Balance in Copyright – The British Library Perspective

Lynne Brindley
Chief Executive
The British Library

9 March 2007
University of California, Berkeley
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

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

The World’s Knowledge
An uncertain world

Rewarding innovation

INTELLECTUAL PROPERTY

Advancing knowledge
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

2005

Apr 05: Labour Manifesto

Oct 05: The Adelphi Charter on Creativity, Innovation and Intellectual Property

2006

Nov 05: Parliamentary All Party Internet Group Enquiry into DRM

Feb 06: Gowers Review launched

Consultation process (BL IP Manifesto)

Nov 06: Institute of Public Policy Research Report

Dec 06: Gowers Review published

2007
“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

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

- 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

2005

Apr 05: Labour Manifesto

Oct 05: The Adelphi Charter on Creativity, Innovation and Intellectual Property

Nov 05: Parliamentary All Party Internet Group Enquiry into DRM

2006

Nov 06: Institute of Public Policy Research Report

Dec 05: Gowers Review launched

Dec 06: Gowers Review published

Consultation process (BL IP Manifesto)

2007
How the debate has developed in the UK

2005

- Apr 05: Labour Manifesto
- Oct 05: The Adelphi Charter on Creativity, Innovation and Intellectual Property

2006

- Nov 05: Parliamentary All Party Internet Group Enquiry into DRM
- Dec 05: Gowers Review launched
- Consultation process (BL IP Manifesto)

2007

- Dec 06: Gowers Review published
IPPR Digital Society and Media programme:

Public Innovation: Intellectual property in a digital age

www.ippr.org.uk/publicationsandreports
1. Digital is not different.
2. Fair Dealing
3. Archiving
4. Term of copyright
5. Orphan Works
6. Unpublished works
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 governemnet level based upon consideration of public policy, not just commerce or technology.