

Electronic Publishing: Intellectual Property Implications of Online Publishing and Digital Distribution

WIPO-FIP workshops:
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Digital IP – what have we got?

- Speed
- Access
- Bigger repertoire, wider choice
- Navigation tools
- Some links and bridges
- 'Free' information – e.g. Google

Digital IP – what's missing?

- Territoriality
- Context
- Cultural shift: poor public understanding of 'ownership' of copyright
- Lack of standards
- No agreed economic model (apart from FB&NP)
- Unresolved issues of identification and authentication

The moves for change

- Academic research, especially in STM arena
- Political agenda: freedom of information v. creators' rights (plus 'free trade')
- Access to information and education....as a *right*?
- Human rights issues: personal privacy v. rights of access
- Is copyright a mechanism to preserve scarcity....
- ...and make people pay premium rates for 'public' stuff?

Value chain issues

- Sources and uses of public research funds
- STM journals: author unpaid, even pays
- Transfer of copyright still the norm, but changes are afoot
- Is 'digital' really cheaper than paper/print?
- Scale of profit retention by publishers
(Gibson Select Committee, EU commission)

Open Access – some issues

- *Pro bono publico*: Creative Commons, Public Library of Science...
- Given that writers aren't paid, why is copyright still important?
- Will it make articles available more quickly?
- Is it to allow an evolutionary/developmental phase in research reporting?
- Is it to break the publisher's monopoly?

Open Access – some more issues

- Who – if anyone – has the right to make money from creative commons?
- How can we be sure which version is correct?
- Issues of preservation, conservation, and legal deposit
- Who owns ('has title to') the various versions?
Everyone?
- PubMedCentral may be a compromise: the 'right of first publication'

How commercial impetus is changing the landscape

- Google good. Google Library.....?
- Amazon: Search Inside – why buy another book?
- Wikipedia, Wiktionary: do sources matter any longer?
- Do accuracy and reliability still matter?
- Aren't issues of contemporaneity more important?
- Is the Oxford Dictionary (126 years) more 'blue-chip' (*better?*) than Wiktionary? Why?
- So, is 'brand' the new brand.....?

Obsolescence and platforms

- Anyone want to buy my video-disc player or my Rocket E-book reader?
- Blurring of primary and secondary rights – e.g. Rosetta
- Electronic rights are not subsidiary any longer
- Scanning: the perfect form of disguise
- I only want it for ‘personal use’: no ‘treating or dealing’

Some uncomfortable issues to consider....

- Who is going to fund the dissemination of rigorous and valuable research?
- Who will have title to (= own) valuable information created with someone else's money?
- We are in danger of losing some moral rights issues (*identity, integrity*)
- If creator's rights are less important than the free flow of information, why should creators bother to create?
- The role of the intermediary is being squeezed out and devalued
- Anyway, all knowledge and information will be in our little finger (nail) by 2015....

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