

Q: what should be the role of copyright in promoting the dissemination of academic publishing?

in the context of academic publishing, even when you get no direct financial benefits (royalties)

you can get indirect financial benefits (because our career depends on it)

nothing requires exclusive rights, in order to make the process work

you can imagine a system where the social contract works differently: you're paid to do research

as an academic, so in return to that money, you'll make the work freely available (which is

okay, cause i'm not being paid anyways for these works)

= idea behind Open Access: we can set up the system differently, and give bigger benefits to society (at least in the case of academic writings -- maybe will not work like that in the context of entertainment).

Q: we should change the copyright regime so as to withdraw copyright protection for academic writings, in the same way Congress is considering to change the patent law. But why do we need to change the law, why don't we just collectively give up our rights, so we don't need to go through the difficulties of modifying the law ?

if there were only 2 stakeholders involved: academics & ppl financing the academics, then that's how we would do it. but there are other stakeholders: e.g. publishers -- whose brand is really important to the authors; and that makes it hard for authors to break the system.

cf. OpenAccess: authors or sponsors must now pay for open-access

Q: lawyers urge author to secure strong IP protection for their innovation and to enforce them. but it's not always a good idea, can you give a few examples of circumstances in which the conventional perspective of most people is wrong-headed ?

in general, most biz ppl think of the value of IP and copyright in particular, as the ability to exert

mkt price, so you raise price so few ppl buy, but you argue that without these financial

incentives, then you'd have no product at all. if ppl want to get the most out of their IP, is it

always a good idea to exert market power. cf. industry with network effect (where products

become more valuable, the more ppl use them) -- e.g. social networks: the more ppl the better,

if the success of biz depends on mass adoption, exercising mkt power to keep prices high, is

then a bad idea. most recent example is the near bankruptcy of Apple from the PC space: they

had great product, sizeable technological advantage, but why didn't it not become the standard?

because they kept price too high, so the audience remained small.. so it made little sense for sw

producer to make apple sw = the firm almost failed because of too high prices. cf. Xbox, if they

had kept prices too high, probably not a good idea because would have really few games

because the size of the audience is small.

Q: Apple is no longer bankrupt, they're doing pretty well. what's the relationship between apple success nowadays ?

product quality (ipod, ipad) but in the early days, the good product alone was not enough, you

needed something else. so what was that made apple famous in the market for mp3 players?

in this case, weakening copyright was a direct benefit for apple as a firm, as the price of content

drops to 0, apple can charge a higher price for another product (mp3 player). some

counter-intuitive story relatively to what ppl usually think about copyright right. lack of protection helped Apple a great extent.

Q: The combination of the inability of the legal system to accomodate the increasing frequency of unauthorized sound recordings, plus the strategic approach of e.g. Apple to keep prices of what they sell low, encouraging people to infringe copyright, has created a disaster for a section of the music industry (recording industries), now have half revenues from what they had in 1999. From a musician perspective, eg. young talented composer/performer comes to you (Chris Bavitz), is it possible to create a career or ?

Chris Bavitz: it is possible to create a career as a professional musician, must add to the mix of things described, we had an industry that is similar to today's issue, that pop'ed up in this place building business in tiny places, e.g. subdividing rights into composition/performance/recording/etc.. the right to make a cover, the ability to sell merchandising, et.c each stakeholder was looking in maximizing its own profits.. record label try to reduce rates, record companies/publishers are often parts of the same company, under an umbrella organisation even if they have competing interestes.

Today, there is opportunities for artists to make a career, can still work with traditional companies willing to make a deal with them, as an investment, in exchange of taking % of profits to whatever the artists do. It is more a question of biz model, than copyright law.

Q: are you suggesting that there are just as many, maybe even better opportunities for artists ?

just are not 'just fine'. now you get 360 deals, instead of parcelising the rights. + there are new opportunities for artists to go on their own, to manage themselves function originally dealt with thorough publishers. no longer exclusive deal, now you can put your recording online yourself, but still question as to how you can market that. the artist has opportunities to merchandising, new biz opportunities to work as a freelance.

cf. today, considering information overflow, it is no longer the public that is struggling to get content, but rather the content that is struggling to find a public. and so we have infomediaries that select good quality content (and content is increasingly select virally, by the Internet communities). so in this sense, hasn't copyright become a limitation for some artists, because if their works are not freely available on the Internet, they will get less visibility on these infomediaries?

