

Access to Knowledge / доступ к знаниям
– How digital is changing the norms of
information sharing.

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Бенджамен Уайт , Британская библиотека



"I'm not sure I can help you—all your issues seem to be copyright-related."
W. J. 1/2/11

Libraries, Education and Knowledge

€26 Billion pa

Propitious Public Infrastructure

Statute of Anne 1710

We were scoping out requirements when we were approached by Microsoft
They wanted a drop dead demonstration of some of the new technologies
inside Vista
Aligned to a powerful brand
But it needed amazing content

An Act for the Encouragement of Learning

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US Constitution

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To promote the progress of science and useful arts

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FIFTH FREEDOM

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FREE MOVEMENT OF KNOWLEDGE AND INFORMATION

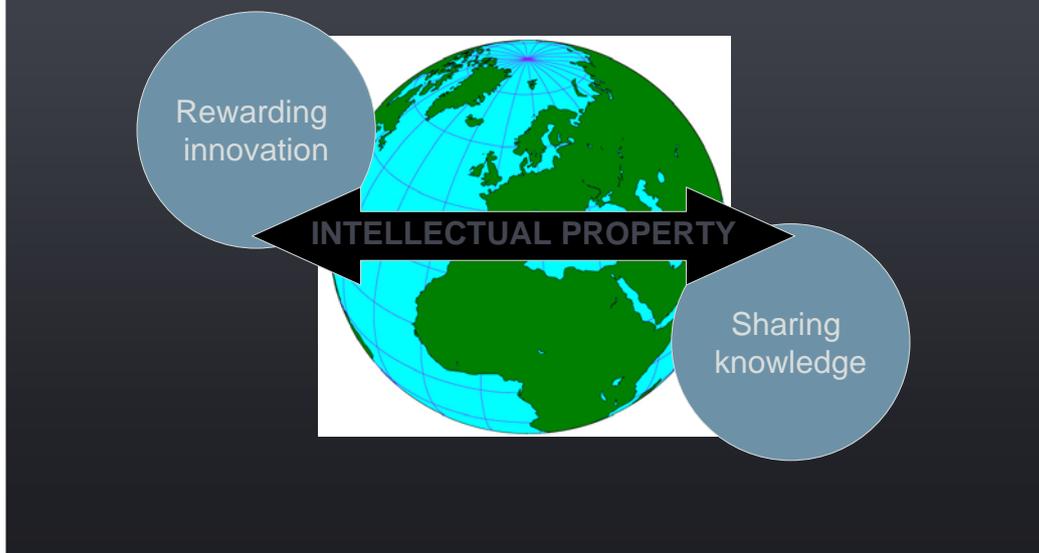
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The Role of IPR / copyright – the need for balance



We are clearly living through a revolution in the way creativity can be expressed, disseminated and consumed. Yet, to quote from the Royal Society of Arts Adelphi Charter *‘the purpose of intellectual property law should be, **now as it was in the past**, to ensure both the sharing of knowledge and the rewarding of innovation’* - such a balance being essential to sustain a healthy creative economy and an informed citizenry.

However, whilst the BL would assert that fundamentally in regard to this balance ‘digital is not different’ the advent of digital technology has inexorably altered the way in which citizens and therefore also bodies like libraries and educational establishments interact with rights holders’ information.

We recognise that the ongoing digital revolution is causing fundamental shifts across industry business models and consumer patterns, and is raising broader questions about the traditional balance of rights in intellectual property, between the rights holder and the public good. However it is important that a clear copyright regime for the digital age should steer the development of appropriate business models and technologies – not the other way around. The questions for policy makers and regulators should not be totally conflated with the interests of the consumer or of business.

Much of our copyright framework was designed for an analogue environment: digital developments have challenged accepted practice – while certainly it creates more opportunities for people to access works, it also creates new opportunities to protect works from illegitimate usage.

