

# Economy of Culture

Volker Grassmuck

at

Economies of the Commons 2

12.-13.11.2010, De Balie, Amsterdam

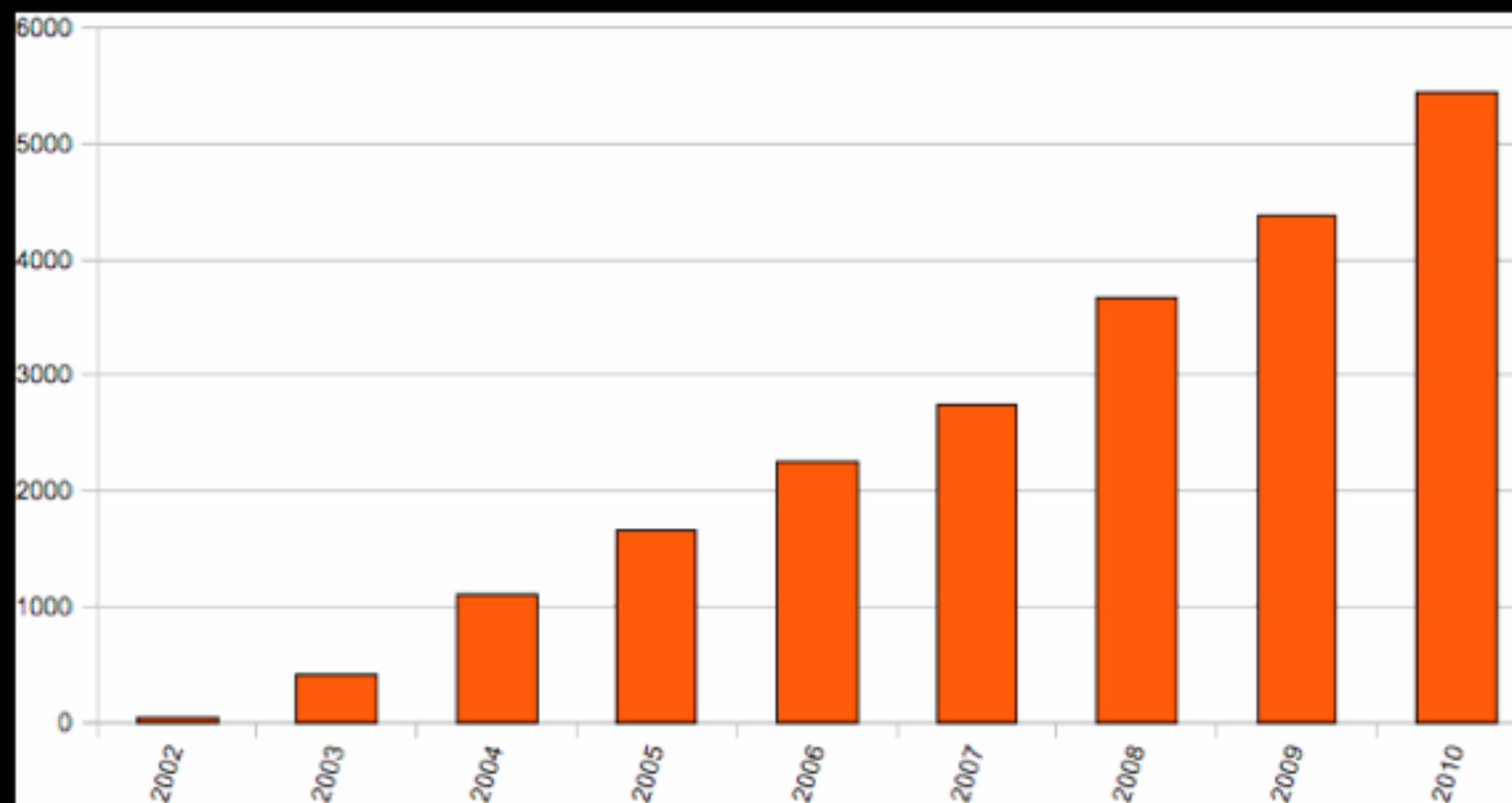
„The Economies of the Commons II  
conference critically examines the economics  
of on-line public domain and open access  
cultural resources, also known as the digital  
commons.“

