

DOWNLOAD PDF THE FUTURE OF THE PUBLIC DOMAIN: AN INTRODUCTION P. BERNT HUGENHOLTZ AND LUCIE GUIBAULT

Chapter 1 : Professor Brad Sherman - UQ Researchers

Table of Contents. The future of the public domain: an introduction / P. Bernt Hugenholtz and Lucie Guibault.

Creative Commons Japan Seminar, Tokyo CC some rights reserved A sign in a pub in Granada notifies customers that the music they are listening to is freely distributable under a Creative Commons license. Made with Creative Commons, a book describing the value of CC licenses. Creative Commons has been described as being at the forefront of the copyleft movement, which seeks to support the building of a richer public domain by providing an alternative to the automatic "all rights reserved" copyright, and has been dubbed "some rights reserved". Beyond that, Creative Commons has provided "institutional, practical and legal support for individuals and groups wishing to experiment and communicate with culture more freely. Lessig describes this as "a culture in which creators get to create only with the permission of the powerful, or of creators from the past. The major Korean portal sites, including Daum and Naver, have been participating in the use of Creative Commons licences. In January, the Creative Commons Korea Association was consequently founded as a non-profit incorporated association. Since then, CC Korea has been actively promoting the liberal and open culture of creation as well as leading the diffusion of Creative Commons in the country. Creative Commons Korea [22] Bassel Khartabil[edit] Bassel Khartabil was a Palestinian Syrian open source software developer and has served as project lead and public affiliate for Creative Commons Syria. Rather, the duration of copyright used to be limited to much shorter terms of years, and some works never gained protection because they did not follow the now-abandoned compulsory format. Creative Commons is only a service provider for standardized license text, not a party in any agreement. Abusive users can brand the copyrighted works of legitimate copyright holders with Creative Commons licenses and re-upload these works to the internet. No central database of Creative Commons works is controlling all licensed works and the responsibility of the Creative Commons system rests entirely with those using the licences. All copyright owners must individually defend their rights and no central database of copyrighted works or existing license agreements exists. The United States Copyright Office does keep a database of all works registered with it, but absence of registration does not imply absence of copyright. Although Creative Commons offers multiple licenses for different uses, some critics suggested that the licenses still do not address the differences among the media or among the various concerns that different authors have. Creative Commons provides a third option that allows authors to pick and choose which rights they want to control and which they want to grant to others. The multitude of licenses reflects the multitude of rights that can be passed on to subsequent creators. Works distributed under the Creative Commons Non-Commercial license are not compatible with many open-content sites, including Wikipedia, which explicitly allow and encourage some commercial uses. One of circuit judges Susan L. Carney argued in the court statement: Users licensing their images this way freed their work for use by any other entity, as long as the original creator was attributed credit, without any other compensation being required. In the lawsuit, which Mr. Wong is also a party to, there is an argument that Virgin did not honor all the terms of the nonrestrictive license.

DOWNLOAD PDF THE FUTURE OF THE PUBLIC DOMAIN: AN INTRODUCTION P. BERNT HUGENHOLTZ AND LUCIE GUIBAULT

Chapter 2 : Creative Commons | Penny's poetry pages Wiki | FANDOM powered by Wikia

to Hugenholtz and Lucie Guibault, the public domain is under pressure from the "commodification of information". P. Bernt Hugenholtz and Lucie Guibault, "The Future of the Public Domain: An Introduction", in *The Future of the Public Domain: Identifying the Commons in Information Law*, ed.

