and the types of digital works are increasing, and each type has its own features and advantages that distinguish it from the other. And in form and nature, and despite this diversity and difference, we can say that jurisprudence is unanimous that it is subject in principle to the rules of intellectual property that is more effective, pending its own legislation and regulation in line with its nature and characteristics, because it is agreed that all of them are works Digital is the product of intellectual creativity that pushes us to what is new and more beneficial to the consumer and those involved in various fields.

In this study, we have come across a number of problems related to the difficulty of determining what digital works are, and difficulties related to the possibility of counting and enumerating them, and what constitutes their huge number and the speed of their development in terms of the difficulty in finding simultaneous legislation capable of controlling, organizing and protecting each new type, and studying the extent of the possibility Considering it a digital work and the extent to which it is worthy of legal protection.

From this study, we concluded a number of conclusions and suggestions, the most important of which are as follows:

We summarize the most important results reached through this research as follows:

- Although digital works differ from traditional works in terms of form, they remain subject to traditional intellectual property rules.

- The huge diversity of digital works is difficult to identify and increases concerns related to their protection.

-The Algerian legislator did not know all the digital works by dealing with them in legal regulation.

-Digital works are the product of technological development that cannot be limited and are constantly evolving and increasing.

-Legislatively, the Algerian legislator avoided defining most of the digital works, nor did he definitively limit the digital works covered by protection, which guarantees the extension of protection to the new digital works that may be produced by development.

On the other hand, the difficulty of counting digital works would affect the scope of protection.

-Inadequate legal provisions contained in the Intellectual Property Law related to the protection of digital works linked to the Internet, such as components and forums.

-The Algerian legislator did not explicitly provide for the protection of website addresses or e-mail addresses as digital works directly, but rather built their protection technically within the framework of the provisions of the Penal Code.

-The legislator sought to make some remedy for the deficiency by addressing the issue of digital works, especially those connected to the Internet, through amendments related to the Penal Code 04/15, where was the addition of Section VII bis related to crimes related to automatic data processing systems from Article 394 bis to Article 394 bis 7 as It was also dealt with through Law 09/04, which includes special rules for preventing and combating crimes related to information and communication technology.

-Intellectual property in the traditional environment does not keep up with the data of the digital environment, which requires updating legal texts.

Through this study, and based on what we have come across in terms of aspects that require intervention, we have reached some suggestions, the most important of which are the following:

-The need for a legislative compliance that is in line with the emerging images of digital works with individuals, each of which has legal protection in line with its privacy.

-The need to expand the concept of digital works to extend the scope of protection to most of them.

-The need to set adequate standards to define the concept of digital work that is compatible with the rapid development of its types and forms.

-The need to strive to make a law for the protection of digital works, and while waiting for that, it is necessary to update the law of intellectual property, copyright and related rights to keep pace with the development taking place in the field of digital work in order to accommodate it.

-Training engineers and jurists in the fields of digital works and modern technology.

Margins:

- 1-Canadian Fayez Abdullah, Civil Protection Limits for Computer Programs According to the Provisions of Law No. 64 of 1999 Concerning Intellectual Property Rights in Light of the TRIPS Agreement, Kuwaiti Law Journal, Issue 1, March 2004, p. 30.
- 2-Ordinance No. 03/05, dated 07/19/2003, related to copyright and related rights, Official Gazette No. 44, dated 07/23/2003.
- 3-Ojja Al-Jilani, intellectual property rights and related rights, a comparative study of the legislation of Algeria, Tunisia, Morocco, Egypt, Jordan, and French, American and American legislation and international agreements, Encyclopedia of Intellectual Property, Part 05, first edition, Al-Zain legal publications and Literary, Beirut, Lebanon, 2015, pp. 98, 99.
- 4-Radia Meshri, Criminal Protection of Digital Works under the Copyright Law, Journal of Communication in the Humanities and Social Sciences, University of Badji Mokhtar, Annaba, Volume 19, Number 02, June 2013, Algeria, p. 137.
- 5-Al-Aydouni Wadad Ahmed, Intellectual Property Protection in the Digital Environment, Computer Programs and Databases as a Model, Information Security Journal, Sixth Conference of the Saudi Library and Information Association, entitled Safe Environment for Information, Concepts, Legislations and Applications, Riyadh for the period 06, 07, April 2010 p. 04.
- 6-Issa Muhammad Ahmed, Protection of Intellectual Property Rights under International Law, King Abdulaziz University Journal, Literature and Human Sciences, Volume 28, Issue 7, 2020, p. 65.
- 7-Amish Wahiba, The Role of National Authorities for the Protection of Digital Works in Algerian Law, Journal of Legal Studies, Laboratory of Sovereignty and Globalization, University of Fares District, Medea, p. 379
- 8-The same reference, p. 380.
- 9-Shaaran Fatima, Protection of Digital Works in Algerian Legislation and Comparative Legislation, Journal of Comparative Legal Studies, Third Issue, December 2016, p. 110.
- 10-The same reference, p. 111.
- 11-Ojja Al-Jilani, Introduction to Legal Sciences, Part Two, Theory of Right, without edition, Berti Publishing, Algeria, 2009, pp. 421, 422.
- 12-Muhammad Abdel-Fattah Ammar, Restrictions on the Financial Right of the Author, New University House, Alexandria, Egypt, 2015, p. 189.
- 13-Mohamed Ben Lakhdar, Protecting Computer Programs and Databases in Algerian Law and Comparative Law, Law Journal, University Center of Relizane, Volume 06, Issue 09, August 2018, Algeria, pp. 80-81.
- 14-Malika Atwi, Civil Protection of Intellectual Property Rights on the Internet, a descriptive and analytical study, a thesis for obtaining a PhD in Media and Communication Sciences, Faculty of Political Science and Information, Daly Ibrahim University, Algeria, 2009/2010, p. 123.
- 15-The same reference, p. 123.
- 16-Muhammad Hammad Merhej Al-Hiti, Scope of Penal Protection for Digital Works, A Comparative Study of Arab Laws for Copyright Protection, Sharia and Law Journal, No. 48, p. 396.

