

Background paper

Introduction

The current Information Society has opened new avenues for economic growth and social development, provoking an increasing migration of human interaction from the “real” to the “virtual” world. Such a migration is corroborated by two opposite phenomena: on the one hand, the considerable shift of attention from tangible to intangibles forms of property has stimulated a number of juridical initiatives aimed at securing Intellectual Property Rights (IPRs) – notably copyright – online; whilst, on the other hand, the production of new digital goods and the digitization of previously exclusively material goods has allowed Internet users to perfectly copy and disseminate content in an almost inexpensive and unlimited fashion.

The aim of the traditional model is to provide a proper environment for investments in the cultural field and to grant protection against potential “free riders”, but its implementation depends on national jurisdiction. However, in the Internet context, the “traditional” copyright model may be seen as anachronistic, being based on controlling the reproduction of authors’ works on a national basis. Indeed, the “dematerialization” of creative works and the subsequent difficulties to regulate the instantaneous and global diffusion allowed by the use of Information and Communication Technologies (ICTs), has shed light on the necessity to adjust this model to make it fit to the Internet arena.

Indeed, it has to be stressed that, although IPRs enjoy constitutional protection, granted by national, regional and international juridical instruments, their protection in the digital environment should not interfere with the protection of other fundamental rights and freedoms such as the right to private life and the freedom of expression. Hence, it seems necessary to encourage a reflection in order to comprehend how to strike the right balance between the protection of IPRs and the protection of Civil Liberties in the non-territorial and non-hierarchical Internet environment.

In order to foster such an analysis, this workshop will start by exploring the reasons of “internet piracy” by establishing a dialogue with two types of individuals frequently deemed as potential pirates: youngsters and librarians. To this extent the panellists will engage in an interactive discussion with the audience to envision how to protect copyright-holders while taking into consideration the need to access information of the next generation of netizens.

Moreover, it will be explored the necessity of more flexible legal instruments that may seize the authors’ need of establishing innovative business models which differ from the traditional copyright system. Indeed, albeit the traditional copyright model should not be considered as a dead model, it has to be remarked that, on the one hand, authors are increasingly able to produce their works without having to bear overwhelming expenses and, on the other hand, they can autonomously distribute their works online, having the opportunity to reach a global audience. To this latter extent, it may be argued that authors need a more flexible environment that allow them to chose alternative business models tailored to fit in the digital arena. Therefore, the rejuvenation of the copyright model should not be seen as an exclusive need of copyrighted goods consumers but also as surplus value with regard to enhancement of the creative contents’ dissemination and the access to information.

An interactive discussion

In order to promote creativity and protect authors’ rights in the digital ecosystem, several paths may be envisioned, such as: (i) the enforcement of the traditional copyright model on the Internet; (ii) the promotion of an innovative model that could grant authors’ remuneration throughout the establishment of a flat rate to be collected on a national/regional/international basis and the subsequent redistribution of the collected pecuniary sum to authors; (iii) the open access to creative content under a specific set of conditions (e.g. the Creative Commons licenses) as a part of an alternative business model where monetization is not achieved throughout royalties.

Taken singularly, the aforementioned options may give rise to both disadvantages and benefits. The workshop panel will therefore discuss what kind of IPR regime should be encouraged so that society can reap the maximum benefits of knowledge sharing and access to

products (digital/material) while, at the same time, ensuring that the authors and creators of these products are duly compensated.

Through a question and answer format, the panel will engage in a proactive discussion, in order to elucidate the pros and cons of some of the potentially conceivable solutions, highlighting the role of the stakeholders that seek involvement in the governance process, thus challenging the exclusivity of the state rule-making. Indeed, the multiplayer and multilayer Internet governance has witnessed, on the one hand, the flowering of new forms of private ordering aimed at ruling the diffusion of creative works whilst, on the other hand, the growing interest by national parliaments in proposing legislation for the cyberspace.

Some of this legislative proposals such as the Stop Online Piracy Act (SOPA) and Protect IP Act (PIPA), the 2012 two anti-piracy bills discussed in the US Congress, will be analysed in order to highlight the reaction that they have triggered. In fact, the large street protests and the ‘first Internet strike’ (websites blackout) they have generated reflect the many-fold challenges of regulating the online space distinctly from the traditional ‘command-and-control’ models. It will be highlighted that the contemporary copyright protection exceeds the mere control on the reproduction of the material support of copyrighted contents, focusing instead on the spectrum of uses that may be done of the digital content by the Internet users. Indeed, such a framework aims at restraining the free-riding opportunities offered by the Internet technologies, and it may be argued that it recalls the early Anglo-Saxon copyright enforcement consisting in a governmental attempt to rule and restrain the free-riding potential of the - at the time - “new technology” of the printing press.

In order to strike a balance between copyright protection and the public access to information, the workshop will analyse the function of public libraries and other intermediaries. Indeed, it is essential that intellectual property frameworks in the digital age retain enough flexibility to facilitate the sharing of information between institutions and individuals and, to this extent, it will be discussed the role of public access intermediaries in fostering the reconciliation of the concept of fair reward for creators with the way that Internet users share content.

The complexity and the global range of the aforementioned issues seem to require a multifaceted approach in order to be elucidated. For this reason, the multistakeholder approach endorsed by the Internet Governance Forum has been deemed as an accurate solution in order to

analyse the different perspectives, intimately intertwined with the attempt to find a balance between a draconian control over copyrighted contents and an Internet wild west.

An open format

The open format of the workshop is bent on encouraging the interaction between the panel and the audience. Indeed, several rounds of concise interventions will be alternated with question-and-answer sections in order to facilitate the participation of the attendees.

The workshop will be moderated by Mr Luca Belli, PRES Sorbonne University, who will facilitate the discussion between the audience and the panel, that will be structured as follow.

Ms Hannah Broadbent + Mr Jack Passmore and Ms Rebecca Cawthorne, Childnet;

Mr David Hughes, Senior Vice President of Technology at RIAA;

Ms Roxana Radu, Graduate Institute of International and Development Studies;

Mr Maciej Tomaszewski, DG Connect, European Commission.

Mr Theodore Brinkofski, founder of Hulkshare.com

Mr Ali Hamed, President at All Things Go, Managing Partner at C&C Consulting;

Ms Fatima Cambroner, Research director at AGEIA DENSI;

Mr Stuart Hamilton, Senior Policy Advisor, International Federation of Library Associations and Institutions;

Mr Paul Muchene, iHub;

Mr Pierre Lotis Nankep, Agence Nationale des Technologies de l'Information et de la Communication;

Mr Matt Zimmerman, Senior Staff Attorney, Electronic Frontier Foundation;

Ms Morgan Beller, activist, WEOG, civil society confirmed;