



ONG
DERECHOS
DIGITALES

copyright and economic development

**the more, the
better?**

hola!

previously...

copyright term extension

**burden of proof is
on extending
copyrights**

exceptions and limitations

**three-step rule is
not a religion**

civil enforcement

**some proposals
undermines basic
law principles**

deterrence level
pre-established
damages
lawyer fees
information possessed

due process of law?
proportionality?
privacy?
equality before the law?

back to
business

**copyright and economic
development: the more,
the better?**

copyright as public policy for economic development

copyright basics

**creation and culture are
complex activities**

**long before 1710
there was creation**

copyright did not created
art nor culture nor
information nor software

provided incentives

aligning creators interests (surviving)

public interests
(have more and better works)

but at a cost...

monopoly



**“exclusive economic
rights”**

**this state-created
monopoly needs limits**

since a monopoly tend to
produce less and
charge more

limited privilege

threshold (originality)
formalities
protection terms
exceptions and limitations

balance

**not only the
creators-industry-audience
balance**

**not only the
human rights
balance**

**but also
an economic
balance**

**more copyright does not
equal economic development**

**because more copyright
takes us to an inefficiency
road**

**away from opening markets
to competition and,
therefore, development**

**too much exclusive rights
creates problems**

“right to import”

control and abusing over global markets

collecting societies

overlapping rights abusive rates

broadcasting rights

related rights

**innovation
information flow
“anticommons”**

ISP liability and cooperation

vertical integration crossed subsidies

TPM

**“tie ins”
competition threats
captive consumers**

**while there is a content
industry**

**(creativity, brought to you
by copyright?)**

**there is also a public
domain / fair use industry**

challenge

**produce evidence-based
public policy**

“reliable data about scale and trends is surprisingly scarce”
Hargreaves report

(small note on patents)

approach from industry POV

19 MILLION AMERICAN WORKERS

Depend on Congress to Take Action Against Rogue Websites



IP-intensive industries
directly and indirectly supply
55.7 million U.S. jobs, 46% of
private sector employment.

(Global Intellectual Property Center: "IP Creates Jobs for America,"
NDP Consulting, May 2012.)



INTELLECTUAL PROPERTY AND THE U.S. ECONOMY: **INDUSTRIES IN FOCUS**

PREPARED BY
ECONOMICS AND STATISTICS ADMINISTRATION
AND
UNITED STATES PATENT AND TRADEMARK OFFICE

MARCH 2012

The 26 patent-intensive industries accounted for **3.9 million jobs in 2010**, while the 13 copyright-intensive industries provided **5.1 million jobs**

**A substantial share of IP-intensive
employment in the United States
was in the 60 trademark-intensive
industries, with
22.6 million jobs in 2010**

trademark-intensive industries?

Table 7. Trademark-Intensive Industries with Top 100 Global Brands in 2011

NAICS code	Industry title	Brand		
2111	Oil and gas extraction	Shell		
3112	Grain and oilseed milling	Kellogg's		
3115	Dairy product manufacturing	Nestle	Danone	
3121	Beverage manufacturing	Coca-Cola Budweiser Moet and Chandon Smirnoff Heineken	Pepsi Sprite Johnnie Walker	Nescafe Jack Daniel's Corona
3162	Footwear manufacturing	Nike	Adidas	
3222	Converted paper product manufacturing	Kleenex		
3254	Pharmaceutical and medicine manufacturing	Johnson and Johnson		
3256	Soap, cleaning compound, and toiletries	Gillette Avon	L'Oreal Nivea	Colgate Lancome
3341	Computer and peripheral equipment	HP Dell	Apple	Canon
3342	Communications equipment manufacturing	Nokia	Cisco	Blackberry
3343	Audio and video equipment manufacturing	Samsung Panasonic	Sony	Philips
3345	Electronic instrument manufacturing	Siemens		
3361	Motor vehicle manufacturing	Toyota Honda Audi Ferrari	Mercedes Ford Hyundai	BMW Volkswagen Porsche
3399	Other miscellaneous manufacturing	Nintendo	Cartier	
4481	Clothing stores	Zara	Gap	
4541	Electronic shopping and mail-order houses	Amazon.com	EBay	
5111	Newspaper, book, and directory publishers	Thomson Reuters		
5112	Software publishers	Microsoft Adobe	Oracle	SAP
5151	Radio and television broadcasting	Disney	MTV	
5191	Other information services	Google	Yahoo	
5221	Depository credit intermediation	J.P. Morgan	Santander	
5239	Other financial investment activities	Citi	UBS	
5241	Insurance carriers	AXA	Allianz	Zurich
5416	Management and technical consulting	Accenture		

Source: ESA calculations using Interbrand's Top 100 Global Brands and data from OneSource.

