



Balance in Copyright – The British Library Perspective

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The British Library and Intellectual Property

One of the great research libraries of the world and a legal deposit library

UK Patent Office search room and library sit in British Library Business & Intellectual Property Centre

150 million items (books, serials, newspapers, microforms, philatelic, sound, manuscripts, graphic & electronic materials)

Academic book publisher and publisher from our sound archive



The World's Knowledge

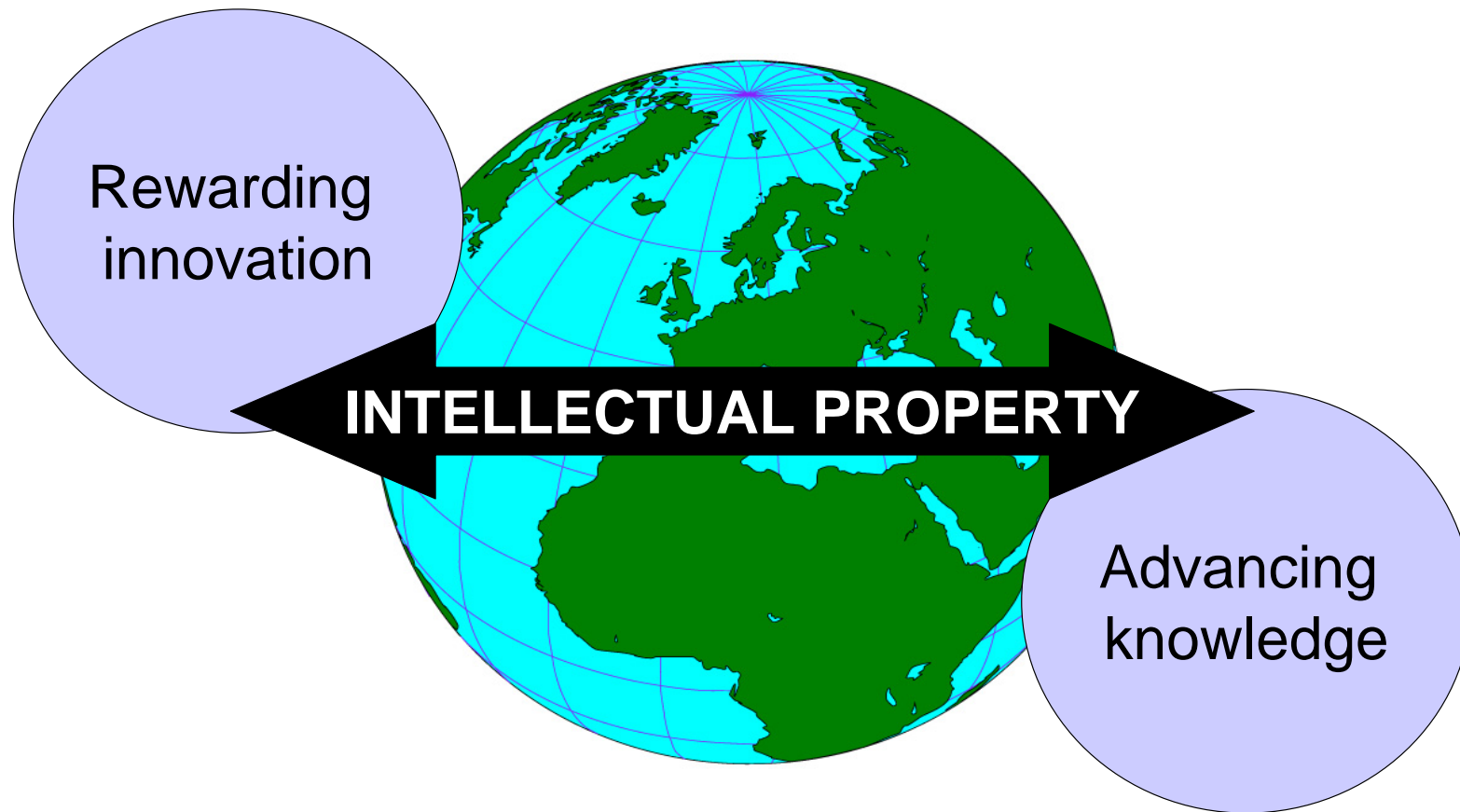
Host of UK Pub Med Central, an open access biomedical subject repository