- 17-Radia Meshri, Criminal Protection of Digital Works under the Copyright Law, Journal of Communication in the Humanities and Social Sciences, Annual Journal, No. 34, Faculty of Law, University of May 08, 45 Guelma, p. 138
- 18-Muhammad Hammad Al-Hishi, the aforementioned reference, p. 392.
- 19-Haqas Sounia, Protecting Literary Intellectual Property in the Digital Environment under Algerian Legislation, a memorandum for obtaining a master's degree, specializing in electronic information, Faculty of Political and Social Sciences, Mansouri University, Constantine, 2012, p. 61.
- 20-Tony Issa, Protecting Computer Programs and Databases, Development Association for Legal Informatics in Lebanon, Beirut 1999, p. 87.
- 21-Radia Mishri, previous reference, p. 138.
- 22-Executive Decree 98/257, dated 08/25/1998, which sets the conditions and how to establish and exploit Internet services.
- 23-Badr Ahmed Osama, Multimedia Between the Reality of Electronic Merger of Works and the Intellectual Property Protection Law, New University Publishing House, Alexandria, 2004, p. 26.
- 24-Ordinance 03/08 of 07/19/2003, relating to the protection of graphic designs of integrated circuits JR 04, of 07/23/2003.
- 25-Ojja Al-Jilani, Crises of Intellectual Property Rights, Crisis of Right or Crisis of Access to Knowledge, Dar Al-Khaldoniyah for Publishing and Distribution, Algeria, 2012, p. 301.
- 26-Alcohol Walid, Attacking the Formal Designs of Integrated Circuits, Journal of Human Sciences Issue 48, Volume (A), Faculty of Law, University of Constantine, December 2017, p. 116.
- 27-Law No. 05/18 of 05/10/2018 related to electronic commerce issued on 05/16/2018, JR 28.
- 28-Mansour Muhammad Hassanein, Electronic Responsibility, New University House, Alexandria, 2003, p. 201.
- 29-Hegazy Abdel-Fattah Bayoumi, The Legal System for the Protection of Electronic Commerce, Dar Al-Fikr Al-Jamei, Cairo, 2003, p. 283.
- 30-Issani Taha, Abdullah Fawzia, Digital Works Covered in Protection Under Intellectual Property Laws in International Conventions and Algerian Law, Journal of Political Notebooks, University of Ouargla, year 2021, p. 144.
- 31-Isani Taha, *ibid.*, p. 144.
- 32-The same reference, pp. 144-145.
- 33-Ibrahim Khaled Mamdouh, electronic litigation, the electronic lawsuit and its procedures before the courts, Dar Al-Fikr Al-Jamei, Alexandria, pp. 118-119.
- 34-Isani Taha, Abdullah Fawzia, the aforementioned reference, p. 145.
- 35-The same reference, p. 145.
- 36-Ibrahim Khaled Mamdouh, the aforementioned reference, p. 120.
- 37-Al-Salmi Alaa, Al-Kilani Othman, Al-Bayati Hilal, Fundamentals of Management Information Systems, Dar Al-Manhaj for Publishing and Distribution, Amman, 2009, p. 445.
- 38-Ojjat Al-Jilani, Intellectual property, its concept, nature and divisions, a comparative study of the legislation of Algeria, Tunisia, Morocco, Egypt, Jordan, French-American legislation and international agreements, Encyclopedia of Intellectual Property

Rights, Part 1, first edition, Al-Zain legal and literary publications, Beirut, Lebanon, 2015, p. 267.

39-Shehata Gharib Shulgami, Intellectual Property in Arab Laws, A Comparative Study of Copyright and Neighboring Rights and the Privacy of Computer Program Protection, Dr. I, New University House, Cairo, pg. 43.

40-Kanaan Nawaf, Contemporary Models of Copyright and Means of Protecting It, 1st edition, Dar Al Thaqafa for Publishing and Distribution, Jordan, 2009, p. 198.

41-Shehata Gharib Al-Sholqami, the aforementioned reference, p. 192, p. 193.