

GLOBAL CULTURAL LAW AND POLICY IN THE AGE OF UBIQUITOUS INTERNET

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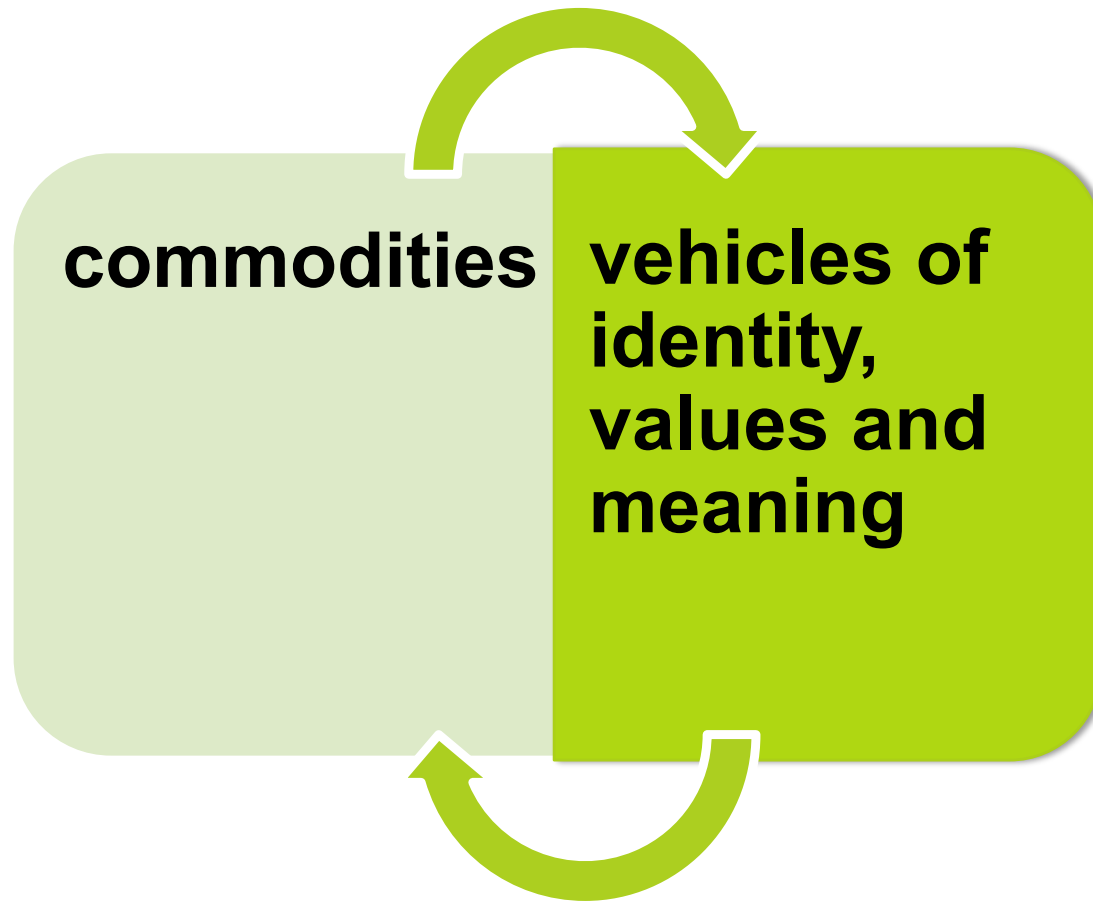


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INT'L CULTURAL LAW

- **cultural nationalism and cultural internationalism**
- **complex network of international treaties**
- **cultural protectionism perseveres, possibly getting stronger but also smarter**
- **new generation of international cultural treaties**

DUAL NATURE OF CULTURAL GOODS AND SERVICES



**>> all existing measures grounded in
the offline / analogue environment**

CULTURAL LAW 1.0

CULTURAL PRACTICES 2.0

- **profoundly transformed information and communication environment >>**
 - instantaneous communication to millions
 - low threshold of participation
 - no tangible medium
 - perfect copies
 - new modes of organizing and accessing information
 - no scarcity in cyberspace
- **changed ways of creating, distributing, accessing, using and reusing cultural content**



CHANGING GOVERNANCE IN CYBERSPACE

- **the cyber-libertarian myth is dead**
- **proliferation of unilateral state actions**
- **regulation through intermediaries; hybrid governance models**
- **regulation through code**



SMART CULTURAL PROTECTIONISM

- **departs from quotas, trade barriers and plain protectionism**
- **innovates around digitally enabled processes**
- **grapples with the digitally triggered challenges** (e.g. audience fragmentation; tailored consumption; exposure diversity)
- **integrates policies conventionally thought peripheral to achieving cultural objectives** (e.g. net and search neutrality)
- **deals with uncertainty**



europaena
think culture

- **over 30 million objects**
- **from more than 2'000 institutions**
- **from 36 countries**
- **metadata released under the least restrictive creative commons licence (CCO; attribution only)**
- **digital guidance provided**
- **app**

LEGAL HINDRANCES AND IMPLICATIONS

- a great deal of legal uncertainty
- duration of copyright / fair use / applicable law / orphan works
- DRMs and licensing as overriding user's rights / statutory exceptions and limitations
- copyright impacts on the selection of materials for digitization; libraries and archives avoid the complexities of copyright law by digitizing materials that have passed into the public domain and are no longer covered by copyright restrictions (e.g. Europeana only 2% audiovisual works)
- a bubble of limited (digitally available) information?

MEMORY INSTITUTIONS

- archives, museums, libraries are paradigmatic examples for traditional memory institutions
- content-sharing platforms, social networks, peer-to-peer file-sharing infrastructures, digital images agencies, online music stores, and search engines as **new entities with a *de facto* derivative function as networked memory institutions**
- trends of commercialization / privatization

THANK YOU.

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