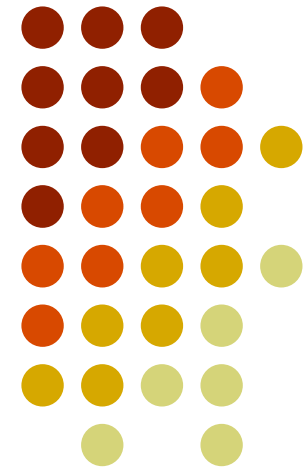


Lecture 2: Content creation

Hannu Nieminen
Department of Communication
University of Helsinki
11 March 2008





- Link to the course page:
- <http://blogs.helsinki.fi/emcp2008/>
- **Methods of working:**
- - lectures and discussion
 - course assignments (questions), based on e-articles
 - coursework (an essay)
 - participation required at least to seven sessions



- 1. The course assignments (questions):
 - there will be 7 questions, of whom at least to 6 must be answered (by the BSCW)
 - the answers are supposed to be sent (downloaded in the BSCW) before the next lecture; the ultimate deadline is by the 9th of May)
 - the literature (articles or documents) are meant to be used to support the answer, not necessarily to be read in full
 - the length of an answer: about $\frac{1}{2}$ to 1 page ($1\frac{1}{2}$ spacing)



- 2. The course work (essay)
 - topics will be given on Tuesday, 18 March
 - there will be four alternative topics from which a student chooses one
 - the length of the essay: 6 pages with 1½ spacing
 - use relevant literature



Lecture 2: structure

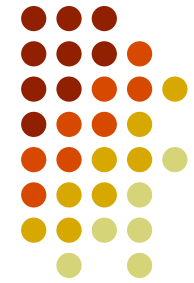
- Three perspectives to media and communication policies
- Excursion: citizens' communication rights
- Content creation: copyright law

1. Three perspectives to media and communication policies

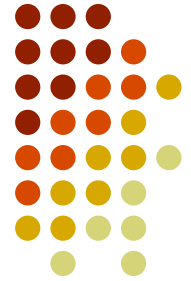


- Competition policy: market regulation
- Cultural policy: European culture cs. Commercialism
- Democratic policy: citizens' communication rights

Competition policy: market regulation



- Extreme case: EU as a "night-watchman state" – ex post regulation
- Regulation is needed only to correct market failures
- In media and communication policies: highly critical to
 - PSB, internet regulation, content regulation, public subsidies
- What is possible:
 - Ownership regulation (anti-monopolistic)
 - Telecommunication regulation (fair competition)



- In EU, ex post regulation is represented e.g. by:
 - European Single Act
 - Electronic Commerce Directive (2000)
 - iEurope 2010 (2006)
- Among EU institutions, especially
 - European Court of Justice

Cultural policy: European culture vs. commercialism



- Public interest vs. private interests
- Especially in culture and education, including the media
- The tasks of European media and communication policy:
 - To support European culture and identity
 - To protect it from commercial and political influences
- Some key issues:
 - PSB, Media-programme, media pluralism, FP7 etc.

Democratic policy: citizens' communication rights



- Critique: both previous perspectives are top-down models of policies
- Today: growing tension between the elite-projects of Europe vs. democratic legitimacy of EU
- Increasing signs of discontent: referenda, opinion polls, EP elections
- Attempts by EC: Charter of Fundamental Rights; subsidiarity; EC pr- and communication policy; etc.
- The third perspective: rights-based approach, based on the Charter



Communication rights

- Basic documents:
 - Charter of Fundamental Rights of the European Union (2004),
 - European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
- Four sets of rights:
 - Access,
 - Availability
 - Competence, and
 - Dialogicality

