**Workshop 2:** **Culture, Copyright and the Future of Access to Digital Content in Europe**

Subject

* Starting from the premise that being able to access, share and re-use cultural content is in the public interest, and that the current European copyright framework was not providing the best support, the workshop discussed what issues would need to be addressed in any reform of copyright in Europe

Obstacles

* Policy makers don’t seem to understand that copyright also refers to scientific and educational content, not just content produced by the entertainment industry. It was suggested that this situation does not favour the public interest
* It’s important to note that in many contexts what is regulating access to digital cultural content is not copyright but contracts - contracts are overriding copyright law and cultural and educational institutions are particularly affected.
  + It was noted that Portugal is one of the few countries in the EU that ensures that limitations & exceptions cannot be overridden by private contacts
* Complex licensing agreements, as well as a lack of information on who owns the rights to what, are therefore preventing access to and re-use of content
* Conditions for some activities – such as text and data mining – are better outside of Europe, leading some tech startups to relocate. It was suggested that if Europe wants to compete with the rest of the world we can’t just look at our system and say it works for us. Many SMEs are looking at starting elsewhere for legal reasons.
  + Many startups hire a lawyer before they hire an engineer. This is a demonstration of a broken system.
* DRM in eBooks – it was asked why publishers have learned nothing from the music industry’s experience?

Reform

* Address overriding of copyright by private contract
* Private copying – the issue of copyright exceptions for private copying needs to be addressed
* Better metadata about cultural content, including licensing details
* Still too few fresh legal offerings for paying for cultural content. We need more niche websites catering for niche interests
* In terms of illegal content, enforcement approaches should change to focus more on large-scale ‘ pirates’, and move away from non-commercial sharing
* More studies needed on the effects of technological innovation on creativity
* There was some support for the sorts of pay-what-you like models pioneered by Radiohead and available on Bandcamp. However, concerns were expressed that if we accepted a cultural economy based on ‘free’ then we would develop a winner-takes-all situation that suits big players such as Amazon and Apple more than European content creators
* Seemed to be an emerging consensus that all publicly funded content must be licensed under sharing license & made available through central repository(ies)

Conclusion

If we want to be pioneers we need to figure out how to create a copyright régime that encourages innovation, with clear boundaries between commercial and non-commercial use.