

Debate/Débat

TARJA KOSKINEN-OLSSON

I thank the three panelists for their excellent presentations. They have presented the positions of authors' societies and software and phonogram producers. Is there anybody in the room who wishes to take the floor on behalf of the publishing industry? Yes, I can see Carlo Lavizzari from IPA (International Publishers' Association). Carlo, you have the floor.

CARLO SCOLLO LAVIZZARI

Thank you, Tarja. For text-based industries, basically there are three important sub-markets. The first one is that of newspapers and periodical publishers, who have more followed the free or advertising-supported distribution models. The second market is that of professional and scientific publishers, where the digital revolution has strongly affected dissemination and new models have emerged similar to those we have heard from the panelists. The third one is the big substantial market of traditional, fiction publishers, where digital dissemination has not really taken off in a great way. There is intensive search for finding out what is the real consumer market and identifying who wants to read on what device and what would they like to pay for. The standardization process is on the way in that field through the discussions on MPEG 21 for identifiers and standards but, due to lack of real consumer demand and absence of profits, that market has not really taken off yet.

TARJA KOSKINEN-OLSSON

I thank you Carlo. We have heard how the publishing industry sees the issues at stake. Now, is there anybody who would like take the floor on behalf of the audiovisual sector? Yes, I can see the Italian colleague with a lot of experience in this field, Alessandra Silvestro. You have the floor.

ALESSANDRA SILVESTRO

Just a couple of remarks from the audiovisual side, as I can see the issues discussed here. I agree with everything that the speaker from CISAC was saying this morning. If I understood correctly, he said that the role of DRM is, first, to

guarantee fair remuneration for rightowners; second, to enable successful new business models; and, third, to preclude, prevent and eliminate infringements. I absolutely agree with this. I think that there is, however, one thing missing from that list. I think DRMs can also be useful in allowing for fair use to be fair. In other words, for making sure that fair use will be kept in a secure domain and that there are opportunities for fair use, thus proving that DRM is not about locking up works and preventing consumers from what they can do with works according to the various laws in Europe and elsewhere.

The other thing that I wanted to say is that, in the audiovisual sector, we have learnt that DRM solutions are developing in a piecemeal manner. In other words, there is no such a thing as a general architecture, one-fit-for-all DRM system. While there have been some projects in the past which have tried to take this general all encompassing approach (e.g., SDMI), they have failed.

It is through a piecemeal approach as a result of which – with the involvement of all relevant parties – we may manage to fill in all the gaps and make sure that works and sound recordings can travel securely between devices and among platforms. That is a very important aspect that needs to be solved.

I would also like to respond to Emery Simon on the private copying levy issue. I agree that levies can offer only rough justice. However, sometimes rough justice is better than no justice at all. I would agree completely that DRM solutions are the best way to make sure that rights holders who wish to use them are put in a position where they can control the uses of their works and objects of related rights and negotiate adequate remuneration. But we are not yet there; we are not yet in a position where all uses can be successfully licensed and authorized by rights holders. In this situation, levies still may be helpful; they should not be eliminated before the conditions for an appropriate and efficient application of DRM systems are safely guaranteed.

I am from Sicily; I am used to rough justice. I can tell you that it is better than no justice at all sometimes. But I hope the situation improves very soon, and we can achieve justice which will become less and less rough.

TARJA KOSKINEN-OLSSON

I thank you Alessandra for highlighting the audiovisual sector.

Ladies and gentlemen, we have been setting the scene for the further discussions. We have presented the different sources and dissemination methods from the viewpoint of authors, software industry, phonogram producers, publishers and the audiovisual sector.

I am going to close now this first working session of the Congress. I invite you to give a big applause to the panelists, and then we move to the second topic.