My talk today will look at the debate as we at the BL see it, and try to unpick what the key challenges are in relation to a copyright regime fit for the digital age. For such is the upheaval across the information industry and creative sectors that it is easy to get distracted by business models or technological developments when trying to address the core issues of

what is a copy,

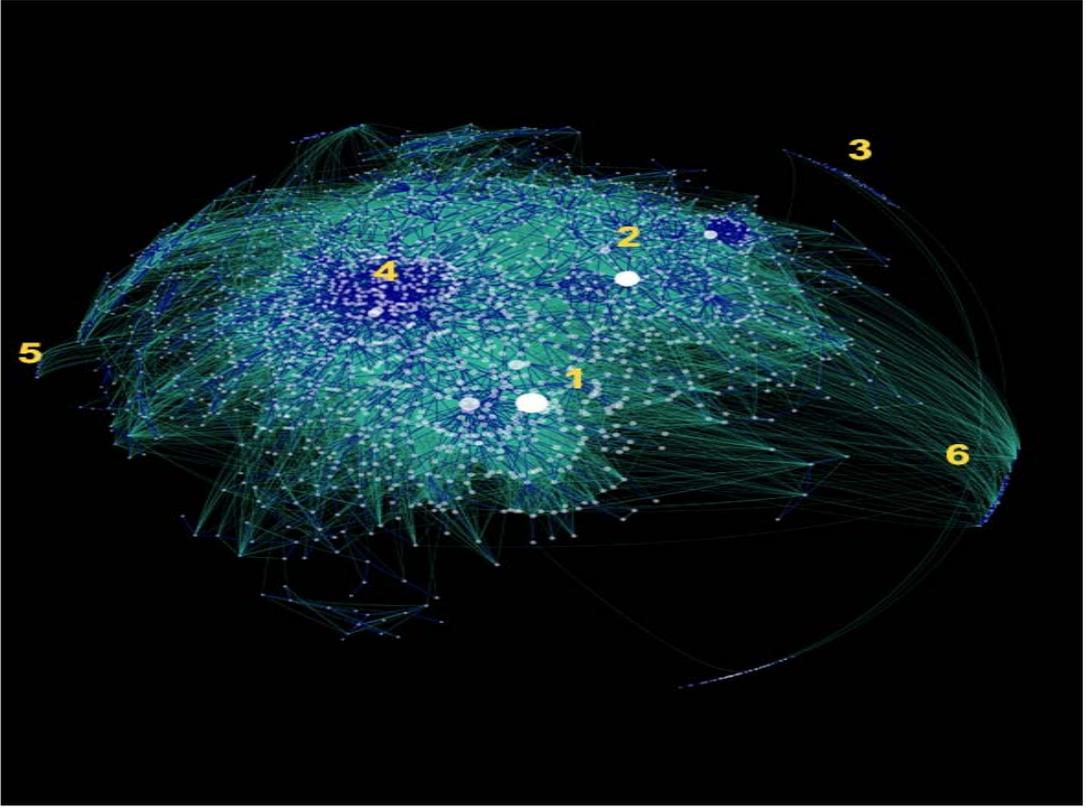
what is fair dealing

and where the balance should be struck in our legal framework?



What role do exceptions provide?

- Market Failure
- Education
- Freedom of Speech
- Promotion of Culture
- Equality of Access
- Legal and Parliamentary Proceedings
- Internet



Jurisdictional Issues

Cloud Computing

QUIZ

amazon.com

BRITISH
LIBRARY

Publisher X who sells to a library

Undermining of Copyright Exceptions

British Library Analysis of 100 Contracts

	Yes	No	Silent
Archiving	23	18	58
Fair Dealing	58	42	
Visually Impaired	2		98
Interlibrary Loan	2		98
Exceptions	25		75

EEBO / ECCO etc.

A large part of the pre 1800 corpus of material has already been digitised by ProQuest and Gale.

Digital Preservation

“On termination of this Agreement the Institution will destroy and will procure that all Authorised Users destroy all content supplied through the Service stored on any digital information storage media, including but not limited to system servers, hard disks, diskettes and back up tapes.”

