

Introduction

TARJA KOSKINEN-OLSSON

Kopioisto
Helsinki, Finland

We will start with the first panel in this ALAI 2003 Congress in Budapest on “Protection of Creators’ Rights in the Information Society”. I would like to thank the Hungarian Group of ALAI and Mihály Ficsor in person for giving me the great honor of being the Moderator of the first session.

The first topic is “Copying and dissemination through digital networks”. Copying and dissemination are copyright terms. It means how people are capable of enjoying the products of the creative mind. How can they enjoy the fruits of science, information and culture? From what sources do the different products and services come and what are the methods of dissemination? My excellent panelists will deal with this subject from technical and legal viewpoints. But also from the viewpoint of business because I think that this is a subject matter where business considerations are very important.

There are three main methods of dissemination outlined in the Congress material. The first one is free dissemination (*method 1*). As we know, this form of dissemination started in the university world. Everything used to be free on the internet. Newspapers joined them, and still, there are many newspapers which deliver all or some of their articles freely. This publishing is sometimes supported by advertisement revenue. The second way of dissemination identified in the program is controlled dissemination with technical protection measures and rights management information (*method 2*). You know that there are a lot of abbreviations, like TPM (technical protection measures), RMI (rights management information) and DRM (digital rights management), all of these offering the necessary means for controlled dissemination. The third form in which works and objects of related rights are disseminated is uncontrolled or uncontrollable dissemination (*method 3*). We all know services like Napster and other peer-to-peer file-sharing systems. In some countries and in some cases, the effects of the very voluminous private copying are compensated through the existence of so called levy-systems.

As far as sources and methods are concerned, we will touch upon this issue from the different sectors’ point of view. First of all we have the creators, who need to be there with their creations before there is anything on the market. However, the creators do not decide how the products of their creative minds are marketed. That decision is made by producers, publishers and content-

providers. They put the creations available through different dissemination channels.

As far as the text industry is concerned, that used be, at least within the scientific area, freely available on the net. Now, we have the advent of “e-books”, the controlled method. And so far, I think, the text has not suffered so badly from the private copying phenomena.

Software has been on the net for decades already. They do have all three dissemination methods.

Music is the same. If you think it from the record producers’ point of view, the controlled method is the way to do business. Nevertheless, we know the enormous amounts of uncontrollable copying of music. There are also creators and groups who put their material freely available on the net, for publicity reasons.

The same applies to the audiovisual sector. There are some audiovisual clips and other materials freely available on the net. The controlled method is the way to do the business, but the uncontrollable or private copying phenomena exist alongside.

These are the methods and the sources which can be illustrated in the following way showing where the emphasis in the business is:

Source	Method 1	Method 2	Method 3
Creators	[X]	[X]	[X]
Text	X	X	[X]
Software	X	X	[X]
Music	[X]	X	X
AV	[X]	X	X

We will have excellent panelists. We have from the creators’ world Eric Baptiste, Secretary General of CISAC, the world organization for collective management organizations. Software industry will be eminently represented by Emery Simon who is the Special Council of BSA (Business Software Alliance), with his roots in the US Government. Then we will have the record producers’ point of view very eminently represented by Maria Martin-Prat. She is the Director of Legal Policy within IFPI in London, with her roots in the European Commission. Since we do not have in the panel anyone from the publishing industry nor from the audiovisual sector, I would like to have somebody from those industries after the panel commenting on how the situation is with their field. Finally, after the panel, I invite all of you to take actively part in the discussion and make this Congress an enjoyable event. It all started being an enjoyable event last night, and now, Ladies and Gentlemen, it is up to you to make the rest of the Congress as enjoyable as the very beginning.

I now invite my first panelist, Eric Baptiste, to take the floor.