

Press Release

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Berlin Declaration on Collectively Managed Online Rights: Compensation without Control

Copyright Scholars and Activists Suggest Content Flatrate to Solve Filesharing

Berlin, 21 June 2004

In a joint statement, international copyright scholars, practitioners and civil society activists urge the European Commission to consider a novel approach to compensating authors for the online use of their works. In the „Berlin Declaration on Collectively Managed Online Rights: Compensation without Control,“ [1] they call Digital Rights Management (DRM) technology and mass-prosecution of filesharers strategies that are not acceptable to an open and equitable society. They warn in particular against DRM systems that industries have developed and lawmakers have protected single-mindedly over the last decade. Not only have DRMs not fulfilled the expectations held of them, they also cause grave concern for privacy, education, competition, research and innovation, and new forms of participatory culture.

Instead, the „Berlin Declaration“ calls for an indirect compensation that has been time-tested for private copying since decades. Users would pay a flatrate for the right to share, and the online collecting society would pay authors and publishers according to the measured use of their works. Lawrence Lessig, Professor of Law at Stanford Law School, founder of the Creative Commons project, and one of the signatories of the „Berlin Declaration“, calls this approach „Compensation without Control.“

The Declaration which was drafted at a conference on the Future of the Digital Commons [2] last week, was today submitted to the European Commission consultation on collective rights management. [3] The signatories encourage the Commission in its efforts to make collecting societies more democratic, transparent and flexible. Says Lessig: „Collective rights societies aim to benefit their authors. Giving authors a wider range of freedom in the digital age would enable them to better exploit their work.“

The initiative announced that starting in a few days, signatures for the Declaration will be collected Europe-wide [4] until the draft of the EU Directive on collective rights management is issued. Dr. Volker Grassmuck, media researcher at Humboldt University Berlin and one of the initiators of the Declaration: „The digital revolution holds great potential for culture and new ways of working together, as free software, wikipedia, and millions of works licensed under Creative Commons show. Copyright law is the main form of public regulation of that potential. It should be shaped in the public interest. The Declaration allows European citizens to tell their lawmakers that they want change.“

Also today, a German civil society coalition issued a statement to the German government, likewise urging it to re-consider DRM and to pave the way for a flatrate for the Internet. [5] It also encourages the Berlin lawmakers in its second round of copyright reform to re-affirm and make enforceable the digital private copying limitation. Forum Informatikerinnen für

nützen. Urhebern im digitalen Zeitalter eine größere Wahlfreiheit zu geben, würde sie besser in die Lage versetzen, ihre Werke zu verwerten.“

Die Initiative kündigte an, dass in kürze europaweit Unterschriften für die Erklärung gesammelt werden [4], bis der für Herbst erwartete Entwurf der EU Richtlinie zur kollektiven Rechteverwaltung vorliegt. Dr. Volker Grassmuck, Medienforscher an der Humboldt-Universität zu Berlin und einer der Initiatoren der Erklärung, sagte dazu: „Die digitale Revolution enthält ein großes Potential für die Kultur und die Art, wie wir zusammen arbeiten. Die Freie Software, Wikipedia und Millionen von Werken, die unter Creative Commons lizenziert sind, zeigen das. Urheberrecht ist die Hauptform der öffentlichen Regulierung dieses Potentials. Sie sollte im öffentlichen Interessen erfolgen. Die Erklärung ermöglicht es europäischen Bürgern, ihren Abgeordneten zu sagen, dass sie einen Wandel wollen.“

Ebenfalls heute legte eine Koalition der deutschen Zivilgesellschaft der Bundesregierung eine Stellungnahme vor, in der sie sie gleichermassen auffordern, DRM zu überdenken und den Weg für eine Flatrate im Internet zu ebenen. [5] Weiterhin ermutigen die NGOs die Berliner Gesetzgeber, beim Zweiten Korb der Urheberrechtsreform die digitale Privatkopieschranke zu bestätigen und durchsetzungsstark zu machen. Das Forum Informatikerinnen für Frieden und gesellschaftliche Verantwortung e.V.(FIfF), das Netzwerk Neue Medien, der Chaos Computer Club, FoeBuD e.V., die Attac AG Wissensallmende und freier Informationsfluss und privatkopie.net gehören zu den Initiativen für digitale Bürgerrechte, die die Stellungnahme unterstützen.

„Berlin Declaration on Collectively Managed Online Rights: Compensation without Control“
Zu den Erstunterzeichnern gehören //// First signatories include:

* Prof. Dr. William Fisher, Professor of Intellectual Property Law, Harvard University & Director, Berkman Center for Internet and Society, Boston

* Prof. Dr. Wolfgang Sander-Beuermann, Project Lead, Search Engine Lab, Regional Computing Center for Lower Saxony, University of Hannover

* Prof. Dr. Hans-Jörg Kreowski, University Bremen and Chairman of Forum InformatikerInnen für Frieden und gesellschaftliche Verantwortung (FIfF)

* Prof. Dr. Martin Kretschmer, Director (joint), Centre for Intellectual Property Policy & Management & Professor of Information Jurisprudence, Institute of Business & Law, Bournemouth University

* Dr. Felix Stalder, Lecturer in Media Economy, Academy of Art and Design, Zurich & co-founder, Openflows.org, Vienna

* Dr. Mindaugas Kiskis, Dept. of Legal Informatics, Law University of Lithuania, Vilnius, Lithuania

* Michael Grob, Film Director, CH7 & Technical Software Consultant, Bern

- * Andreas Lange, Director Spielmuseum & Digital Game Archive, Berlin
- * Judith van Erve, Public Affairs, XS4ALL, Amsterdam
- * Veni Markovski, Chairman of the Board, Internet Society Bulgaria (ISOC) & Bulgarian Country Coordinator for the Global Internet Policy Initiative (GIPI), Sofia
- * Dr. Ian Brown, Director, Foundation for Information Policy Research (FIPR), London
- * Matthias Geiser, Member of the Board, Swiss Internet User Group (SIUG)
- * Slobodan Markovic, Centre for Internet Development & Internodium, Belgrade
- * Ville Oksanen, Chairman, Electronic Frontier Finland, Helsinki
- * André Rebentisch, Media Spokesperson, Forum for a Free Information Infrastructure (FFII), Munich
- * Sjoera Nas, Bits of Freedom, Amsterdam
- * Markus Bechedahl, Chairman, Netzwerk Neue Medien, Berlin

[1] Berlin Declaration on Collectively Managed Online Rights: Compensation without Control

<http://wizards-of-os.org/index.php?id=931>

<http://wizards-of-os.org/fileadmin/2004-WOS3/text/BerlinDeclaration-ACS.pdf>

<http://wizards-of-os.org/fileadmin/2004-WOS3/text/BerlinDeclaration-ACS.rtf>

[2] Wizards of OS 3. The Future of the Digital Commons, Berliner Congress Center, 10-12 June 2004

<http://wizards-of-os.org/>

[3] European Commission consultation on collective rights management

http://europa.eu.int/comm/internal_market/copyright/management/management_en.htm

[4] Watch <http://www.contentflatrate.org/>

[5] Kompensation ohne Kontrolle. Stellungnahme zum Zweiten Korb der Novellierung des Urheberrechtsgesetzes an Bundesjustizministerin Brigitte Zypries, Berlin, den 21. Juni 2004
<http://privatkopie.net/files/Stellungnahme-ACS.pdf>