

Additional Comments from KnowledgeLand regarding our contribution to the consultation on the Post-i2010 priorities for new strategy for European information society.

October 9th 2009

These comments are submitted on behalf of KnowledgeLand, an Amsterdam based non-profit think-tank that strives to improve the conditions for the development of the knowledge society in the Netherlands (Register of interest representatives id: 78964012479-25). Over the past 10 years KnowledgeLand has been addressing various issues of the knowledge society among them the promotion of broadband internet access, the use of ICT for democratic participation and better governance, stimulation of social media projects and the creative industries, large scale cultural heritage digitization projects and copyright reform. Given this background we welcome the fact that many of these issues are covered in the consultation about the post i2010 priorities for the European information Society. Through the online questionnaire we have provided answers to those sections of the consultation that overlap with our areas of expertise as described above.

We are submitting these additional comments to provide some context for our response to the questionnaire (IPM reference number 868783142571128209). When it comes to developing a post 2010 strategy for the European information society we want to stress three principles that should be at the core of such a strategy: Empowering consumers/users, guaranteeing the open character of the internet and adapting copyright regulation to the realities of the 21st century. KnowledgeLand sees the future strategy in relation to the so-called fifth freedom, as decided by the Spring Council of 2008, which stated that Member states and the EU must remove barriers to the free movement of knowledge by creating a 'fifth freedom', to be added to the four original principles of free movement of persons, capital, services and goods in the European Union.



Empowering consumers/users

One of the most important characteristics of the recent developments of the information society has been that it has contributed to empower users/consumers. Today European citizens have access to unprecedented amounts of information and educational resources. This has empowered citizens both vis-à-vis governments and corporations and created many new opportunities for citizens to contribute to society through information technology.

A future strategy for the European Information Society must acknowledge that empowering users and consumers and nurturing emerging new structures in the fields of media and education is one of the key mechanisms for ensuring the continuation of this development. With regards to the issues raised in the consultation this means that the new strategy should foster the availability of public sector data and information, push for more transparency with regards to consumer rights and ensure that the privacy rights of citizens are adequately protected.

Furthermore, we want to stress the importance of the role of technology in relation to social innovation. Social innovation refers to new strategies, concepts, ideas and organizations that meet social needs of all kinds and that extend and strengthen civil society. Information and media technologies can greatly support this process as is most visible in the growth of social media, like Wikipedia and many citizen-based internet initiatives. Promoting this development, as Knowledgegeland has done in the Netherlands through its Digital Pioneers Programme, should be a key element of the future strategy. It should acknowledge social media as the third pillar of the Information Society next to public and commercial media. Also, social media offers many opportunities for not only social innovation but also economic and technological innovation. All three types of innovation are fundamental for a successful development of the European Information Society and the realisation of the goals of the Lisbon Agenda.

Guaranteeing the open character of the Internet

One of the central elements that have contributed to the growth of the information society is the Internet. At the heart of the design of the internet are principles like openness, standards, non-discrimination and network-neutrality. The open non-discriminatory nature of the internet ensures that the information society is open to innovation from a wide variety of actors regardless of their size, status or market position. Abandoning these design principles threatens to undermine the level playing ground that ensures that education institutions, cultural institutions, individual citizens enjoy the same access to the communication infrastructure as established market players and governments.

In addition to ensuring that these design principles are protected against short sighted attempts to abandon them in order to rescue outdated business models we also see a need to create a universal right of access to the internet in order to ensure that all European Citizens can fully participate in the information society.

Adapting copyright regulation to the realities of the 21st century

Finally we welcome the fact that the commission has decided include the current scope of copyright legislation in this consultation. Modernizing copyright is one of the main themes that Knowledgegeland is working on. Knowledgegeland is the Public project Lead of the Dutch Creative Commons project (www.creativecommons.org) and we are coordinating the work relating to copyright and business models in the 'Images for the future' consortium (www.beeldenvoordetoekomst.nl/en) that strives to digitize and make available the works contained in the Dutch audio visual archives such as the Public Broadcasting Agency and National Archive. In this large scale digitization project we encounter many of the issues that are addressed in this consultation: value is created by digitizing cultural artifacts only by developing and applying open business models that allow broad accessibility to both citizens and creative industries. Knowledgegeland also contributes to the development of Europeana and in addition Knowledgegeland has done extensive research on the role copyright regulation and open business models in the creative industries in the Netherlands.

From our perspective the current structure of copyright regulation is the single most important barrier to developing a richer and more viable European Information Society. The current structure of copyright legislation burdens citizens with restrictions that have never been intended for them and restrict their ability to fully embrace the opportunities offered by information technology. In the same way copyright is preventing cultural heritage organizations to offer their content online to Europe's Citizens and thus prevents many of them from access to our shared knowledge and culture that has been preserved through sizable investments of public funds.

Form our perspective it is time to examine which system of copyright protection is likely to serve the aims of rewarding creators at large, of ensuring investment in a wide variety of creative works, *and of enabling an empowering access to knowledge and culture*. In this light we specifically welcome the fact that the commission seems to explore the possibility of 'making copyright law more flexible as regards non-commercial uses' as one of the answers to question 6.2 suggests.

We believe that it is necessary to distinguish between commercial and non-commercial uses of copyrighted works in order to solve the current gridlock with regards to the role of copyright in the information society. Individual users as well as educational and cultural heritage institutions should be granted more rights when using, modifying, and distributing copyrighted works for non-commercial purposes. By allowing this, pressure

will be taken off and the legitimacy of the system can be restored. The information technology revolution of the last 15 years has given these classes of users the ability to interact with copyright protected works in an entirely new way and we think that it is time that copyright regulation does not restrain them from doing so anymore. Open access to information is not in contradiction with the development of sustainable business models that will ensure a fair compensation for creators as well as the development of profitable services. On the contrary, we believe that the open access to information is the most viable way to capitalize on the power of the internet.

We need a new balance in copyright regulation that is capable of maximizing the creative and educational potential of the European information society and that contributes to stimulating the development and creation of new and innovative services and technologies that are based on the use of copyrighted works.

These comments have been drafted by Paul Keller and Joeri van den Steenhoven. Correspondence regarding these comments should be directed to Paul Keller, pk@kl.nl.