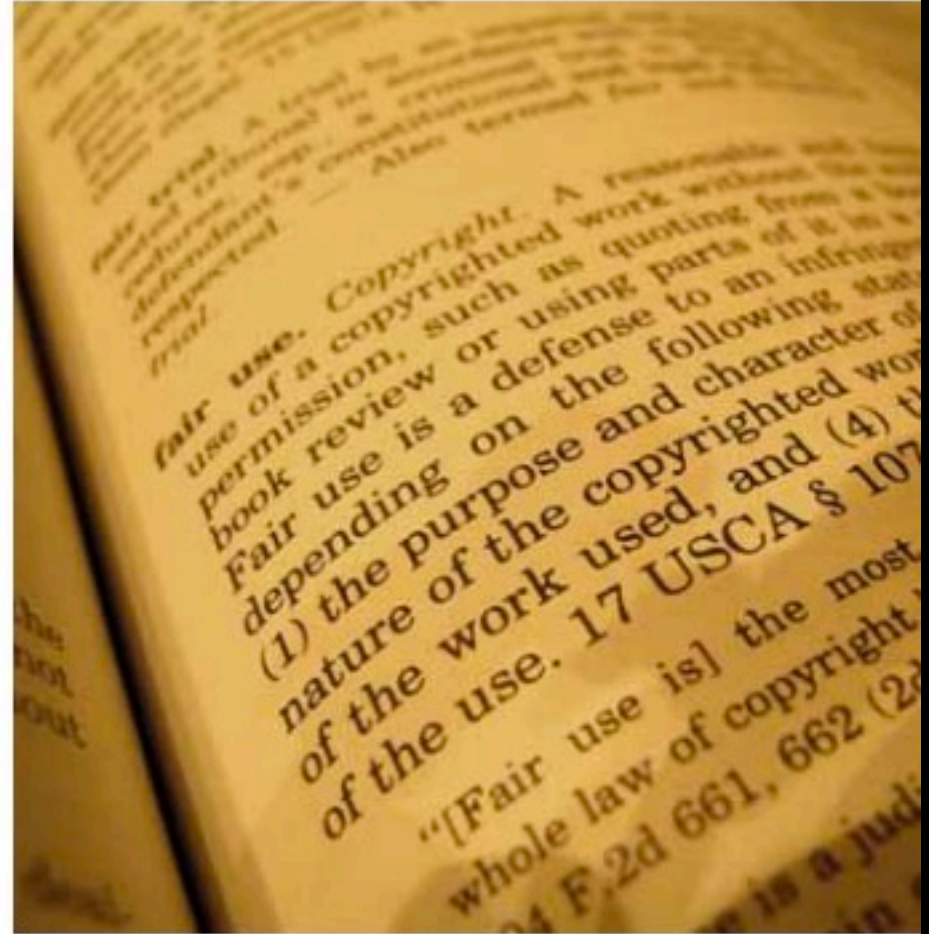
Fair Use Studies

interesting advances

USA

FAIR USE IN THE U.S. ECONOMY

CCIA



2010

Economic Contribution of
Industries Relying on Fair Use

estimated **\$4.4 trillion** in revenue
1/6 of total U.S. GDP
employing more than **17 million workers**

Australia

Potential \$600m Annual Economic Boost From Copyright Reform

ADA

ABOUT THE TWO REPORTS

This is a snapshot of two reports written and researched by leading consultancy Lateral Economics whose CEO is Dr Nicholas Gruen. Dr Gruen chaired the internationally acclaimed Government 2.0 Taskforce.

The two reports, released in September 2012, are:

- **Excepting the Future** – The economic case for flexible copyright exceptions and extended safe harbour provisions
- **Exceptional Industries** – The economic contribution to Australia of industries relying on limitations and exceptions to copyright