The largest document supply service in the world

British Library Intellectual Property Manifesto 2006

Active in the sphere of intellectual property and copyright issues

An uncertain world



International repositioning around DRM

WIPO Report 2006

- DRM have limitations in expressing proportionality and intent
- Recommends the use of trusted intermediaries to oversee legitimate access

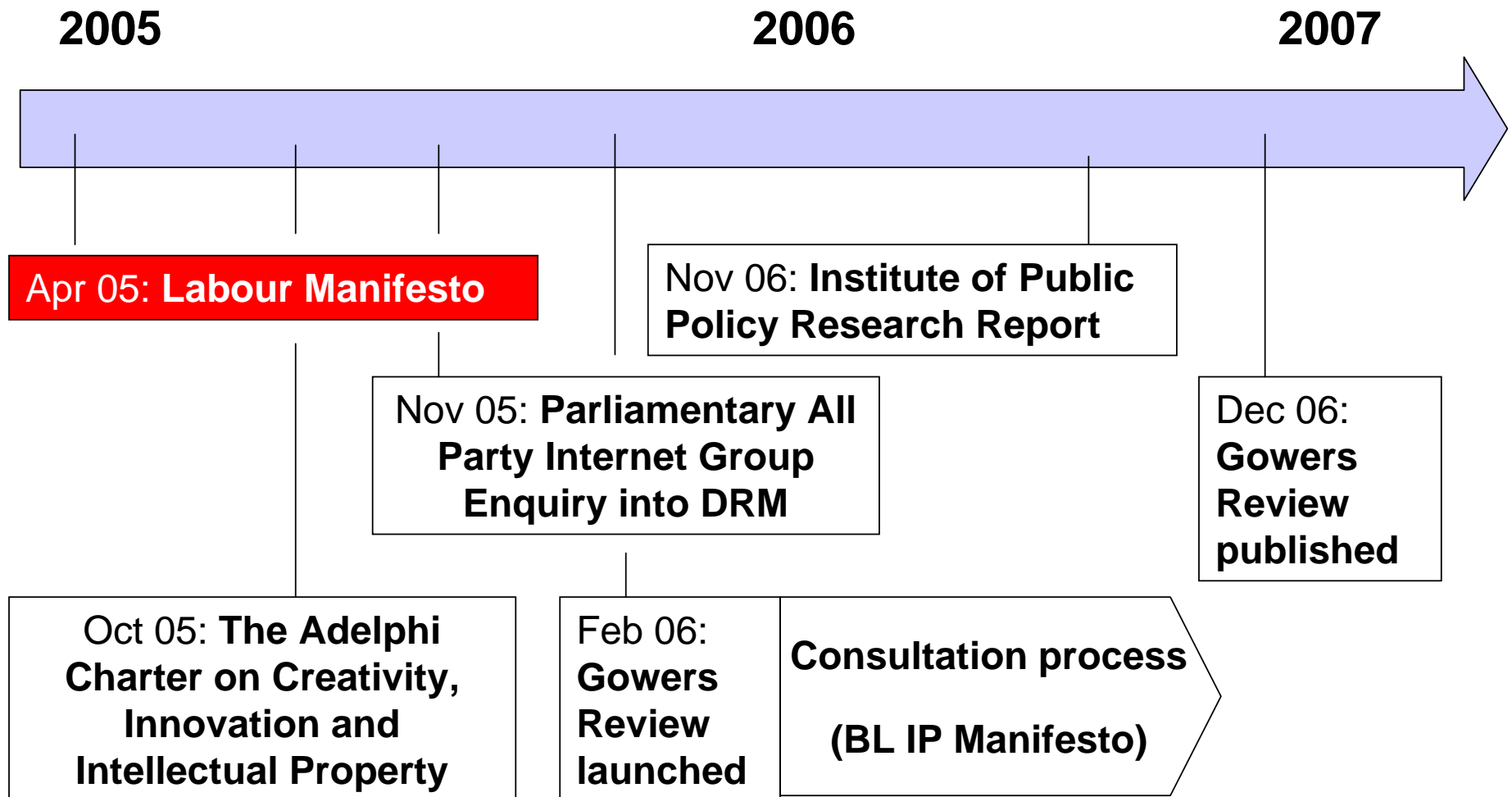
Europe

- A growing push for interoperability
- The Norwegian consumer ombudsman finds against Apple's fairplay copy protection software
- Watered down interoperability legislation in France

Within industry

- EMI says they are reviewing their policy on copy protection
- Steve Jobs of Apple urges the music industry to sell music online without DRMs
- Bill Gates: *'they cause too much pain for legitimate users.'*

How the debate has developed in the UK



The RSA's Adelphi Charter

“The purpose of intellectual property law should be, now as it was in the past, to ensure both the sharing of knowledge and the rewarding of innovation.”