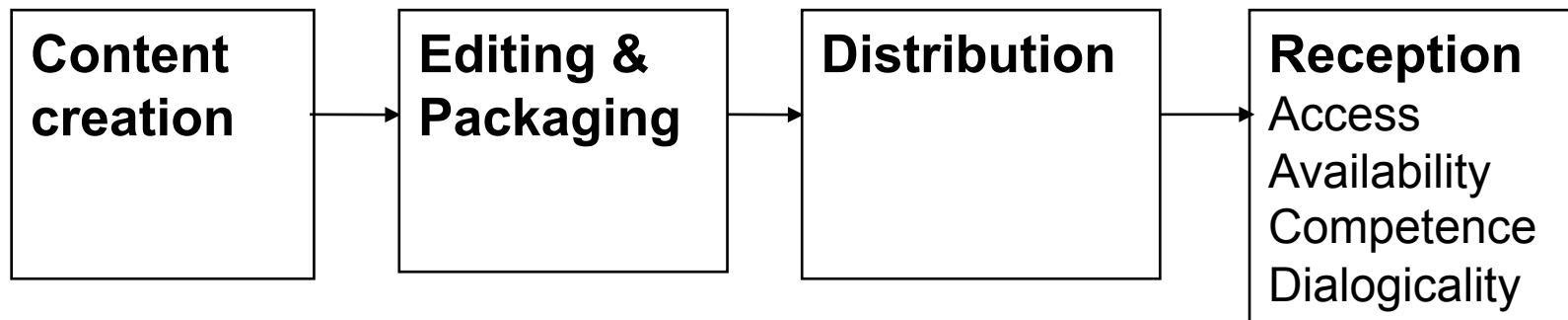


- **Right to access:** citizens should have an equal access to information, orientation and other contents serving their rights; (PSB)
- **Right to availability:** relevant and high quality contents (of information, orientation and other) should be equally available for citizens; (USO)
- **Right to competence:** all citizens should own the skills and abilities to use the means and information available according to their own needs and desires; (Media literacy, media education)
- **Right to dialogicality:** open public spaces should be available allowing citizens to publicly share information, experiences, views, and opinions on common matters. (PSB, Good governance)

