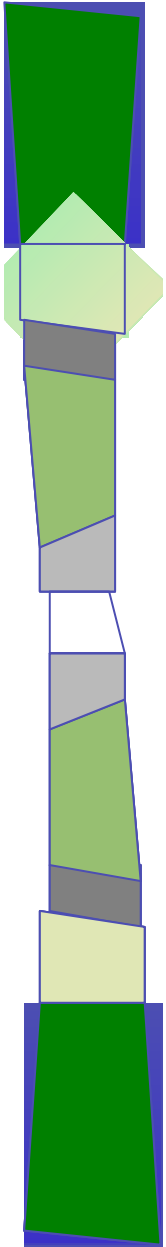
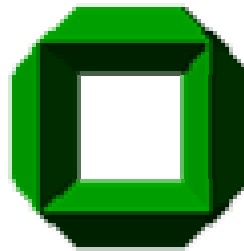


ICSU/UNESCO/CODATA/ICSTI
Open Access and the Public Domain
in Digital Data and Information for Science

Overview of legal aspects in the EU

Prof. Dr. Thomas Dreier, M.C.J.

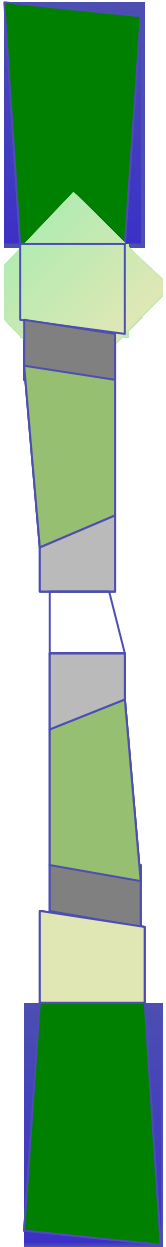
Institute for Information Law
University of Karlsruhe



Overview

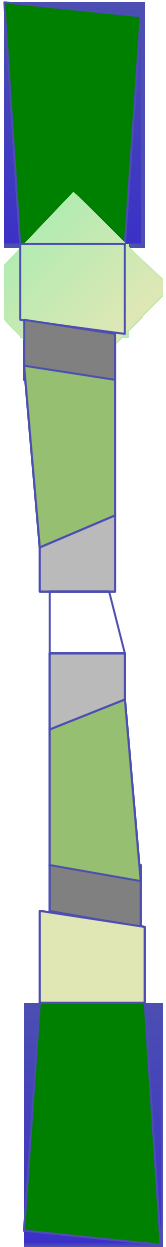
- Copyright and free access: friends or foes ?
- Securing or blocking access by TPM and DRM?
- EU: The legal framework
- Concluding Remarks

Copyright and free access: friends or foes?



- Fundamentals of copyright:
 - Exclusive rights granted to create non-public goods
 - Control to secure economic reward, not to exclude
 - The problem: sole source products and control strategies
 - Free access and accessibility:
 - „free“ not in free beer
 - But what price makes information inaccessible?
-

Securing or blocking access by TPM and DRM ?



- Initially: „The answer to the machine is in the machine“
- Future: basis for product diversification and price discrimination
- Problem: effective legal anticircumvention protection
- Effects of „lock-in“

EU: The legal framework

- Harmonising strategies
- Directives enacted:
 - 96/9/EC: Databases
 - 98/84/EC: Access-control
 - 2000/31/EC: E-commerce
 - 2001/29/EC: Copyright in the Information Society
- Directives upcoming:
 - Enforcement

Concluding Remarks

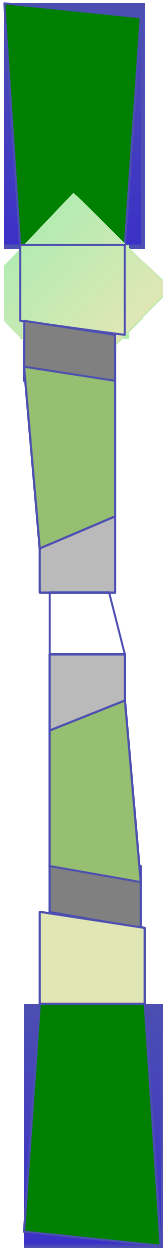
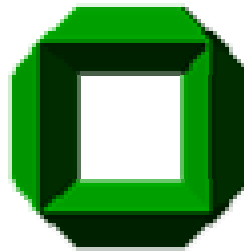
- Copyright is not necessarily hostile to open access
- It can be used to secure and to block accessibility
- The same applies to TPM and DRM
- Problems result both from too broad legal protection and from economic concerns of global players

ICSU/UNESCO/CODATA/ICSTI
Open Access and the Public Domain
in Digital Data and Information for Science

Overview of legal aspects in the EU

Prof. Dr. Thomas Dreier, M.C.J.

Institute for Information Law
University of Karlsruhe



ICSU/UNESCO/CODATA/ICSTI
Open Access and the Public Domain
in Digital Data and Information for Science

Overview of legal aspects in the EU

Prof. Dr. Thomas Dreier, M.C.J.

Institute for Information Law
University of Karlsruhe