Archived works that aren't being shared with the public are not gaining in value, they are declining. Sharing adds value. We have a system in Curarium which provides inventory systems for describing collections, adding provenance information, classify by media type. Similar to a digital card cat that a library might have. These are usually inward facing; Curarium lets you ingest this internal-facing metadata, and turn them outward (including thumbnails and other documentation) to make them usable to communities of interpreters, researchers, reusers.

For instance: letting people run data viz tools to see features in the sea of data that the institution itself can't see / hasn't seen. E.g. 85% of Smithsonian data has been in deep storage for the entirety of their history; they've never been looked at by any users.

For instance: allow large-data views of data and culture that hasn't been seen by anyone before, because scale.

Q: few years ago, giving talk in ukraine? and a curator explained teh institution is investing lots of money to bring the collection to light: involve organisinig, classifiynig, adding meatdata, preserving.. Terry urged her, to mak eit available to the world. she refused for 2 reasons: 1. we dont have any money, unless we can charge ppl for access, we'll never do it again. 2. we worked hard on this, we deserve something. what would you say to her ?

I would make the argument that she's concerned with an institutionally sustainable model, getting collection in circulation is the best way to bring ppl to the institution. it used to be that the visit to a cultural institution is the only source of revenue, but today we have otehr means to explore the collection both before (online) and after (by re-engaging with it). more fulid model. culture is about copying, always based on imitation and copying. copyright comes very late in the history. outliers in the way culutre works.

"Culture is about copying! ;) " (quote: Jeffrey Schnapp @ Metalab -)

Q: copyright is a recent development, in the history of social treatment of culture and education) ?! -- how can you have culture without copyright ?

copyright & imitation are always been teh foundation stones for how ppl create, or distribute art. copying is what guaranteed teh survival of a cultural form.

if you have no copies, then copyright would disappear.

"copy is good" ;)

"copying" comes from the word "copia", copiousness: that was considered a good thing. It was a way of preventing the true fear: disappearance. It was intended to be part of a sequence of acts of imitation. It would have seemed very strange for Petrarch or Bocaccio to think of a copyist as a threat to reputation: they would have wanted fidelous copies, but the more copies the better. Leading into renaissance and baroque periods, publishers operated very freely wrt authors. authors dont always have control over printing practices. musicians have almost no sense of property: musical traditions are all about imitation and copying, forms of reperformance and remixing. In that regime, authors often lost out; especially after industrializiation of printing and reproduction. people would turn out lots of bad editions... without benefiting authors. protections were set up to limit some of that.

Working on the late 19th century, in literature and art, is amazing. you can ask all sorts of innovative, different, large data questions: different from what you cuold ask only 15 years ago. but this luck runs out in 192[3]. these changes produce perverse effects in the cultural field.

Online Q:

One might say that academia has a specially lawless? approach to copyright or patent rights. for instance, many science labs make use of patented tools without compensating anyone. similarly, university profesors often include copyritghted materials in classes without any such compensation. Ridiculous?

At the same time, some universities claim copyright over the work of their students and academic staff. So is this environment pro- or anti-copyright? cf. Prince George's school. Stu S: we can say 'shame on them' for creating a contract agreement with students, or enforcing a 'work for hire' clause, to claim © on these works. But that's different from [exemptions for uses in classrooms]

Q: why shouldn't universities hold copyright in journals themselves? As with Law Journals?

A: universities may not be good at this. It's enough for the unis to pay for the necessary infra but allow anyone to handle the publishing, promotion, review, &c.

Q: A federal judiciary comes to you asking for advice on whether or not to pass legislation limiting the model that Aireo is using to streamline getting broadcast signals to home users. What do you say?

A: We have to decide whether or not we need to further subsidize production, whether we need more of ths or less. At the end of the day, we need to analyze whether the change with significantly affect the content that is being produced, and the types of programming that can be funded as a result.