However, similar concepts were developed by British and French jurists in the eighteenth century. The French poet Alfred de Vigny equated the expiration of copyright with a work falling "into the sink hole of the public domain" [5] and if the public domain receives any attention from intellectual property lawyers it is still treated as little more than that which is left when intellectual property rights, such as copyright, patents, and trademarks, expire or are abandoned. However, the usage of the term public domain can be more granular, including for example uses of works in copyright permitted by copyright exceptions. Such a definition regards work in copyright as private property subject to fair use rights and limitation on ownership. The materials that compose our cultural heritage must be free for all to use no less than matter necessary for biological survival. Value of the public domain In attempting to map the public domain Pamela Samuelson has identified eight "values" that can arise from information and works in the public domain, [11] though not every idea or work that is in the public domain necessarily has a value. Building blocks for the creation of new knowledge, examples include data, facts, ideas, theories, and scientific principle. Promoting education, through the spread of information, ideas, and scientific principles. Enabling follow-on innovation, through for example expired patents and copyright. Enabling low cost access to information without the need to locate the owner or negotiate rights clearance and pay royalties, through for example expired copyrighted works or patents, and non-original data compilation. Promoting the democratic process and values, through news, laws, regulation, and judicial opinion. Enabling competitive imitation, through for example expired patents and copyright, or publicly disclosed technologies that do not qualify for patent protection. Public domain and derivative works Derivative works include translations, musical arrangements, and dramatizations of a work, as well as other forms of transformation or adaptation. The commodification of information is taking place through intellectual property law, contract law, as well as broadcasting and telecommunications law. Perpetual copyright Some works may never fully lapse into the public domain. *Barrie* has expired in the United Kingdom, it was granted a special exception under the Copyright, Designs, and Patents Act Schedule 6 [26] that requires royalties to be paid for performances within the UK, so long as Great Ormond Street Hospital to whom *Barrie* gave the rights continues to exist. Public domain in copyrightable works Works not covered by copyright law The underlying idea that is expressed or manifested in the creation of a work generally cannot be the subject of copyright law see idea-expression divide. Mathematical formulae will therefore generally form part of the public domain, to the extent that their expression in the form of software is not covered by copyright. Works created before the existence of copyright and patent laws also form part of the public domain. For example, the Bible and the inventions of Archimedes are in the public domain, but copyright may exist in translations or new formulations of these works. Expiration of copyright The expiration of a copyright is more complex than that of a patent. Historically the United States has specified terms of a number of years following creation or publication; this number has been increased several times. Most other countries specify terms of a number of years following the death of the last surviving creator; this number varies from one country to another 50 years and 70 years are the most common, and has also been increased in many of them. Legal traditions differ on whether a work in the public domain can have its copyright restored. Term extensions by the U. By contrast, a European Union directive harmonizing the term of copyright protection was applied retroactively, restoring and extending the terms of copyright on material previously in the public domain. Government work Works of the United States Government and various other governments are excluded from copyright law and may therefore be considered to be in the public domain in their respective countries. Thus, the building codes, when enacted, are in the public domain. Public domain in trademarks A trademark registration may remain in

DOWNLOAD PDF THE FUTURE OF THE PUBLIC DOMAIN: AN INTRODUCTION P. BERNT HUGENHOLTZ AND LUCIE GUIBAULT

force indefinitely, or expire without specific regard to its age. For a trademark registration to remain valid, the owner must continue to use it. In some circumstances, such as disuse, failure to assert trademark rights, or common usage by the public without regard for its intended use, it could become generic, and therefore part of the public domain. Because trademarks are registered with governments, some countries or trademark registries may recognize a mark, while others may have determined that it is generic and not allowable as a trademark in that registry. For example, the drug "acetylsalicylic acid" 2-acetoxybenzoic acid is better known as aspirin in the United States—a generic term. In Canada, however, "aspirin" is still a trademark of the German company Bayer. Bayer lost the trademark after World War I, when the mark was sold to an American firm. So many copy-cat products entered the marketplace during the war that it was deemed generic just three years later.

DOWNLOAD PDF THE FUTURE OF THE PUBLIC DOMAIN: AN INTRODUCTION P. BERNT HUGENHOLTZ AND LUCIE GUIBAULT

Chapter 3 : Helen Nissenbaum

In The Future of the Public Domain, edited by P. Bernt Hugenholtz and Lucie Guibault. An Introduction to Hinduism. Cambridge: Cambridge University Press, Fortun, Kim, and Mike Fortun.

Apr 23, , For far too many years, the public domain has either been invisible or been viewed in a negative way. By positively describing the contents of the public domain, it is possible to articulate normative reasons why the public domain is valuable to society. And by articulating the normative values of the public domain, it becomes possible to develop political strategies for protecting the public domain from undue incursions. It shows how US-centric terminology can be purged from the map so that the map can become useful in an emerging international conversation about the public domain. The essay discusses a second problem, namely, that the contents of the public domain vary from nation to nation. An accurate international meta-map of its contents may be difficult or impossible to design, and yet the essay suggests how the meta-map might be constructed. A third problem the essay considers is that there is no universally accepted definition of the term "public domain. The essay demonstrates several mappings to depict different definitions. Fourth, the boundaries of the public domain may shift over time, as laws and policies affecting its contours change. To be accurate, a map of the public domain will need to be redrawn every time a significant legal change occurs. Yet this is also true for maps generally, and is not an insurmountable obstacle. Fifth, there are numerous murky areas surrounding the public domain that a conscientious map-maker may find difficult to depict. The essay discusses the contents of these murky areas and why a public domain map ought to have a sector for murky areas. Sixth, the term "map" draws upon real property metaphors that are already too prevalent in intellectual property debates. If the goal is to enrich public policy debates about the public domain, perhaps reinforcing the "property" metaphor is unwise. Yet, the essay concludes that this objection does not outweigh benefits that may come from such a map. Seventh, the public domain map arguably distorts the size and centrality of the public domain and contiguous IPRs. And yet, maps, by their nature, distort the phenomena they depict in order to highlight aspects of the phenomena that might otherwise be obscured. The essay explains why, notwithstanding these reservations, I persist in believing that mapping the public domain is a worthy endeavor and something akin to the maps of the public domain provided in the essay are useful policy tools. If one aspires to preserve the public domain through an international treaty, to take one example, one will need a rich conception of this domain, and a map may be a useful tool in developing consensus about protecting the public domain through a treaty. Maps are also useful in articulating various values that different parts of the public domain serve and why preserving the public domain is in the public interest.

