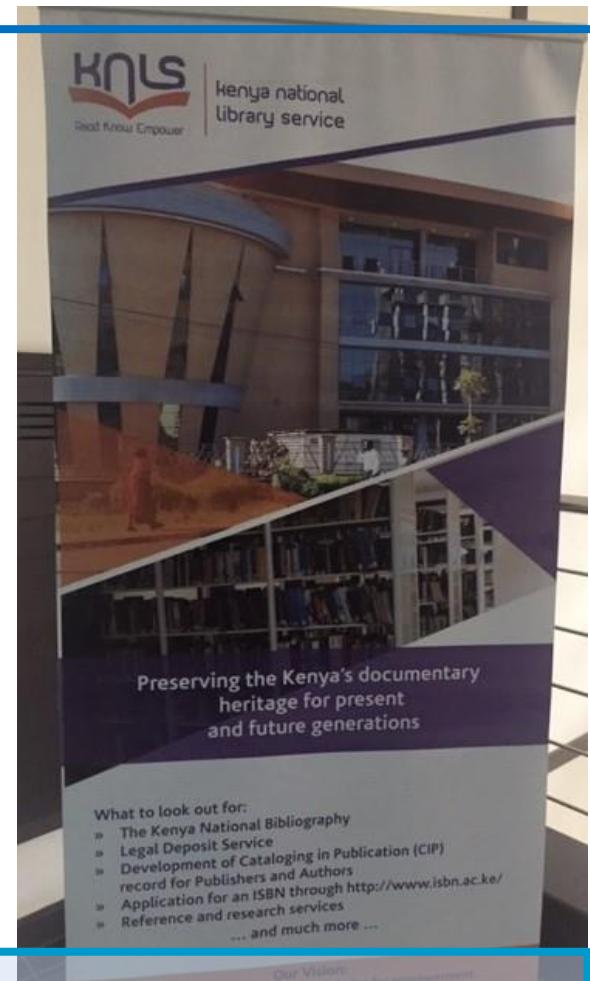
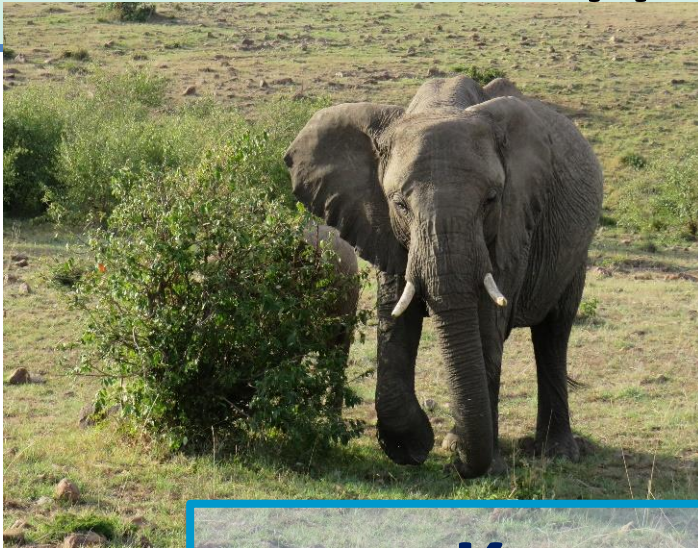


Copyright & Public Sector Information: *Alternative Approaches*



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Nairobi, Kenya June 2019

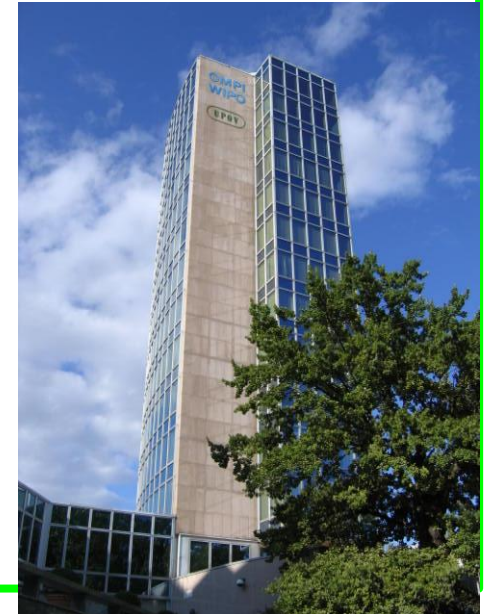
Three Main Points



- **ONE:**
 - *PSI is a fundamental element of copyright law.*
- **TWO:**
 - *Copyright can address PSI in diverse ways.*
- **THREE:**
 - *Copyright is not the only legal means for regulating access and use of PSI.*