Introduction to the Adelphi Charter

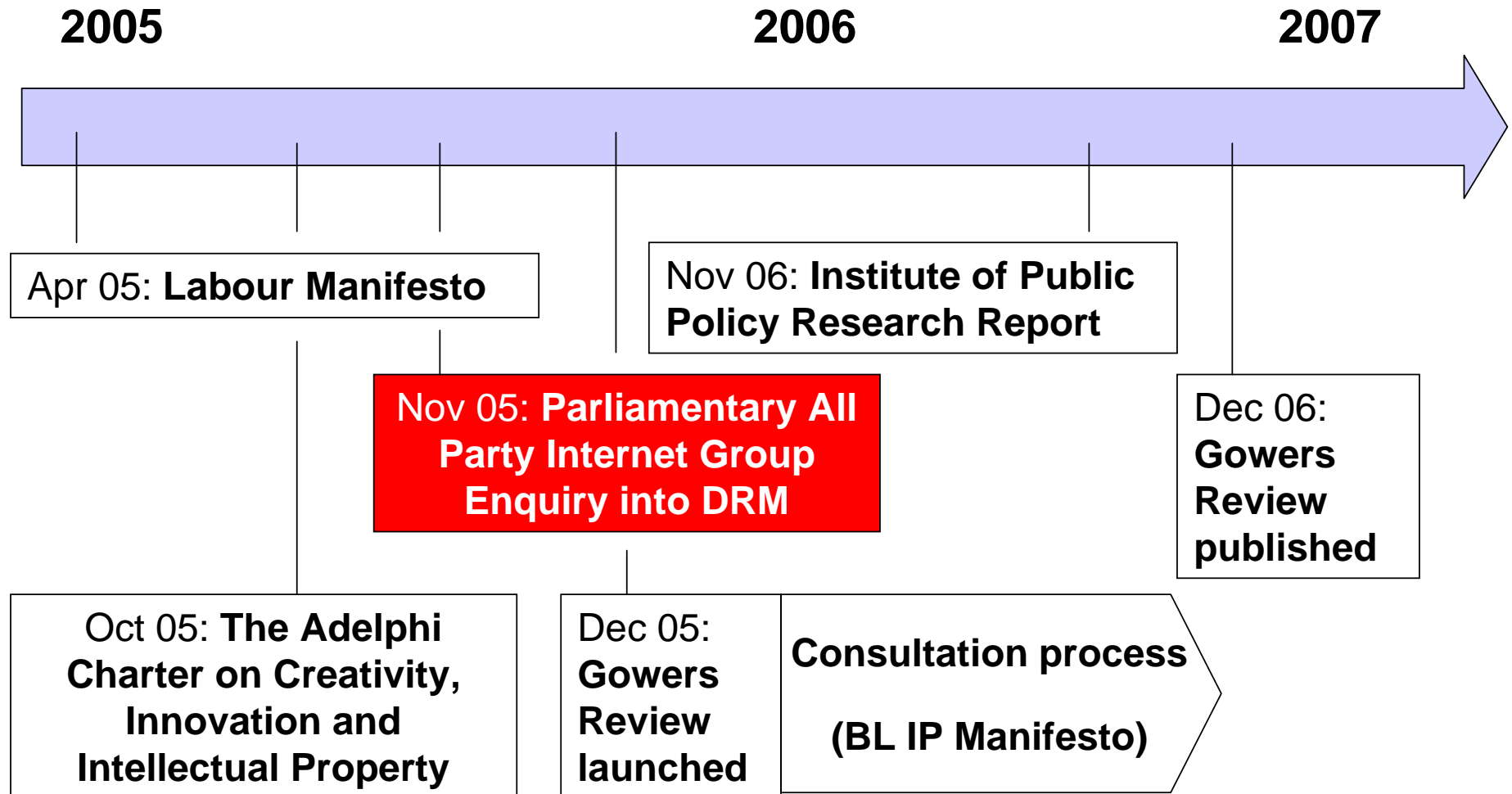
Membership

- Cross-discipline representation
- Included the Brazilian Culture Minister, Nobel prize-winner, the British Library