DOWNLOAD PDF THE FUTURE OF THE PUBLIC DOMAIN: AN INTRODUCTION P. BERNT HUGENHOLTZ AND LUCIE GUIBAULT

Chapter 4 : The future of the public domain (edition) | Open Library

THE FUTURE OF THE PUBLIC DOMAIN, P. Bernt Hugenholtz & Lucie Guibault, eds., Kluwer Law International, If you need immediate assistance, call SSRNHelp () in the United States, or +1 outside of the United States, AM to PM U.S. Eastern.

We are posting excerpts from our new coursebook Intellectual Property: Law and the Information Society which will be published in two weeks is out now! This is one from Chapter One, on the theories behind intellectual property: It offers the full text of the Federal Trademark, Copyright and Patent statutes including edits detailing the changes made by the America Invents Act. You can see it here in print , or download it for free, here. It is about lawyers and language. That is a shame, because it is masterful. When Macaulay warns that copyright maximalism will lead to a future of rampant illegality, as all happily violate a law that is presumed to have lost all moral legitimacy. At present the holder of copyright has the public feeling on his side. Those who invade copyright are regarded as knaves who take the bread out of the mouths of deserving men. Everybody is well pleased to see them restrained by the law, and compelled to refund their ill-gotten gains. No tradesman of good repute will have anything to do with such disgraceful transactions. Men very different from the present race of piratical booksellers will soon infringe this intolerable monopoly. Great masses of capital will be constantly employed in the violation of the law. The public seldom makes nice distinctions. The wholesome copyright which now exists will share in the disgrace and danger of the new copyright which you are about to create. The legal change he thought would do that? Extending copyright to the absurd length of life plus 50 years. It is now life plus The first was Victor Hugo: It will be available, in beta version, this Fall under a CC license, and freely downloadable in multiple formats of course. More about that later. While assembling the materials for a casebook, one gets to revisit the archives, reread the great writers. Today I was revisiting Victor Hugo. Hugo was a fabulous “inspiring, passionate” proponent of the rights of authors, and the connection of those rights to free expression and free ideas. Copyright Week is a week devoted to our relationship with our own culture. The relationship is on the rocks. Perfectly normal people are invited to those conferences to speak. Most of them are just as charming as can be! but then there are the special ones. Hold your heads up high. After this, purgatory should be a snap. The copyright in the speech is administered by EMI, with the consent of the King family. Thus the speech may not be freely played on video or reproduced and costlessly distributed across the nation “even today. It may disappear from your video library tomorrow. It has even been licensed to advertise commercial products, including cars and mobile phone plans. He was 26, a genius and my friend. Not a really good friend, but someone I had worked with off and on for 11 years, liked a lot, had laughed with frequently, occasionally shaken my head over and deeply admired. The short answer is: You can order a glossy, high quality copy of the book itself here from Createspace or here from Amazon. We tried to make it as beautiful as something Keith would create.

DOWNLOAD PDF THE FUTURE OF THE PUBLIC DOMAIN: AN INTRODUCTION P. BERNT HUGENHOLTZ AND LUCIE GUIBAULT

Chapter 5 : Creative Commons - Wikipedia

Shaping the Public Domain. M Birnhack. THE PUBLIC DOMAIN OF INFORMATION, P. Bernt Hugenholtz & Lucie Guibault, eds ,

