

Copyright – Hold the balance



Who are the players?

- Author / Creator
- Industry Distributor (Publisher and Technology Player)
- Public Interest Distributor (Library)
- End User (Consumer, Publisher, Author / Creator, Scholars, Educational establishments)

What is the balance?

Are there only two sides?

Are they opposing?

Imbalance

International Mandatory Requirements

Optional, Member
State Flexibilities
(Maybe)



How Do We Know If Our Copyright Policy is on target?

At a policy level is anyone aware of any country that has a stated goal for what copyright law is really there to achieve?



What is the goal of copyright that requires a balance to be set?

To maximise welfare within society – this then requires the maximum circulation of knowledge goods.

What is the goal of copyright that requires a balance to be set?

Is it / should it be a tool of macro-economic policy?

In western free-market economies how do you make a successful macro-economic policy from copyright monopolies?

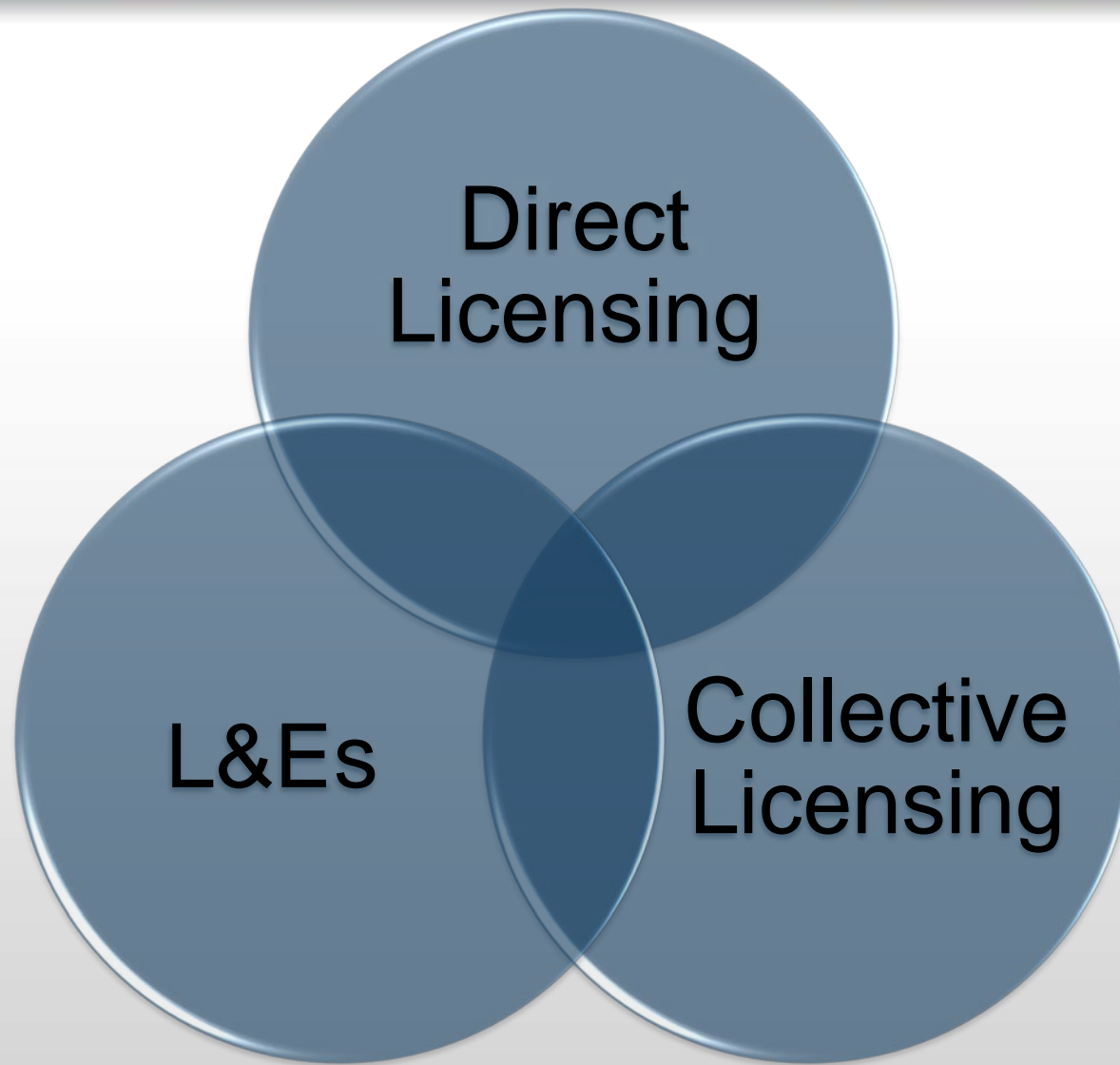
How do you regulate copyright monopolies effectively to maximise public welfare?