(Conference Abstract)

„The Economies of the Commons II  
conference critically examines the economics  
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**commons**.“

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# Open Access Science

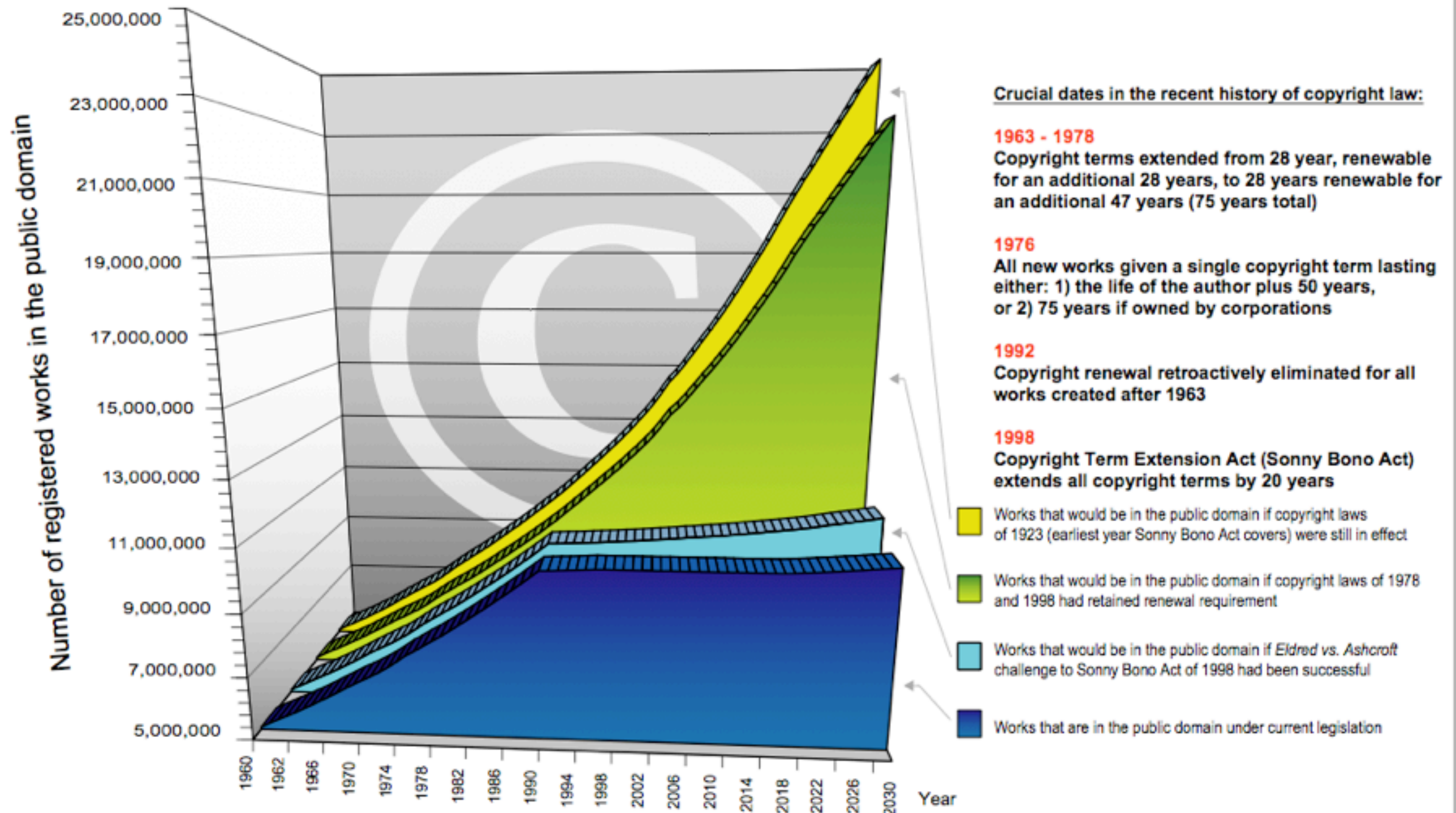


The number of open access journals is increasing by one thousand each year.