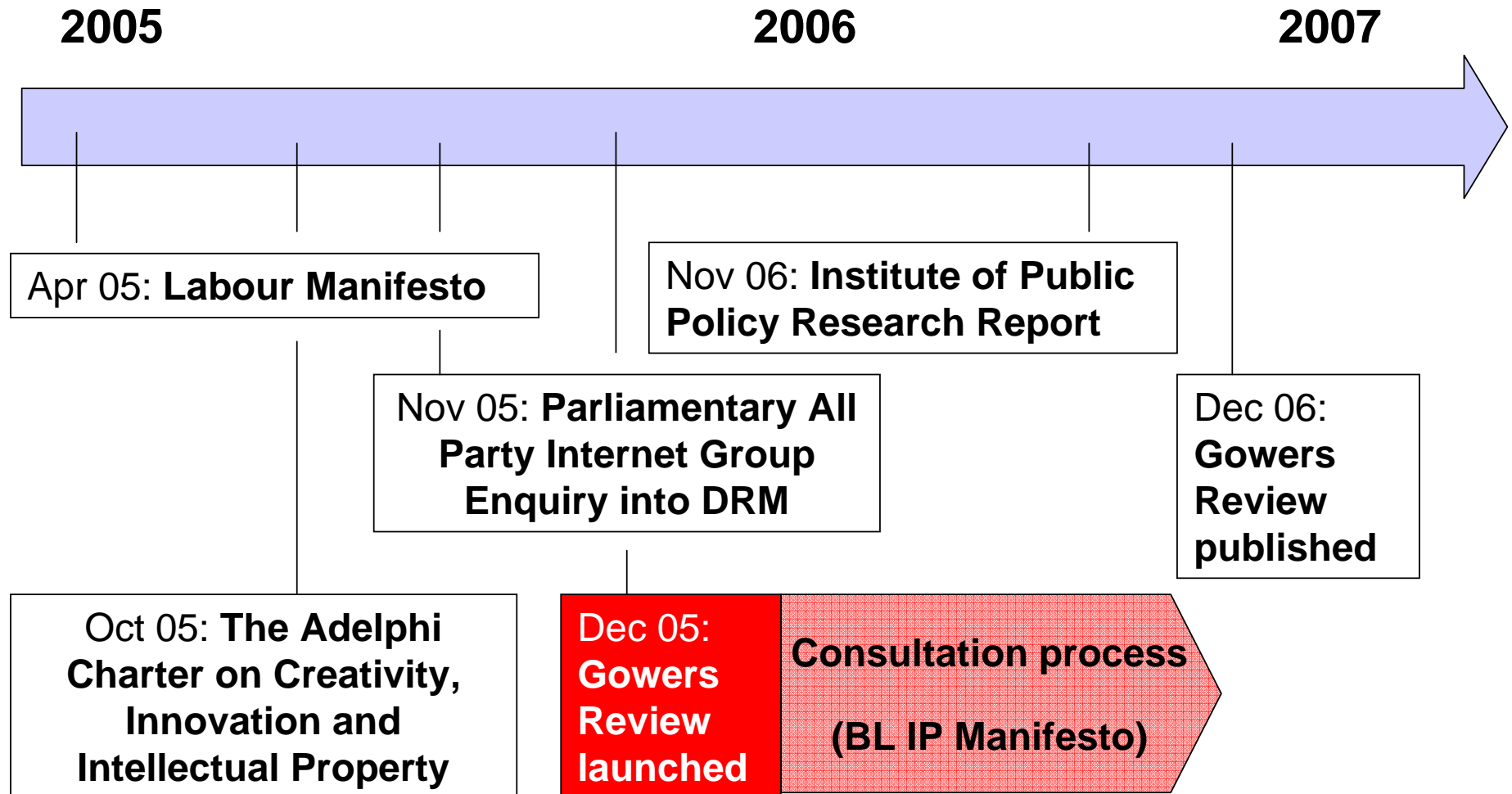
A public interest test

- A presumption against the expansion of rights
- Burden of proof remains upon those who wish to extend rights
- Requirements of rigorous analysis and broad public consultation