Hagreaves Review

Could it be true that laws designed more than three centuries ago with the express purpose of creating economic incentives for innovation by protecting creators' rights are today obstructing innovation and economic growth?

The short answer is: yes. We have found that the UK's intellectual property framework, especially with regard to copyright, is falling behind what is needed. Copyright, **once the exclusive concern of authors and their publishers, is today preventing medical researchers studying data and text in pursuit of new treatments. Copying has become basic to numerous industrial processes, as well as to a burgeoning service economy based upon the internet.**

The UK cannot afford to let a legal framework designed around artists impede vigorous participation in these emerging business sectors.



Isn't copyright a bit too long?

Patent is 20 years and then extendable by 5 years.

But this slide presentation will be in copyright over 100 years if I live long enough.

Terms of Copyright

2002 US Study of US Films 1927 – 1946 (Total = 36,386)

2,480 on VHS

871 on DVD

114 on TV

113 in Cinemas

6.8% available (based on VHS statistic)?

Library of Congress

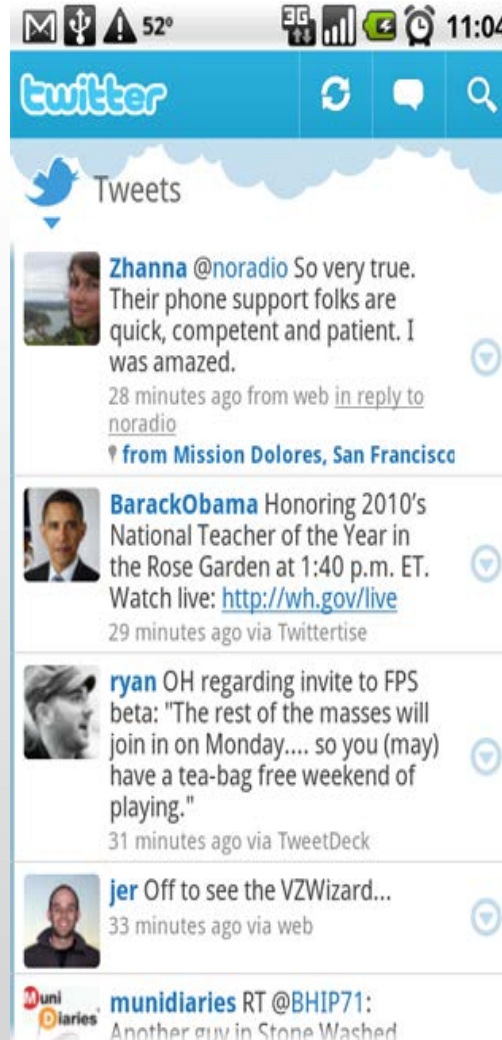
Survey of Reissues of US Recordings. T Brooks. Co-published by the Council on Library and Information Resources and the Library of Congress. 2003.

US term extension for sound recordings for 2% of recordings that created royalties for rights holders.