Context of Copyright for PSI

- Structure of **Copyright Law**
 - Grants Right to Owners
 - Subject to Limitations & Exceptions
- **Multinational Treaties & Agreements**
 - Berne Convention
 - WIPO Copyright Treaty
 - WTO and TRIPs
- **Regional Agreements**
- Subject to **Open Access & More**



Copyright and PSI

- ***The Copyright **Dilemma**:***
 - *Copyright applies to original works.*
 - *No formalities.*
 - *Automatic protection.*
- ***No restrictions on authors:***
 - *Personal and corporate authors.*
- ***PSI Works may **qualify for copyright**:***
 - *Diverse works.*
 - *Full term of protection.*

Copyright and PSI

- ***The Nature of Copyright:***
 - ***Grants Ownership Rights.***
 - ***Rights of Control and Access.***
- ***The Nature of PSI:***
 - ***Public Interest.***
 - ***Publicly Funded.***
 - ***Publicly Needed.***

Berne Convention

Article 2(4):

It shall be a **matter for legislation** in the countries of the Union to determine the protection to be **granted to** official texts of a legislative, administrative and legal nature, and to official translations of such texts.

Berne Convention

Article 2(4):

- It is discretionary.
- It applies only to “official texts of a legislative, administrative and legal nature.”
- It does not specify the governments.

Bangui Agreement

Article 7:

The protection afforded by this part of the Annex **shall not extend (i) to official texts of a legislative, administrative or judicial nature or to the official translations thereof;** (ii) to news of the day; (iii) to simple facts and data.

Statute: Berne Model

Macedonia:

“Within the meaning of this Law, the following shall not be considered as a copyright work:

...

2. Official texts of a political, legislative, administrative and judicial nature and their official translations”

Statutes: Beyond Berne

Algeria, Article 11:

Copyrights protection “shall not be granted to administrative laws, regulations, resolutions and administrative contracts **issued by the state institutions, local groups**, justice rulings and the official translation of these texts.”

Statutes: Beyond Berne

Mauritius, Section 5:

No copyright for: “any official text of a legislative, administrative or legal nature, as well as any official translation thereof.” The Mauritius statute then **adds**:

“**political speeches and speeches delivered in the course of legal proceedings**” and
“judgments of a **court of law** or tribunal.”

Statute: Emblems and Flags

Azerbaijan:

“The following items shall not be objects of copyright:

Official documents (laws, court decisions, other texts of legislative, administrative or judicial character) and their official translations;

State emblems and official signs (flags, arms, anthems, orders, monetary signs and other State symbols and official signs)”

Statutes: Beyond Copyright

Mexico, Article 156:

Uses of national symbols “shall conform to the provisions of the Law on the National Coat of Arms, Flag and Anthem.”

Statutes: Governments

United States, Article 105:

“Copyright protection under this title is not available for any ***work of the United States Government***, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise.”

Statutes: Governments

United States, Article 101:

Defines “work of the United States Government”:

“A ‘***work of the United States Government***’ is a work prepared by an officer or employee of the United States Government as part of that person’s official duties.”

Statutes: Governments

United States, Article 101:

Defines “**work of the United States Government**”:

- US (National) government **ONLY**.
- **State and Local** governments?
- **Foreign and International** works?
- Free Speech rights to **Legal Resources**?
- **Specialized** Protection.....?



**Only YOU
can prevent
forest fires**



**Seriously. We've
been defunded.
It's just you now.**

Statutes: Copyright Exception

Denmark, Article 26:

“Proceedings in Parliament, municipal councils and other elected public authorities, in judicial proceedings and in public meetings held to discuss general matters **may be used** without the author’s consent. However, the **author shall have the exclusive right to publish** compilations of his own statements.”

Statutes: Crown Copyright

Canada, Article 12:

“where any work is, or has been, prepared or published by or under the direction or control of Her Majesty or any government department, the copyright in the work shall, subject to any agreement with the author, belong to Her Majesty and in that case **shall continue for the remainder of the calendar year of the first publication of the work and for a period of fifty years following** the end of that calendar year.”

Implications

- **Not Alone**

- Diverse Laws in Diverse Countries.
- More than Copyright.

- **Opportunity**

- Find the PSI Law that is Best for You.
- Find the Route to Public Service.

- **Innovation**

- Serve Divers Objectives.

**Copyright &
Public Sector Information:
*Alternative Approaches***

Thank You!



Copyright & Contact

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