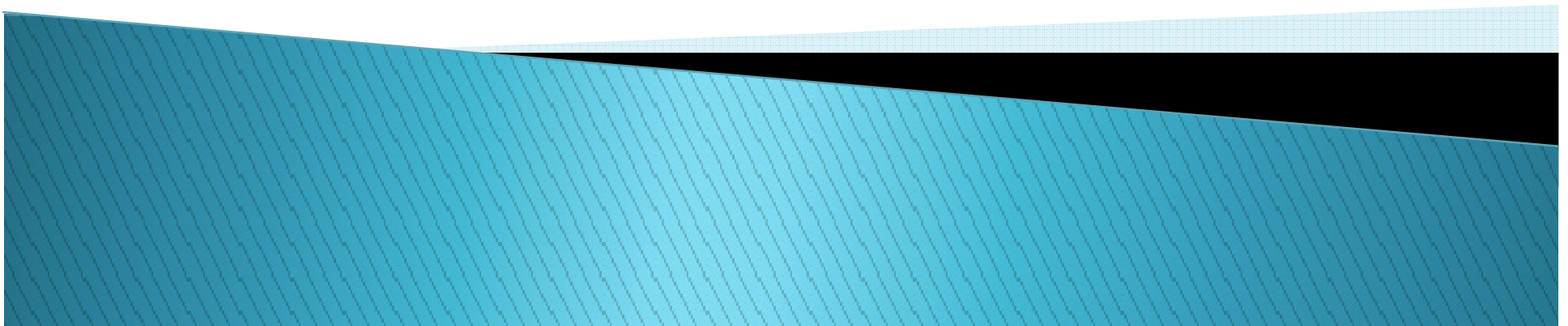


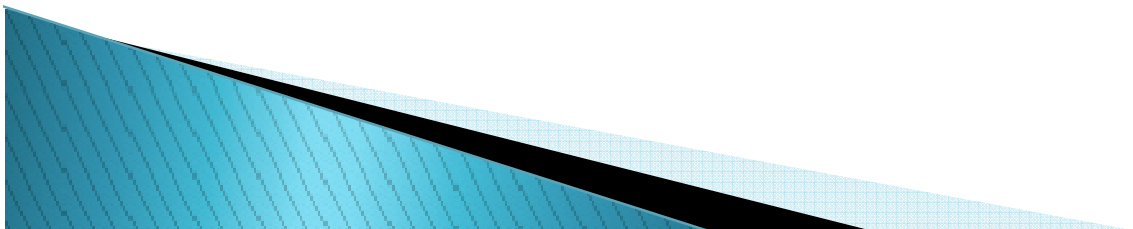
# **Copyright and the Democratisation of Knowledge**

Hector MacQueen  
Scottish Law Commission  
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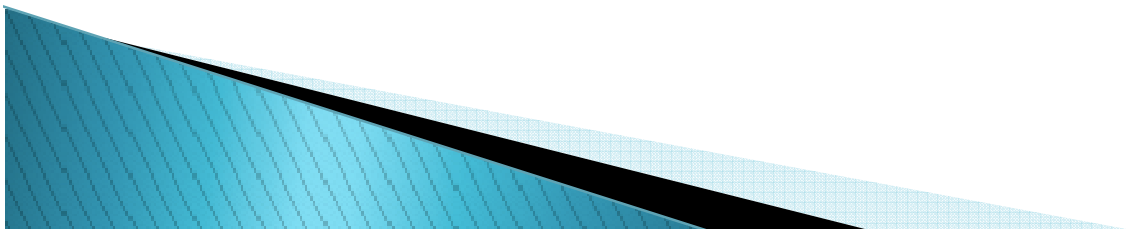
# Copyright

- ▶ The 2010 tercentenary of the Statute of Anne
- ▶ The least bad way of remunerating creativity and protecting the unpublished?
- ▶ What are the alternatives?
- ▶ State reward system?
- ▶ Free market? (with privacy/confidentiality protected)