How the debate has developed in the UK



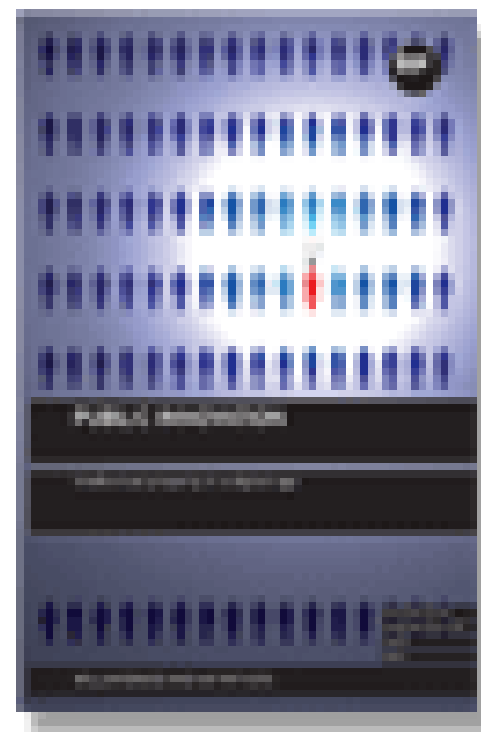
How the debate has developed in the UK



IPPR Digital Society and Media programme:

Public Innovation: Intellectual property in a digital age

www.ippr.org.uk/publicationsandreports



The British Library IP Manifesto

1. Digital is not different.

2. Fair Dealing

3. Archiving

4. Term of copyright

5. Orphan Works

6. Unpublished works

BRITISH
LIBRARY

INTELLECTUAL PROPERTY: A BALANCE

The British Library Manifesto

Striking the right balance

The digital revolution has transformed the way in which information, ideas and artistic works are created, disseminated and accessed. Anyone can now be a creator, a publisher, a music producer, a film-maker in their own front room and traditional business models are changing rapidly. Whole new forms of material have quickly developed – websites, podcasts, wikis, mash-ups – all, and more, can be accessed by anyone, anywhere, at any time via the internet.

Copyright law has traditionally sought to strike an appropriate balance, between the rights of creators to be recognised and rewarded for their work, and the public interest in ensuring access to information and ideas. Getting the balance right is intrinsic to a healthy creative economy and our education sector, for without reward there is nothing to be gained in innovation, and without access to the ideas that have come before, there is no inspiration for the future. For the British Library, wider Intellectual Property (IP) debate is crucial but is underpinned by a need to simplify and clarify discrepancies in the copyright framework. This paper outlines the issues that the UK faces and the British Library's recommendations in support of a healthy and innovative knowledge economy.

The British Library position

- The British Library is in a unique position to act as both a leading voice and an honest broker in the debate that the digital revolution has generated. The British Library has always played a particular and important role in the copyright framework, operating at the fulcrum of the copyright balance and we are recognised for this balanced view. Because of this, the Library has a valuable role to play in ensuring Britain's leading edge in the new digital world.
- We are recognised for speaking with an independent voice: in favour of access, but not unfettered access ignoring the rights of creators; working with DRMs, but not at the expense of existing statutory limitations; wishing to protect the rights of those who have created but not at the expense of those who wish to create.
- As a publisher in our own right, The British Library understands the opportunities and threats presented by digital to the publishing industries. As a legal deposit library we embody the nation's cultural and intellectual memory.
- We are facing up to the challenge of capturing and preserving the nation's creative output in a fast-moving digital world to ensure it is not lost for future generations. This is forming the nation's digital memory – for example we have signed an agreement with Microsoft to digitise and make free at the point of access on the web 25,000,000 pages of out of copyright material.
- We are living through exciting times but the traditional copyright framework is creaking under the strain. This is the challenge: to update our copyright framework and ensure that the balance required for a thriving creative economy and education sector is maintained in the digital age, to maintain a competitive advantage in a changing international environment.

The British Library's Perspective – technology, contract and law

- Primacy of contract over copyright law in the UK
- 28 out of 30 licences offered to the British Library were more restrictive than copyright law
- Remedies against technological measures (S296ze of the CDPA) ineffective and inappropriate
- Few practical recommendations in Gowers regarding DRMs
- Is copyright becoming less relevant as it is undermined by contract?
- Need to continue dialogue at government level based upon consideration of public policy, not just commerce or technology.