# Public Domain

# Public Domain


## Copyright Reform: the Stagnation of the Public Domain





# Public Domain

INTERNET ARCHIVE



Web | Moving Images | Texts | Audio | Software | Patron Info

Canadian Libraries | Million Book Project | Open Source Books | Project Gutenberg | Children's Library | Arpanet | Dance Manuals | Internet Bookmobile

Search:  Internet Bookmobile  [Advanced Search](#)

Anonymous User (logged out)

What's New

[The Indian Bookmobile has a Web site.](#)

[Egypt is building their own bookmobile. Follow along in the blog.](#)

[Saratoga \(CA\) News: New Chapter in Learning](#)


[The Guardian: Drive to put in a good word](#)

[Extreme Tech: Spreading the Digital Word](#)

[The Delaware Gazette: Protecting the Right to Read](#)

Internet Archive Bookmobile

The Bookmobile




In a celebration of the Public Domain, the Internet Archive's Bookmobile will be coming to a town near you, bringing with it the ability to access, download, and print one of the almost 20,000 public domain books currently available online.

**A Bookmobile in Alexandria!**

The [Library of Alexandria](#) (Bibliothèque Alexandrina -- BibAlex to those in the know) is building their own bookmobile, and the Archive's Ashley Rindsberg is off to Egypt to help construct it. Check out Ashley's progress at [his blog](#). A team of documentary filmmakers is accompanying Ashley on the trip, so we may see some daily video feeds too.

Would you like to suggest your site?



# Public Domain

## Prelinger Archives FAQ: Licensing, Access, Collections

**IF YOU NEED ARCHIVAL OR STOCK FOOTAGE, PLEASE READ THIS ENTIRE PAGE BEFORE CONTACTING US.**

### **1. How can I access films or footage from Prelinger Archives?**

Two ways.

-- You can download digital files from the Internet Archive that are yours to use without restriction. These files are available under a [Creative Commons Public Domain License](#). We do not provide written license agreements or make any other representations or warranties other than the Creative Commons License. We do not provide physical materials (e.g., film, videotape, DVD, hard disks, flash drives).

-- You can license stock footage through [Getty Images](#). Getty Images also furnishes written license agreements and physical materials. Prelinger Archives and the Internet Archive do not.



# Commons

## GNU GPL

0 is the freedom to run the program for any purpose.




1 is the freedom to study the source code and change it to do what you wish.

2 is the freedom to help your neighbour, that's the freedom to make copies and distribute them to others.

3 is the freedom to help your community, that's the freedom to publish or distribute modified versions.




# Commons

<http://commons.wikimedia.org/wiki/Commons:Bundesarchiv>    Google

bel Fish | meine Listen | Friends | Brazil | KF | HU-SSL | Webmail USP | News | Berit | Meistbesuchte Seit... | DI-624 | OpenDNS Dashboard

Herzlic... | W Datei:G... | List Tb... | Com... | econom... | <netti... | Words t... | EU IPR ... | Digital ...




## Overview [\[edit\]](#)



Press conference - Bundesarchiv and Wikimedia Germany

Starting on Thursday December 4, 2008, [Wikimedia Commons](#) witnessed a massive upload of new images. We received more than 80,000 files from a donation from the [German Federal Archives](#). These images are mostly related to the history of Germany (including the German Democratic Republic) and are part of a cooperation between [Wikimedia Germany](#) and the Federal Archives.

These images are licensed *Creative Commons Attribution ShareAlike 3.0 Germany License (CC-BY-SA)*. Wikimedia Germany and the Federal Archives have signed a cooperation agreement that, among other things, **asserts that the Federal Archives owns sufficient rights to be able to grant this kind of license.**



# Commons





# Commons

## Verordnung über Kosten beim Bundesarchiv

(Bundesarchiv-Kostenverordnung - BAArchKostV)  
vom 29. September 1997 (BGBl. I S. 2380), geändert durch die Erste  
Verordnung zur Änderung der Bundesarchiv-Kostenverordnung  
vom 7. November 2000 (BGBl. I S. 1495)

### § 1

#### Geltungsbereich

Für die Benutzung von Archivgut beim Bundesarchiv werden Kosten (Gebühren und Auslagen) nach dieser Verordnung erhoben.

