

## MORAL RIGHTS IN THE DIGITAL ENVIRONMENT: DIAGNOSIS AND REHABILITATION

*Haitham Haloush* \*

### ABSTRACT

*The Digital environment has provided authors with new creative possibilities. However, it has posed threats to their personal interests and increased the possibility for breaches of their moral rights. Digital technology has shed a cloud of uncertainty on fundamental concepts of authorship, creative expression and the nature of creative work. Moral rights are faced, in the digital environment, with challenges such as concerns over the scope of such rights and questions relating to the moral right doctrine. This paper examines the impact of digital technology on an aspect of copyright known as the moral rights of the author. Moral rights are concerned with the legal protection of the personal and cultural interests of the authors. As such, the importance of moral rights for authors and artists transcends the issue of commercial gain through their work, to the protection of their work from abuse.*

*The challenges posed by digital technological developments to authors' rights are not limited to the issue of moral rights alone. Rather, these challenges have introduced extensive debate on the general nature and objectives of copyright. Legal scholars have speculated the potential collapse of the copyright framework under technological pressures. However, the copyright law has evolved to extend copyright principles to the protection of software and other new technologies. The law of copyright recognized these products as similar to works of creative authorship allowing technological creativity to attain a new status in the world of information technology.*

*In the present legal environment, two difficulties challenge the moral rights of the authors. The first is the practical problem of enforcing moral rights now that there are legal and practical limitations on the author's ability to control the use of his work. The second problem involves challenges to the conceptual integrity for moral rights doctrine. The future of moral rights lies in the ability to understand these rights in the digital age in order to find new methods to evolve and adapt the current system to the benefit of both the author and the public.*

*The paper assesses the state of moral rights in the present copyright practice, clarifies the implications of new technologies for authors' moral interests. The paper also seeks to provide adequate solutions to the questions raised by new economic and technological developments. Further, the paper identifies the reasons why it has proven difficult to achieve an international standard of protection for moral rights and suggests an approach to reconcile the fundamental social change in this important area of the law while studying the prospects of having an international moral right.*

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\*Faculty of Economics, Hashemite University, Zarqa, Jordan.