“On termination of this Agreement, the Licensee agrees to destroy, and will use its reasonable endeavours to procure that all Authorized Users destroy, all Licensed Material stored on any digital information storage media, including, but not limited to, system servers, hard disk, diskettes, and back up tapes.”

Fair Dealing Copying?

“You may not copy the Products in any form.”

“The Licensee may “ make such *temporary* local electronic copies by means of caching or mirrored storage of all or part of the Licensed Materials as are necessary solely to ensure efficient use by Library Staff and Patrons.”

“Users may browse, copy or print reports, but the download facility will not be available.”

But CDPA allows digital copying:

S.17 (2) Copying in relation to a literary, dramatic, musical or artistic work means reproducing the work in any material form. This includes storing the work in any medium by electronic means.

Three Strikes Legislation

Graduated Response

Hadopi Law

Information Society Directive 2001
(aka Copyright Directive)

Copyright Law and Preservation

Info Soc Directive – Art 5.2.c

*Member states **may** provide for exceptions or limitations to the reproduction right ... in the following cases:*

“ in respect of specific acts of reproduction made by publicly accessible libraries, educational establishments or museums, or by archives, which are not for direct or indirect economic or commercial advantage.”

Copyright Law and Preservation

UNLAWFUL IN MANY EU MEMBER STATES

Media Silent

Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Ireland, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Sweden (computer programmes excluded)

Digital

Austria, Cyprus, Czech, Estonia, Hungary, Malta (computer programmes, artistic and musical works excluded), Slovenia (musical works by hand only), Spain, UK

Paper

Italy (broadcast copies allowed), Lithuania (text works)

Copy restrictions

Greece 1, Hungary 1 (not entire newspaper), Germany 8, Latvia 1 (not a computer programme), Poland 1, Slovenia 3, UK 1 (not sound, film or broadcast)

* Source WIPO: Study on Copyright Limitations and Exceptions for Libraries and Archives

Technical Protection Measures



TPM circumvention is unlawful so complex circumvention measures put in place at member states level. e.g. In UK permission is required from the Secretary of State.



TPM circumvention only unlawful if an infringing act. i.e. As preservation / education copying lawful circumvention is not an infringing act.



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CEMENTED MEMBER STATE DIFFERENCES IN THE SINGLE
MARKET

- Copyright law not keeping up with technology – and a highly politicised area of law making.
- Copyright law less relevant as main regulator of digital information is contract law.
- 3 strikes legislation – more monitoring of users, higher costs potentially even suspension for libraries.

ACCESS TO KNOWLEDGE BECOMING FRAGMENTED,
MORE COSTLY AND UNCERTAIN FOR LIBRARIES AND
THEIR PATRONS

How does this improve access to knowledge, creativity and promote learning?

International Federation of Library Associations

We believe that people, communities and organizations need for their physical, mental, democratic and economic well-being, free access to information, ideas and works of imagination.

No Library Exception



General Library Exception

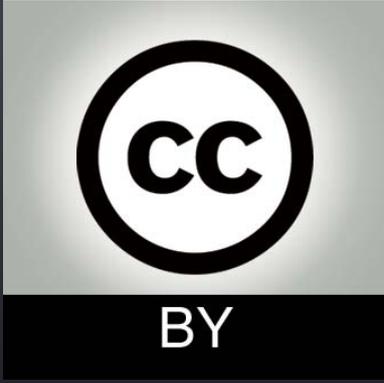
Albania	Lesotho
Angola	Malawi
Austria	Malaysia
Bulgaria	Mali
Cape Verde	Mongolia
Congo	Nigeria
Croatia	Oman
Cyprus	Portugal
Djibouti	Rwanda
Greece	Slovenia
Indonesia	Sri Lanka
Jordan	Syria
Kenya	Tunisia
	Tanzania



WIPO

- Treaty for the Visually Impaired
- Treaty for Libraries
- Treaty for Education

Спасибо



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