### § 2

#### Kosten

Die Kosten bestimmen sich nach dem anliegenden Kostenverzeichnis.

### § 3

#### Pflichten des Kostenschuldners

Auf Verlangen des Bundesarchivs hat der Benutzer die für die Gebührenfestsetzung nötigen Angaben zu machen.

### § 4

#### Sachliche Gebührenfreiheit, Gebührenbefreiung

(1) Gebühren werden nicht erhoben

- für mündliche und einfache schriftliche Auskünfte,
- in den § 7 Nr. 2 bis 4 des Verwaltungskostengesetzes entsprechenden Fällen.

(2) Gebührenbefreiung besteht ferner für Benutzungen zu wissenschaftlichen Zwecken nach dem Gebührenverzeichnis

- den Nummern 1.1 und 1.2,
- der Nummer 3, wenn nicht mehr als eine Stunde Arbeitszeit aufgewendet werden muss.

(3) Auf die Gebühr nach Nr. 4.11 kann das Bundesarchiv bei einer Auflage bis zu 500 Exemplaren verzichten.

### § 5

#### Allgemeine kostenrechtliche Bestimmungen

Die Vorschriften des 3. Abschnitts des Verwaltungskostengesetzes gelten entsprechend.

### § 6

(Inkrafttreten)<sup>1</sup>

## Anlage (zu § 2)

### Kostenverzeichnis

#### A. Gebühren

Nummer	Gebührentatbestand	Gebühren- betrag in Euro
	I. Benutzung von Archivgut im Bundesarchiv	
1.1	1. Karten, Plakate, Bild- oder anderes Archivgut, dessen Benutzung besonderen Aufwand voraussetzt, je angefangenem Tag	28,12
1.2	2. Kinofilme auf Projektionstischen, Videofilme oder Tonträger je angefangener Stunde	15,34
1.3	3. Kinofilme in der Vorführung je angefangener Stunde	20,45
2	II. Benutzung von Archivgut außerhalb des Bundesarchivs je Aufbewahrungseinheit	7,67
	III. Bearbeitung von Anfragen	
3	Schriftliche Auskünfte oder Ermittlung von Archiv- und Bibliotheksgut je angefangener halben Stunde	15,34
	IV. Wiedergabe von Archivgut	
	1. Publikationen im Druck oder auf elektronischen Speichermedien je Reproduktion bei einer Auflage	
4.11	a) bis 3.000 Exemplare	15,34
4.12	b) bis 5.000 Exemplare	25,56
4.13	c) bis 25.000 Exemplare	35,79

Nummer	Gebührentatbestand	Gebühren- betrag in Euro
4.14	d) bis 50.000 Exemplare	46,02
4.15	e) bis 100.000 Exemplare	61,36
4.16	f) bis 150.000 Exemplare	92,03
4.17	g) bis 300.000 Exemplare	122,71
4.18	h) über 300.000 Exemplare	178,95
	Neuauflagen, Nachdrucke, Übersetzungen oder Lizenzausgaben werden wie neue Publikationen behandelt. Bei gleichzeitiger Publikation im Druck und auf CD-ROM wird für die CD-ROM-Ausgabe ein Nachlass von 50% auf die Gebühr für die gedruckte Ausgabe gewährt.	
	2. Fernsehsendungen, Videoproduktionen oder Kinofilme je zur Verfügung gestellter Reproduktion	
4.21	a) lokal	5,11
4.22	b) regional	15,34
4.23	c) national	25,56
4.24	d) europaweit	40,90
4.25	e) weltweit	76,69
	3. Einblendung in Onlinedienste je Reproduktion	
4.31	a) eine Woche	25,56
4.32	b) ein Monat	38,35
4.33	c) drei Monate	76,69
4.34	d) sechs Monate	115,04
4.35	e) ein Jahr	191,73
4.4	4. Akteneditionen auf CD-ROM oder Mikrofilm je Reproduktion	0,03
4.5	5. Tonträger je angefangener Wiedergabeminute	25,56

„Paying the Costs of Making Things Free.“

„Paying the Costs of Making Things Free.“





„Paying the Costs of Making Things Free.“



„Universal access to all the world's information is technologically possible now; the missing piece is the legal infrastructure that will provide the incentives to make such access economically viable.“

(Hal R. Varian, in Communications of the ACM, October 2005)

„Paying the Costs of Making Things Free.“



=> Private copying  
exception (1965)

„Paying the Costs of Making Things Free.“



=> Private copying  
exception (1965)



# „Paying the Costs of Making Things Free.“



=> Private copying exception (1965)



=> ???