Communication rights in practice

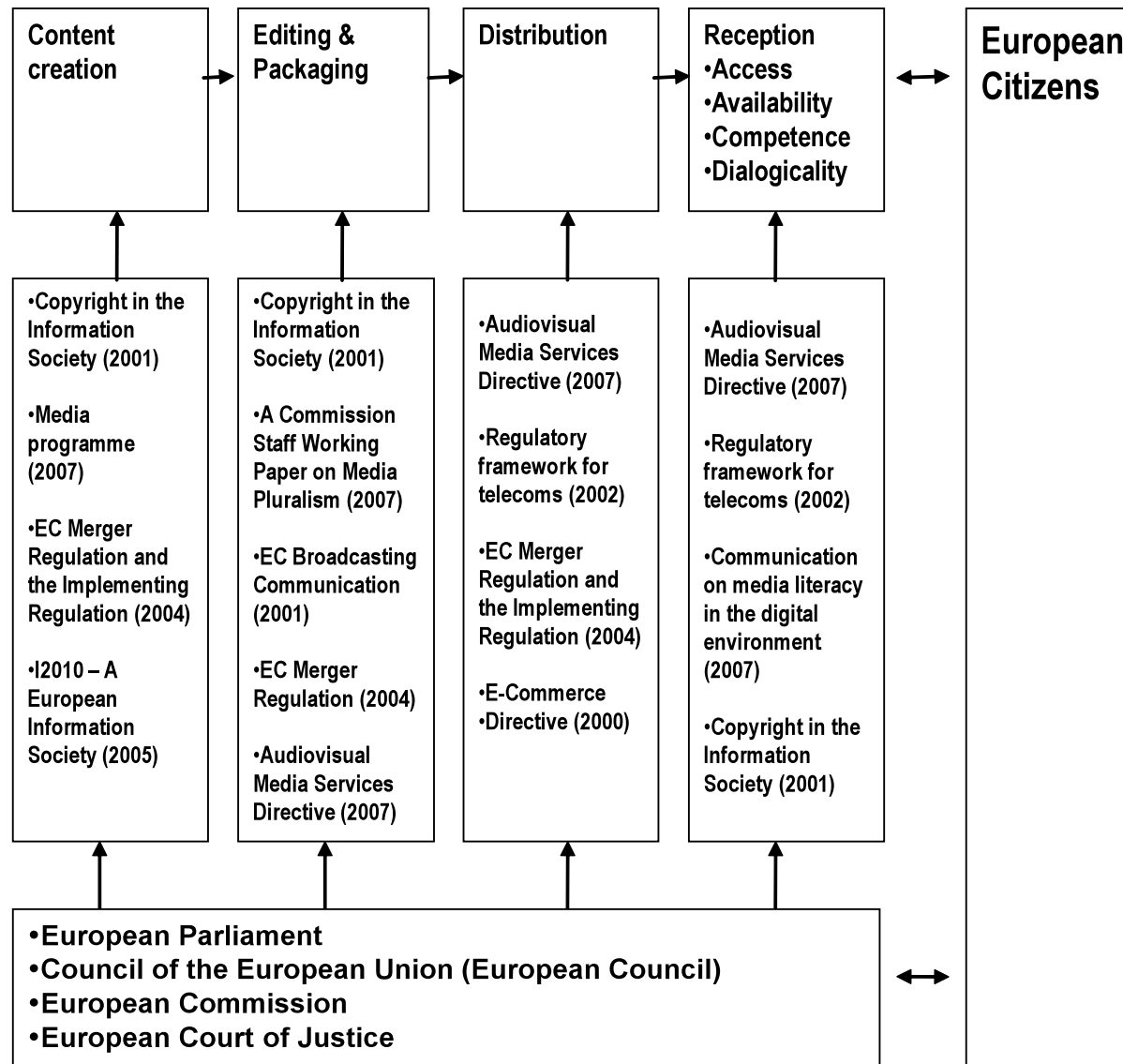


- Back to the value chain model of media production:





- In each phase of the value chain, decisions are made that affect citizens' communication rights.
- E.g. in the phase of content creation, decisions concern what are relevant subjects for public observation, what are not.
- In the editing phase, decisions are made on how the issues are weighed and framed.
- In the distribution phase, decisions are made concerning the potential audience, etc.



CRT and content creation: example



- 1. What instruments are applied:
 - Copyright in the Information Society (2001)
 - EC Merger Regulation and the Implementing Regulation (2004)
 - Communication: i2010 – A European Information Society for growth and employment (2005)
 - Media programme (2007)
 - ...



- 2. How do these instruments pass the CRT?
- Analysis of each instrument separately
- "Copyright in the Information Society" (2001):
 - 1) Access:
 - Q: Does it address citizens access; if it does, how?
 - A: It stipulates conditions, such as Digital Rights Management etc.



2) Availability:

- Q: Does the instrument concern the availability of contents? If, how?
- A: Concerns directly the conditions of availability

3) Competence:

- Q: Does the instrument concern citizens' communication competence? If, how?
- A: Concerns the skills and knowledge required

4) Dialogicality:

- Q: Does the instrument concern the dialogicality of communication? If, how?
- A: Not really – vs. initiatives such as Creative Commons



Content creation: copyright

- Copyright developed in three levels:
 - National regulation: UK, France, USA
 - International regulation: Berne Convention (1886); today, WIPO, WTO/TRIPS
 - EU legal framework

EU legal framework on copyright



- Nine directives – until today:
 - Enforcement
 - Resale Right
 - Copyright in the Information Society
 - Protection of Databases
 - Term of Protection
 - Satellite and Cable
 - Rental and Lending right
 - Protection of Computer Programs
 - Protection of semiconductor topographies

General issues on copyright



- Why copyright is important for EU:
 - Copyright industry employed 5,2 mill in 2000
 - Its total gross value added was 5,3 % of the total value added for 15 EU Member States
 - Copyright employment was 3,1 % of total EU employment

What rights does copyright provide?

