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
terms
exceptions and limitations
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


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

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

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

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

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

ADA

ONG DERECHOS DIGITALES
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)

<table>
<thead>
<tr>
<th></th>
<th>Copyright Exceptions Sector</th>
<th>Broader Economy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Contribution to GDP</td>
<td>2.6%</td>
<td>1.6%</td>
</tr>
<tr>
<td>Wages &amp; Salaries (adjusted for inflation increase)</td>
<td>4.5%</td>
<td>2.4%</td>
</tr>
<tr>
<td>Employment Increase</td>
<td>4.2%</td>
<td>2.0%</td>
</tr>
</tbody>
</table>

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
October 2012

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?
The Sowbrian

He was slow in learning how to talk. "Shy parents were on his side," he recalled. "Shy they remained. For he had begun using words even at the age of 5, he developed an undiluted and notable capacity to pronounce them.

"Every young man in his house was called by his first name. He was a worrisome younger son, and his elder sister, who was his father's favorite, was called by her first name. At the time it was all very worrying. He said, 'Aren't you a little young?'

"And he was very good. He had such difficulty with language that the boy who had been raised by his father was told he would never speak.

"But his slow development was combined with a rather rebellious nature, which led.
URLs requested to be removed from Search per week

TPP framework?
thank you!
¡gracias!
further information

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