

WSIS: Cultural diversity in  
Knowledge Societies

**IP RIGHTS and USER NEEDS  
in a DIGITAL ENVIRONMENT**

A Publishing view

by

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# KNOWLEDGE SOCIETIES need CONTENT

- As well as Connectivity, you need something to say
- Knowledge societies need creativity/originality
- **UNESCO Universal Declaration on Cultural Diversity: Art.8)**  
“ ... particular attention must be paid to the diversity of supply of creative work, to due recognition of the rights of authors and artists, and to the specificity of cultural goods and services ... as vectors of identity, values and meaning.”
- **EU Copyright Directive: Recital 9**  
“... [IP rights] are crucial for intellectual creation. Their protection helps to ensure the maintenance and development of creativity in the interests of authors, performers, producers, consumers, culture, industry and the public at large.”

# “THE COPYRIGHT COMPROMISE”

- Perpetual property right, or limited monopoly?
- Statute of Anne 1709 – limited 14-year monopoly (renewable once)
- Life plus 50 – need to protect heirs
- Exceptions – for educational/cultural access
- The compromise/balance today (Universal Declaration of Human Rights):-
  - “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”(Art. 27(i))
  - “Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.” (Art. 27(2))

# THE DIGITAL CHALLENGE

## 1. “DIGITAL IS DIFFERENT

- Napster, Grokster and a Wired World
- Perfect copies at the click of a mouse
- The WIPO Copyright Treaty 1996
  - updating copyright for the digital age (US and EU)
  - updated rights: making available/access
  - Technical Protection Measures and DRM
  - (Non) Liability of ISPs – don’t shoot the messenger
- Databases – new protection for new creations

# THE DIGITAL CHALLENGE

## 2. DIGITAL IS THE SAME

- We need the same balance:
  - security of creation and publication
  - secure authentication (and moral rights)
  - secure access for agreed purposes
- DRM “The answer to the machine is in the machine”
- **UNESCO draft Recommendation on Multilingualism and Cyberspace:-**

“... limitations and exceptions [should be] applied in certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rightsholders.” (Art. 24).
- UNESCO draft Action Plan:

“Confidence, trust and security are among the main pillars of the Information Society.” (Art.13).

# FREEDOM TO PUBLISH

- Vital to freedom of information:-  
“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” (Univ. Declaration of Human Rights, Art. 19).
- Publishers publish in hundreds of languages and cultures worldwide.
- Many authors and publishers seek to express minority views.
- In some countries they risk their livelihood (and even their lives).
- IPA (and national) Freedom to Publish Committees – still needed after 100 years.

# CULTURAL DIVERSITY and LOCAL PUBLISHING

- Africa consumes 12% of world books, but produces only 3%.
- Local authors/publishers for local needs.
- Stimulate creativity (creat jobs/defeat piracy).
- Strengthening capacities for creation and dissemination worldwide:-  
“In the face of current imbalances in flows and exchange of cultural goods and services at the global level, it is necessary to reinforce international co-operation and solidarity aimed at enabling all countries, especially developing countries and countries in transition, to establish cultural industries that are viable and competitive at national and international level.” (UNESCO Universal Declaration on Cultural Diversity, Art. 10).

# PUBLISHERS IN DEVELOPING COUNTRIES

- IPA – APNET and local networks
- Local publishing and joint ventures
- Education and literacy
- HINARI (Health InterNetwork Access to Research Initiative)
  - over 2000 journals from leading biomedical publishers
  - free or nearly free access to public institutions
- AGORA (Access to Global Online Research in Agriculture)
  - over 400 key agriculture journals
  - 69 countries with income of less than \$1000 per head.



# ACCESS TO WORLDWIDE INFORMATION

- Access for one is access for all
- Technical Protection Measures and DRM
- The Art. 6.4 challenge – access for beneficiaries of copyright exceptions
- Educational use – “controlled” intranets or site licences?
- Library use and International Document Delivery
- Disabled/Visually Impaired users
- Open Access – a new model?
- “Freedom of Access” does not mean Access Free!

# PRESERVATION OF THE DIGITAL HERITAGE

- Legal Deposit – the UK 1911 Act
- 2003 Legal Deposit Libraries Act
- How do you “deposit” a website?
- Who is liable? Place and time of “publication”
- European Publishers (FEP) and National Libraries (CENL)
- International problems need international solutions