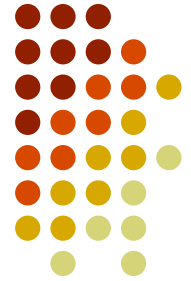


- The original creator holds the exclusive right to use or authorize others to use the work on agreed terms
- The creator of a work can prohibit or authorize:
 - its reproduction in various forms, such as printed publication or sound recording;
 - its public performance, as in a play or musical work;
 - recordings of it, for example, in the form of compact discs, cassettes or videotapes;
 - its broadcasting, by radio, cable or satellite;
 - its translation into other languages, or its adaptation, such as a novel into a screenplay.



Economic rights

- Many creative works require mass distribution, communication and financial investment for their dissemination (e.g. publications, sound recordings and films)
- For this purpose creators often sell the rights to their works to individuals or companies that are best able to market the works in return for payment
- These payments are usually made dependent on the actual use of the work (royalties)
- Economic rights have a time limit, in the EU legislation nowadays 70 years after the creator's death
- Reason: the time limit enables both creators and their heirs to benefit financially for a reasonable period of time



Moral rights

- Copyright protection also includes moral rights, which involve
 - The right to claim authorship of a work, and
 - The right to oppose changes to it that could harm the creator's reputation

What is actually protected and how?



- Copyright protection concerns only expressions, and not ideas, procedures, methods of operation or mathematical concepts as such
 - This principle has been confirmed also by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of the World Trade Organization (WTO) as well as the WIPO Copyright Treaty
- Copyright itself does not depend on official procedures:
 - A created work is considered protected by copyright as soon as it exists
 - According to the Berne Convention for the Protection of Literary and Artistic Works, literary and artistic works are protected without any formalities in the countries party to that Convention

What are related rights to copyright?



- A field of rights related to copyright (Neighbouring rights) has developed over the last 50 years
- These related rights are based on using or utilising original copyrighted works
- They provide similar or limited rights with shorter duration – in EU for 50 years, including rights to:
 - Performing artists (such as actors and musicians) in their performances;
 - Producers of sound recordings (for example, cassette recordings and compact discs) in their recordings;
 - Broadcasting organizations in their radio and television programs.

How are copyright enforced?



- A copyright collecting society is a body created by private agreements or by copyright law
- Its task is to collect royalty payments from users – individuals as well as groups – for copyright holders
- Collecting societies may collect royalties as part of a statutory scheme or by an agreement with the copyright owner



- The forms of collecting royalties:
 - Licence: the user buys a licence to use the work (e.g. a song or a photograph)
 - Levy: the consumer pays a levy as a part of the price of a recording equipment (e.g. blank cassettes, cds, dvds; video recorder, recoring dvd-player etc)
 - Royalty: the consumer pays a royalty as a part of the price of a recording (e.g. cd, dvd, video film, pay-channell subscription)

Limitations and exceptions to copyright



- Permitted limitations by EU law (2001) are:
 - paper reproductions by photocopying or similar methods, except of sheet music, if there is compensation for rightholders;
 - reproductions made for private and non-commercial use if there is compensation for rightholders;
 - reproductions by public libraries, educational institutions or archives for non-commercial use;
 - preservation of recordings of broadcasts in official archives;
 - reproductions of broadcasts by social, non-commercial institutions such as hospitals and prisons, if there is compensation to rightholders;



- use for illustration for teaching or scientific research, to the extent justified by the non-commercial purpose;
- uses directly related to a disability, to the extent justified by the disability;
- press reviews and news reporting;
- quotations for the purposes of criticism or review;
- uses for the purposes of public security or in administrative, parliamentary or judicial proceedings;
- uses of political speeches and extracts of public lectures, to the extent justified by public information;
- uses during religious or official celebrations;



- uses of works, such as architecture or sculpture, which are located permanently in public places;
- incidental inclusion in another work;
- use for the advertisement of the public exhibition or sale of art;
- caricature, parody or pastiche;
- use in connection with the demonstration or repair of equipment;
- use of a protected work (eg, plans) for the reconstruction of a building;
- communication of works to the public within the premises of public libraries, educational institutions, museums or archives

Next time:



- Digital copyright in practice: challenges of internet
- Audiovisual services directive