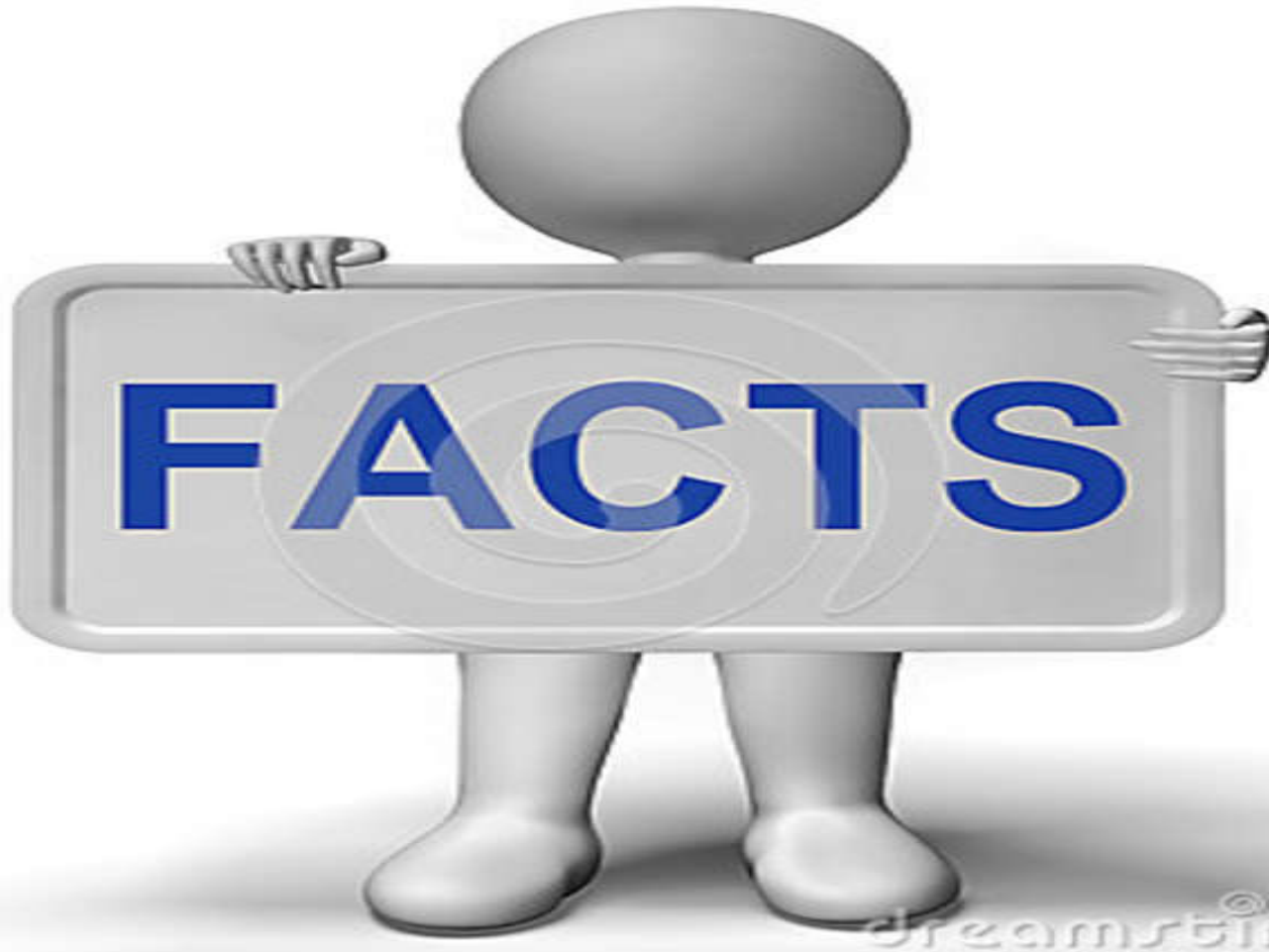
Doesn't it cover a bit too much?



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Svensson Case

European Court of Justice

About URLs

What are the societal overheads of such an expansive view of copyright?

Works not being used

Innovation moving from EU to US

Litigation

Chilling effect of uncertainty

Time and money being spent looking for rights holders not there

Permission to Innovate

“Under the European approach to exceptions, new kinds of copying which have become possible due to advancing digital technology are automatically unlawful. They require agreement of rights holders if they fall outside the pre-established and closed list of categories for permissible exceptions.”

“Innovation may be blocked and growth hampered when unduly rigid applications of copyright law enables rights holders to block potentially important new technologies.”

Digital Opportunity

Permission to Innovate



Recorded Future

AKA

Why we need strong flexibilities - in copyright law



Immediate
Registration

Registration
After X years

Creators Want to be Acknowledged

Right of Acknowledgement (where practicable) seems very important.

Acknowledgement / Moral Rights do not apply to news reporting, or newspapers, magazines or periodicals.

Has to be asserted in writing.