

Notes from Breakout Session

on

Copyright Licensing and

Enforcement Policy for an

Increasingly Borderless Digital

Environment

Philosophical Overview

- We live in an IP world (the knowledge based economy): intellectual property and Internet protocol.
- Copyright is territorial but the digital world is borderless.
- Copyright Market is characterized in main by low value transactions. The key is how to get transaction costs down to get a very high volume of low value transactions (long tail of users)

Note should be made of the observation that this might be better stated as an option for certain types of content. For example, micropayments have been floated as a model for access to online newspapers. As with all of these things, there is no one solution for each issue, and different types of copyright works will not benefit from being marketed, retailed etc. in the same way.

- Reform should focus on 4 pillars:
 1. Copyright education(industry and government);
 2. Higher levels of enforcement to stop piracy (government);
 3. Simplified copyright licensing:
 - ✓ Make copyright licensing mechanisms easier to use e.g. (a) Digital/Meta data project: designed so users across the world can carry out a quick search to identify owner, obtain permission and

use simple ‘payment’ options including acknowledgment; (b) a single licence for educational use/make educational use a general exception;

- ✓ reduce the number of administrative/collection agencies and multiple licences/fees;
- ✓ best antidote to piracy is not enforcement but easier licensing

Note should be made of the observation that some might say ‘easy access’ rather than easier licensing (eg in Sweden, Spotify states that one of its aims was to replicate pirate services by providing easy access to music, thus drawing people to a lawful service.

Ease of licensing is not synonymous with “easier licensing”. Easy licensing was discussed in the context of UGC (user generated content), for example. Here it is to be noted that the upload of UGC to platforms is often covered by the licences relating to those platforms.

4. Legislative Changes:

- ✓ small/incremental to avoid major war between consumers and creators e.g. create a universally recognized right to move music from one player to another

Note should be made of the observation that the exception to copyright which allows for private copying is already very widespread.

Music Industry Perspective

- Model of music consumption moving from ownership to access/streaming: 2 models - free streaming supported by advertising and subscription based.
- Ad supported streaming services are paying relatively little compared to subscription streaming.
- There is an increase in listeners but revenue does not reflect that.
- There is an imbalance between the revenues of the creators of music, and the much higher revenues of some online distribution platforms which depend on music to drive traffic to their sites.

Publishing Perspective

- When copyright matters are shifted to lower courts the interest of content owners tends to be devalued.

- Canadian Copyright Modernisation Act should not be used as a model (publishers moving out of Canada/ Act being interpreted as open season for teachers to make multiple copies and hand out for free.
- Streamlined Open Access Publishing offers a solution to cumbersome rights clearance.

General Comment

- The 'legal' way must also be the 'coolest' way of accessing content.

Key Issues to Think About Going into 2015

1. A Robust legislative framework;
 - But a note of caution; bring a halt to legislation that erodes the interest of rights holders.
2. Simplified licensing systems in some areas.
3. Copyright education (including the judiciary).
4. Shift in ICT strategy at the governmental level worldwide
 - Rather than seeing tech innovation as a silo governments must foster 'tech' innovation and also protect the fuel of tech innovation, which is 'content'. At the moment tech companies are not helping sufficiently to protect, respect and value rights.