# Paying the costs

KR: 32,878 warnings, 31 disconnects

FR: Start of HADOPI

EU: Gallo Report

US: COICA (Combating Online Infringement and Counterfeits Act)

US: Domain Seizures

Globally: ACTA

DPI (Deep Packet Inspection)



# Paying the costs



**This domain name has been seized by U.S. Immigration and Customs Enforcement, Special Agent in Charge New York Office in accordance with a seizure warrant obtained by the United States Attorney's Office for the Southern District of New York and issued pursuant to 18 U.S.C. §§ 981 and 2323 by the United States District Court for the Southern District of New York.**

***It is unlawful to reproduce or distribute copyrighted material, such as movies, music, software or games, without authorization. Individuals who willfully reproduce or distribute copyrighted material, without authorization, risk criminal prosecution under 18 U.S.C. § 2319. First-time offenders convicted of criminal felony copyright laws will face up to five years in federal prison, restitution, forfeiture and a fine.***

# The Sharing Licence

A legal permission for online sharing of published copyright protected works, for personal non-commercial purposes, subject to a collectively managed levy.



Compartilhamento legal!

# The Sharing Licence

1. ends the war on sharing
2. brings freedom of re-distribution for all works
3. brings money to authors
4. the online- and authors-only CS unionizes authors
5. a new social contract between authors and audiences

# The Sharing Licence

Collecting?

From broadband Internet user by ISPs.

# The Sharing Licence

How much?

3 R\$ x (12 mio fixed + ca. 20 mio mobile  
broadband connections x 12 months =  
792 mio R\$

# The Sharing Licence

## Measuring Popularity?

1. A representative panel of households (Nielsen, GfK)
2. Voluntarily installed plug-ins for clients (Audioscrobbler, Genius)
3. Monitoring file-sharing networks from within (BigChampagne)



# The Sharing Licence

Collecting society?

A highly automated, transparent, efficient, online- and authors-only collecting society, internally democratic and externally under public oversight.

# The Sharing Licence

## Free Culture?

d. For the avoidance of doubt:

- i. **Non-waivable Compulsory License Schemes.** In those jurisdictions in which the right to collect royalties through any statutory or compulsory licensing scheme cannot be waived, the Licensor reserves the exclusive right to collect such royalties for any exercise by You of the rights granted under this License;
- ii. **Waivable Compulsory License Schemes.** In those jurisdictions in which the right to collect royalties through any statutory or compulsory licensing scheme can be waived, the Licensor reserves the exclusive right to collect such royalties for any exercise by You of the rights granted under this License if Your exercise of such rights is for a purpose or use which is otherwise than noncommercial as permitted under Section 4(b) and otherwise waives the right to collect royalties through any statutory or compulsory licensing scheme; and,
- iii. **Voluntary License Schemes.** The Licensor reserves the right to collect royalties, whether individually or, in the event that the Licensor is a member of a collecting society that administers voluntary licensing schemes, via that society, from any exercise by You of the rights granted under this License that is for a purpose or use which is otherwise than noncommercial as permitted under Section 4(c).

# Social Contract on Culture

- individual market transactions
- indirect market transactions via advertising
- public culture funding
- public broadcast fees
- prizes
- voluntary pre-payments (Kickstarter)
- voluntary post-payments (Flattr)

# Social Contract on Culture

How is non-proportional funding allocated?

- editorial decisions
- curatorial decisions by experts
- collective decisions by authors and audiences (CS)
- competition

# Compartilhamento legal, já!



Compartilhamento legal!

# Thank you!

<http://www.compartilhamentolegal.org/>

[ralf.grassmuck@usp.br](mailto:ralf.grassmuck@usp.br)

<http://vgrass.de>



**Compartilhamento legal!**