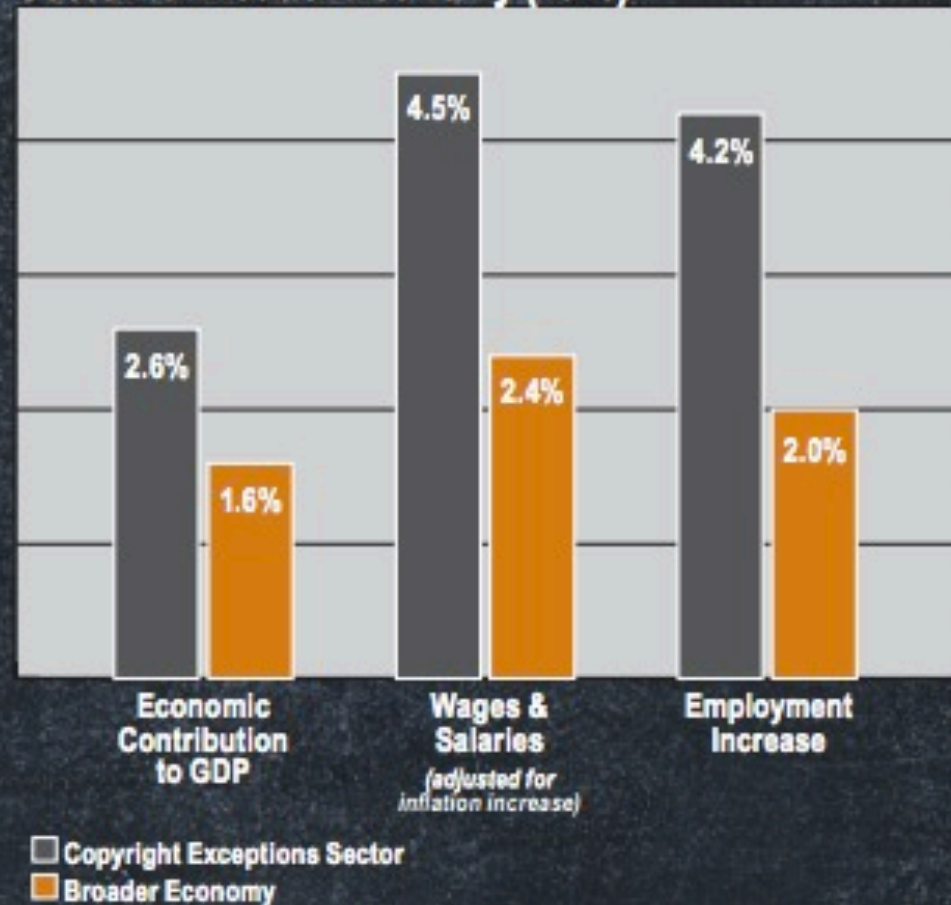
ECONOMIC CONTRIBUTION

It is important to note that in 2010 the copyright 'exceptions' sector already:

- contributed 14% to Australia's GDP, an amount of \$182 billion
- employed 21% of our paid workforce, almost 2.4 million people
- paid wages and salaries of \$116 billion.

These figures all grew significantly faster than the rest of the economy from 2007 to 2010 as shown in the illustrations to the right.

Comparison of the Growth of the Copyright Exceptions Sector to Broader Economy (2010)



Source: *ABS: Australian Industry 2009-10 (excludes division K Financial and Insurance Services)

“The economic contribution possible under a more flexible regime is shown by the success of companies such as Apple, Facebook and YouTube. However in Australia, as the Lateral Economics reports demonstrate, these businesses are exposed to greater risk of liability for copyright violations. This means that Australia is not a natural home for innovation and it reduces our ability to compete globally.”

Singapore



From the Selected Works of Roya Ghafele

October 2012

The Economic Value of Fair Use in Copyright Law.
Counterfactual Impact Analysis of Fair Use Policy
On Private Copying Technology and Copyright
Markets in Singapore

**built from an actual copyright
reform**

**€ 2.27 billion – total
increase in value-added of
private copying industries
in Singapore after fair use
policy amendments**





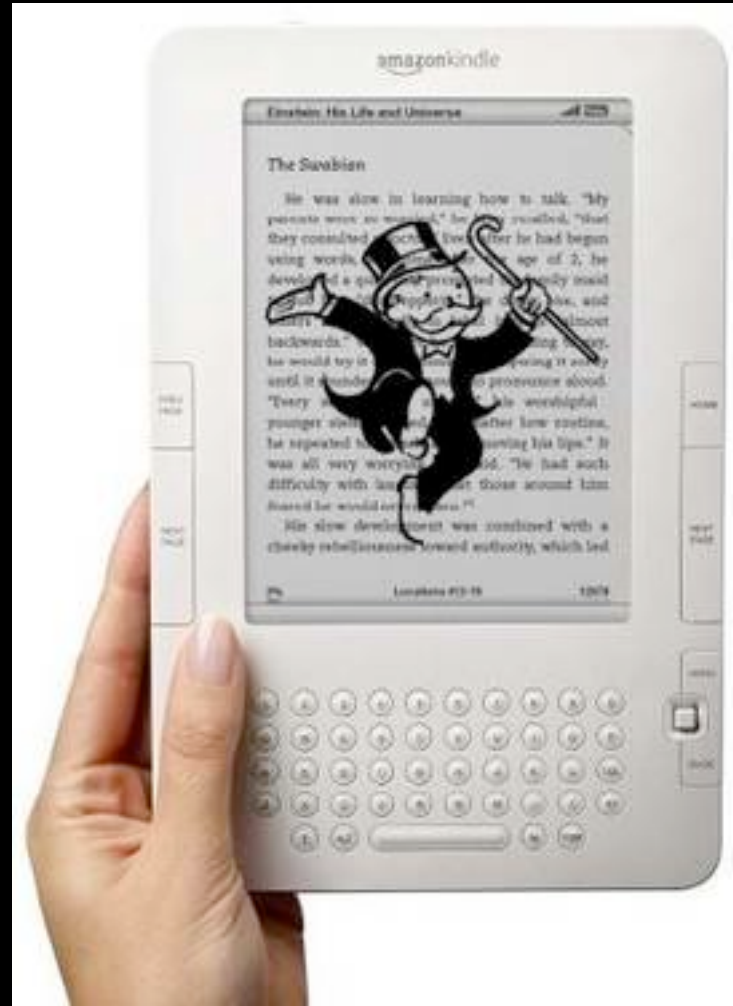
**the case:
need for
flexibilities**





PARALLEL IMPORTS: **Good, Bad, Ugly?**





URLs requested to be removed from Search per week



TPP framework?

thank you!
¡gracias!

further information

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