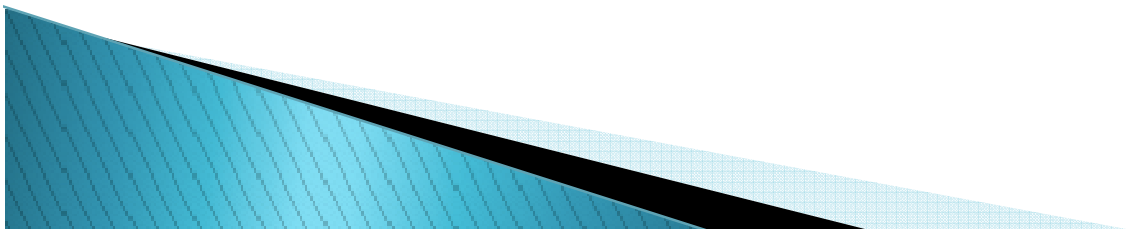
# Adam Smith

- ▶ “The only benefit one would have by writing a book ... would be that he would have the first of the market and may be thereby a considerable gainer. The law has however granted him an exclusive privilege ... And this is perhaps as well adapted to the real value of the work as any other, for if the book be a valuable one, the demand for it in that time will probably be a considerable addition to his fortune. But if it is of no value the advantage he can reap from it will be very small.”



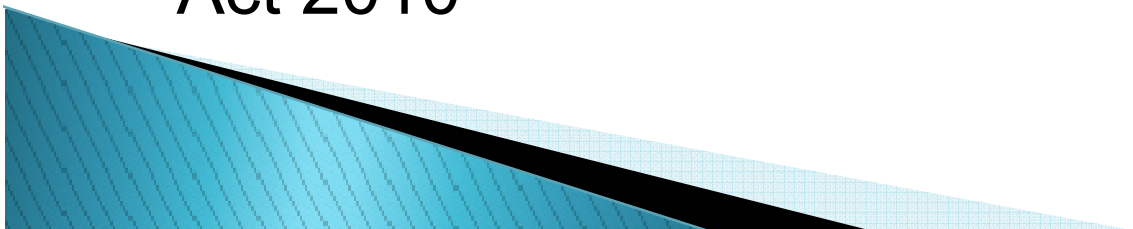
# Knowledge democratisation

- ▶ “The **democratization of knowledge** is the acquisition and spread of knowledge amongst the common people, not just privileged elites such as priests and academics.” (Wikipedia)
- ▶ The agency of printing presses and libraries
- ▶ The Internet
- ▶ Wikipedia, social networking, Web 2.0
- ▶ Creative Commons, PSI re-use



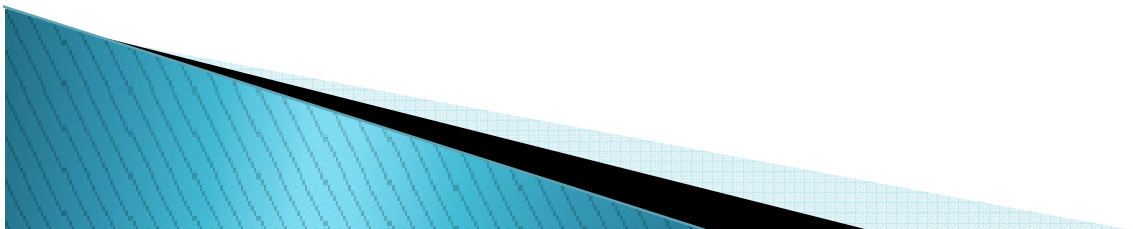
# Copyright v Knowledge Democracy

- ▶ The case of the Dead Sea Scrolls – copyright v the progress of scholarship?
- ▶ The Google Book Settlement – copyright v the free dissemination of the world's literature?
- ▶ Images – gallery/agency control, permission charging
- ▶ File sharing – from Napster to the Digital Economy Act 2010



# Ways forward?

- ▶ Persuading stakeholders to adapt their practices (British Academy 2006, 2008)
- ▶ Persuading politicians and policy-makers to listen a little less to the “creative industries”
- ▶ Pursuing law reform – but note the EU and global dimensions, as well as practical political difficulties
- ▶ Gowers Review 2006; another 2011?



# Law reform possibilities

- ▶ Whose right to copy?
- ▶ Infringement as extraction and re-utilisation?
- ▶ The duration of copyright – how long?
- ▶ Orphan works (including the inactive rightholder) – use it or lose it?
- ▶ Moral rights of attribution, divulgation and integrity
- ▶ Exceptions to copyright – research and study, including via libraries and online education
- ▶ Licensing, including waiver/bar?

