

Panel Discussion on Intellectual Property Rights in Cyberspace

Topic and questions

In Cyberworld everyone has access to any information. Anyone can send a message to anyone and to all. Changing and amending information of any form: text, sound, picture, photograph and video is equally simple and easy. Creation and exchange of information is faster every day. Information flows cannot be controlled.

Therefore, intellectual property rights and copyright are increasingly gaining in importance. Substantial questions are getting in focus.

Who needs copyright and why? Isn't the genuine interest of authors actually the wide spread exchange and usage of their creation? In that sense, is copyright useful or harmful both to the author and to the user, and to the community as well?

One way of looking at copyright is that for a job done once the author intends to receive financial benefit forever, without any further effort or investment. Despite the claims that in such a way all costs and expenses accumulated during the creation of work are compensated, which could not be otherwise, numerous examples of enormous profits from show business and software industry tell us this is not always true. Therefore, is copyright moral and ethical? Is it proper to demand money for not working?

What can actually be really protected with copyright? Is a «link» copyrightable? What part of photograph or graphics can be copyrighted? Is the creator of event, from which and information is generated, entitled to copyright? For example, can an «owner» of a sports record ask for the copyright on that data? Is this the area of copyright or publication rights?

Today it is operationally necessary to store legally acquired material in digital form on digital media or on the intranet. The user can then access it from anywhere and the access can be granted to members of the family or working team. Is this the act of publishing? Is it copyright violation?

New information and works are result of a creative process using existing information and works. How much of an existing work may be used or altered? For example, if we want to paraphrase a saying, are we allowed to and do we have to pay royalties to the original one?

Information in Internet are created, changed, multiplied and destroyed with tremendous speed. In just a few days information can have dozens of transformations and variations and «publications». Links to information, as well as information itself are created but also destroyed in moments. Human interventions impose imperfections and mistakes. Do such conditions allow monitoring of authorship and practical enforcement of copyright? What is copyright good for if it cannot be enforced?

Panelists

Panelists have been chosen to represent authors, professionals producing materials traditionally protected by copyright laws, with some experience in cyberspace publishing.

Lawyers involved in copyright issues in cyberspace have been invited, as well.

Miro Andric

His passion for diving and photography he has combined in his great love – underwater photography. Besides classical exhibitions, his photographs he has published on Internet as well, within the project “Croatian Underwater”.

It often happens that his photographs are used in commercial activities without author’s permission. He would allow free use for personal needs, but he disapproves partial use or modification of photographs.

As a minimum courtesy for free use of his artwork, he expects submission of a request form, but even that is rarely done.

He believes that publishing on Internet is useful for broadening promotion of his work and communication with his public, while financial benefit is still neglectable.

Since photography is his profession, i.e. “pays his bills”, copyright protection is crucial from his point of view.

Husein Hasanefendic

Composer of legendary Croatian rock band “Parni Valjak”. In honor of their 25th anniversary, the band is preparing a multimedia CD-ROM. They are already present on Internet. Mr. Hasanefendic also believes that clear rules and protection of copyright in Cyberspace are crucial for existence of professional artists.

Thus, for him there is no doubt whether to protect, but rather how to protect. In this view, he doesn’t see much danger from consumers, but rather from dealers of unlicensed material. He believes that in the future it might be even tolerable direct consuming of music from Internet, free of charge, but strongly opposes free transfer in any other media.

Dragomir Modrusan

Decades of attorney practice in the field of copyright, amended with participation in about a dozen of international conferences is available to the public through periodical public lectures and two books Mr. Modrusan coauthored.

He believes that Internet is not a space without any law, as it is often publicly believed. Most of traditional laws can and are applied to Internet, as well.

Of course, this new world has some specifics. Thus “links”, pointers to other people’s information do not represent copyright violation, while copying the content to another computer does.

A copy on the intranet for personal usage or scientific research is legal and such document can legally be shared with a family or a project team.

Also, despite disputes in the last years, proxy servers and caching technology are no longer considered to be copyright violation.

Dobrica Pavlinusic

Vice chairman of Croatian Linux Users Group (HULK) and active member of HrOpen in the field of "Open Source" philosophy, presented a number of public lectures and actively represents the idea of free software and open source.

The basic idea is based on the understanding that it is very difficult to protect executable code and it is even more difficult to detect and prosecute violators. Therefore the financial benefit should be sought with something that cannot be copied: creative ability of the author.

It is believed that free access to open code and free usage of quality executables will enlarge the demand for quality software specialists whose work will be adequately paid.

Kresimir Rogina

An architect with internationally recognized results and success, believes that Cyberworld is a new world with its own laws and rules which are, in many instances, quite different than those in material world. He believes we are talking about completely new nature upon which copyright has no sense.

He gladly and often uses Internet to publish his work and is happy when someone else uses them as basis for their own work. He believes that this is the best proof of the quality of his work.

However, in the cases of distorted and unfit usage and presentation of his work, he reacts forcefully trying to protect the original idea and expression.

Mr. Rogina expects that better understanding of Cyberworld as well better awareness of joint and common points between two worlds will bear and grow new art and our understanding of new rules and authorship, by itself.

Jasna Sonc

Arriving from the international conference of young attorneys with the topic of copyright in e-commerce, Ms. Sonc is relaying the main message saying that engineers and lawyers jointly have to protect copyright from both moral and material aspect.

The fight against international pirates is crucial and it requires adjustment and alignment of multitude of national legislatures.

Drazen Tomic

Editor of the web version of the biggest Croatian daily news, believes that web version actually sales more newspaper in the paper version, especially internationally.

He believes that cross-referencing and cross-linking original information in various services like specialized, thematic digests or personalized services, is not a copyright violation if they are consisted of links, rather than copies of original texts.

Simultaneously, the selection of information, additional comments and accessories are intellectual property and should be protected.

Conclusion

There can be no definite and firm conclusion for such a basic and dynamic topic, which is in the crossfire of numerous experts worldwide.

However, basic ideas and positions on some of key elements of copyright in cyberspace can be drawn. Participants in this panel have been united in the position that copyright in moral sense is non-disputable. It is necessary and favorable to converge to international set of rules and regulation agreeing and confirming this topic.

In respect to material, financial protection, the opinions are numerous, various and sometimes opposing. Professional authors believe their work should be protected as much as possible. In the same time, other authors believe that, although virtual, cyberspace is a world with it's own rules and laws which make literal copying of copyright regulation from physical world unsuitable.