

Report on the Workshop

“Standards for Sustainable Digital Culture”

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at the Internet Governance Forum in Baku, Azerbaijan

Organizer and author of this report:

Norbert Bollow, Swiss Open Systems User Group /ch/open (civil society)

The following persons participated as on-site panelists:

- Ms. Beatriz Busaniche, Fundación Vía Libre, Argentina (civil society)
- Mr. David Hughes, CTO of RIAA, USA (music industry)
- Mr. Janis Karklins, UNESCO (intergovernmental organization)
- Ms. Jillan York, Electronic Frontier Foundation (civil society)
- Mr. Jim Beveridge, Microsoft (software industry)

Participation of the following persons as remote panelists was attempted, alas unsuccessfully:

- Mr. Lee W McKnight, Syracuse University, USA (academia)
- Ms. Simona Levi, multidisciplinary artist and director of Conservas, a cultural foundation. Spain. (civil society)

Theme and objectives of the workshop:

The goal was to address the question of how digital works which are shared via the Internet (either with permission, e.g. granted by means of a Creative Commons license, or without permission) can be effectively linked to a website of the artist(s) or author, so that they can have a significant positive marketing effect (and not just the effect of often undesired competition to commercial offerings). The workshop aimed to focus in particular on audio formats like MP3 and OGG and the possible addition of standardized URL metadata. The motivation for exploring this idea is that on one hand, copyright holders are complaining that the Internet environment is not sufficiently conducive to their legitimate interests of earning money through cultural contributions. On the other hand, the frequently heard call for ever more heavy-handed measures to enforce copyright on the Internet threatens the Internet's essential freedoms (which are in fact essential for the human rights foundations of information society) and is in fact contrary to the fundamental property of culture that culture is something that people share. Therefore, it is important to explore how digital cultural goods can be produced in economically sustainable ways that do not conflict with the freedom properties of the Internet, nor require heavy-handed copyright enforcement against people who wish to share digital cultural goods in non-commercial ways.

A brief substantive summary and the main issues that were raised:

A major challenge in discussing what metadata for digital culture goods would empower the creation of a viable, sustainable ecosystem was that the panelists differed significantly in their perspective on what a viable, sustainable ecosystem for digital culture would be like.

From the perspective of the free culture movement, sharing is important, and it cannot be prevented anyway without violating fundamental human rights, so therefore new business models need to be created which support it. The role of collection societies can be particularly problematic in this context.

From the perspective of the music industry, the free flow of copyrighted content is not inevitable, and it was further argued that metadata which links to the artist's website helps only those artists that can use the music as a promotional tool to sell something else. It was guesstimated that "maybe 5% of the artists could really make a good profitable living by using the music to promote some other thing."

From the technology perspective it was pointed out that metadata is a way to enable accessing information, and that there is a lot of additional metadata that may be interesting. From the software industry representative it was further pointed out that there is a lot of new technology being developed which aims at allowing a restricted amount of sharing with technical interoperability between different devices, while still maintaining the fundamental business model of selling music.

From UNESCO's perspective it is important to find the right and legal ways of sharing cultural heritage and cultural experiences all across the world. From this perspective, the way forward may be the promotion of Creative Commons and other open licensing practices. Also it is important to work together in developing a sustainable system of long term preservation of digital information in general.

Another potential use of metadata is to encode information related to cultural sensitivities. That idea however raises human rights concerns if that metadata information is then used to refuse to provide some categories of content to the people in some parts of the world.

Conclusions and further comments:

Out of the five panelists, three expressed opinions about the specific idea of using metadata to link to the artist's website. These were all positive or cautiously positive. It was emphasized however that this would not be sufficient to meet the needs of all artists.

Another take-away from the workshop is that even though from a purely technical perspective it would have been possible to discuss metadata separately from the questions around the future of copyright law, in the discussion from the governance perspective this has turned out to be impossible, because a discussion of metadata for sustainable digital culture requires a discussion of business models, which in turn are tied deeply to the questions about future of copyright law.

Therefore, the questions about what technical environment is desirable (this includes matters of metadata standards) and about what legal environment is desirable (which includes matters of copyright) need be discussed together, as part of a single problem-solving process, which aims at achieving the good, well-balanced set of objectives outlined in article 15 of the International Covenant on Economic, Social and Cultural Rights.