Based on three years of work by some thirty-five researchers, *Media Piracy in Emerging Economies* tells two overarching stories: The report argues that these efforts have largely failed, and that the problem of piracy is better conceived as a failure of affordable access to media in legal markets. *The Cultural Significance of Free Software*. Lundstrom *Pirate culture and hacktivist mobilization: The cultural and social protocols of WikiLeaks on Twitter*, [http: University of Minnesota Press](http://University of Minnesota Press). *Anthropological Perspective on Social Media video boyd, danah Taken Out of Context: American Teen Sociality in Networked Publics*. *Definition, History, and Scholarship*. Retrieved September 15, , from [http: The History and Evolution of Social Media](http://The History and Evolution of Social Media). Retrieved September 25, , from [http: Disciplines of listening in social media. Journal of Computer-Mediated Communication, 12 4 , article 1](http://Disciplines of listening in social media. Journal of Computer-Mediated Communication, 12 4 , article 1). *Liminality and Communitas in Social Media: The Case of Twitter*. *The rise of social networking*. Retrieved September 28, , from [http: ITU is the leading United Nations agency for information and communication technology issues, and the global focal point for governments and the private sector in developing networks and services LH. Tweets as Electronic Word of Mouth. A critical investigation of Web 2. Users of the world, unite! The challenges and opportunities of Social Media. Business Horizons, 53 1 , We begin by describing the concept of Social Media, and discuss how it differs from related concepts such as Web 2. Between a rock and a cell phone: What Is Web 2. Retrieved Sept 15, , from http: Making the ordinary visible in microblogs. Personal and Ubiquitous Computing. Special issue on Social Interaction and Mundane Technologies journal article](http://ITU is the leading United Nations agency for information and communication technology issues, and the global focal point for governments and the private sector in developing networks and services LH. Tweets as Electronic Word of Mouth. A critical investigation of Web 2. Users of the world, unite! The challenges and opportunities of Social Media. Business Horizons, 53 1 , We begin by describing the concept of Social Media, and discuss how it differs from related concepts such as Web 2. Between a rock and a cell phone: What Is Web 2. Retrieved Sept 15, , from http: Making the ordinary visible in microblogs. Personal and Ubiquitous Computing. Special issue on Social Interaction and Mundane Technologies journal article).

DOWNLOAD PDF THE FUTURE OF THE PUBLIC DOMAIN: AN INTRODUCTION P. BERNT HUGENHOLTZ AND LUCIE GUIBAULT

Chapter 6 : The Digital Public Domain: Relevance and Regulation

Bernt Hugenholtz. Professor, Institute for Information Law, University of Amsterdam. *The Future of the Public Domain: Identifying the Commons in Information Law*. LMCR Guibault, L Guibault, PB Hugenholtz. blog.quintoapp.com

Paper download at <http://www.bernt-hugenholtz.nl>: What is in the public domain? Leonhard Dobusch Taken from: What areas of the Public Domain are most relevant in different fields? Identify fields using different types of public domain rights and works based upon secondary data Step 2: Societal Relevance Inherent relevance: Centralizing effect of strong IP protection because of rising information input costs Transformative usage practices depend on public domain privileges Leonhard Dobusch Economic Relevance Preliminary note: Aber vorher wurden eben Gewinne gemacht. They can and will follow him, few at first, then crowds. And again this readjustment process emerges, whose result has to be the elimination of profits, when the new mode of business has become part of the static economic cycle. But before, profit has been made. Innovation is cumulative and recombinant Empirical example: How have technological and regulatory changes of the public domain affected democratic dialogue? Cross-country comparisons, law and political science Public Domain and economic innovation: How are public domain materials and rights utilized in inter-organizational innovation practices? Comparative ethnographies of anti-innovation practices Part 3 Leonhard Dobusch Regulating the public domain Three regulatory dimensions Length of intellectual property protection influences the size of the public domain Territorial dimension: New fields of application for IPRs e. Regulating the public domain ctd. Two regulatory modes and arenas State regulation via international legislation: Depend on IPRs, e. How do different forms of public domain governance impact innovative processes? Longitudinal study of innovation practices under different forms of public domain governance Public Domain and regulation: What are the consequences of interactions between different types of public domain regulation over time? Comparing countries with differences in public domain regulation e. Kretschmer on copyright levies Thank you for the attention. Draft paper available online:

Chapter 7 : Lucie Guibault (Author of Open Content Licensing)

All current CC licenses (except the CC0 Public Domain Dedication tool) require attribution, which can be inconvenient for works based on multiple other works.[27] Critics feared that Creative Commons could erode The Future of the Public Domain (P. Bernt Hugenholtz and Lucie Guibault, eds.).

Chapter 8 : The Public Domain Manifesto

by Lucie Guibault and P. Bernt Hugenholtz. Lucie Guibault. Editor: P. Bernt Hugenholtz. Author: Lucie Guibault. Subject: Bolinas (Calif.).

Chapter 9 : Enriching Discourse on Public Domains

on Public Domains Pamela Samuelson *INTRODUCTION Is there one public domain, or Public Domain, in THE PUBLIC DOMAIN OF INFORMATION (P. Bernt Hugenholtz & Lucie Guibault realm, examining the constitutionalization of the public domain, and discussing future directions for.*