



United Nations Educational, Scientific and Cultural Organization
Organisation des Nations Unies pour l'éducation, la science et la culture
Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura

International UNESCO Symposium on

**Copyright and Communication
in the Information Society**
(global infrastructure, protection of rights,
economic and cultural impact)

held in co-operation with
the Government of Spain
and with the support of Telefónica de España S.A.
and of the Sociedad General de Autores y Editores (SGAE)

Madrid, 11 - 14 March 1996

FINAL REPORT

**International UNESCO Symposium
on Copyright and Communication in the Information Society
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1. Introduction

The International UNESCO Symposium on Copyright and Communication in the Information Society, organized by UNESCO in cooperation with the Government of Spain and with the support of Telefónica de España SA and the Sociedad de Autores y Editores de España (SGAE), was held in Madrid at the Headquarters of Telefónica.

Its purpose was to: i) to assess the articulation of the basic infrastructure of the various segments of the information superhighways; ii) thoroughly study the question of the protection of copyright and neighbouring rights in the digital context; iii) analyse the economic and socio-cultural consequences resulting from the advent of the information society. The results of this reflection will be made available to the States for information. They will serve as a basis for the work of regional meetings which UNESCO will be organizing on these themes to provide the States, particularly the developing countries with an opportunity to determine their co-operation, in the regional context and to help them reach an international consensus for regulating the circulation of works and performances within the framework of the global information infrastructure.

2. Participation

The Symposium was attended by 158 participants representing 13 Member States, 5 international intergovernmental organizations (IGOs), 21 non-governmental organizations (NGOs), 24 national specialized organizations and institutions, representatives of universities, Spanish political parties and the media (see attached list of participants).

35 speakers took the floor including 5 via videoconferencing with Washington and Buenos Aires according to the programme consisting of 3 plenary sessions with associated discussion sessions.

3. Opening Session

Mr. Cándido Velázquez, President of Telefónica de España, Mrs. Pilar Rodríguez-Toquero, Deputy Director General for Intellectual Property, on behalf of the Minister of Culture of Spain, Mr. Eduardo Bautista, President of the Executive Board of the Sociedad General de Autores y Editores (SGAE) and Mrs. Milagros del Corral, on behalf of the Director General of UNESCO, intervened at the Opening Session to welcome the participants and to present the objectives of the Symposium, designed as an interdisciplinary forum of technologists, copyright experts, sociologists, librarians, businessmen and high officials, to jointly analyse the technological trends and developments, its legal implications for the protection of copyright and neighbouring rights holders and users, the predictable socio-economic consequences as well as its effect on cultural behaviour.

4. Works of the Symposium

Panel I: Global Infrastructure

A: Summary of Proceedings

The setting up and organization of the basic infrastructure of communication is the first link in the advent and development of the information society. It constitutes a crucial stage which it is important to manage successfully. What strategy should guide the establishment, the aim and the place of this infrastructure in the fabric of social and economic activity?

What should be the rules for regional and international cooperation, bearing in mind the abolition of distance and national frontiers in communication. How should the infrastructure be articulated and realised ? What would be the role of the state and the status of those in charge of communication, what rules should govern exchange of information and the respect for the privacy of ordinary citizens.

What is at stake is that the establishment of the basic infrastructure will relaunch development, provide access to an abundance of information at relatively little cost, engender a wide distribution of knowledge. It will sharpen the awareness of the majority and encourage social democracy. On the other hand, there are those who fear cultural domination by the most powerful forces, the manipulation of

information with a view to reinforcing power and a greater exclusion of the most vulnerable.

The problem of the developing countries is a most striking example. International action would be useful in helping these countries to conceive their strategy in this field and to establish progressively and within the means available to them and their priorities, the instruments which would allow them appropriate access to information and knowledge at the level of the different segments of the basic infrastructure of communication.

B: Summary of Reports and debates

The debates were led by Mr. Antonio Castillo, Moderator of panel I - Telefónica de España S.A., Spain.

General Report (Mr. Robbin Laird - U.S.A.)

The technological evolution towards an Information Society is quite predictable - for example, trends towards greater information carrying capacity and towards integration of user functionality (telephone, fax, TV, domestic appliances, etc.). What is less clear is the impact on society of organizational changes such as telework and virtual work groups, transformation of educational institutions, and changes in processes of governance.

Today in the U.S.A. only one third of the society lives in the Information Society, while a quarter are functionally illiterate. These two groups represent two distinct markets for information highway applications today - text-based information acquisition for the first and new distribution of existing entertainment products for the second. The big unknown is how these two information functions will be integrated, which will depend on the resolution of three principal issues: protection of intellectual property rights, the emerging role of non-institutional creators, and increasingly competitive marketing of information across cultural and geographic boundaries.

Key uncertainties concern the role of the public sector, where three major policy issues are evident:

- tension between needs for economic development and for "information control" (taken in a wide sense to include, for example, control of use of intellectual property);
- the insufficiency of government information for good government operation, and the need for governments to consider appropriate cooperation with private sector information providers;
- the risk that special interest groups in the information elite can gain inordinate influence and even undermine democracy by competing with elected representatives.

Theme 1: Transport of information (Mr. K. Boussaid - ITU)

There are three major tendencies in telecommunication environment: recognition of the geopolitical importance of telecommunication, increasing liberalization and competitiveness, and the fast pace of technological change. The different participating industrial sectors (telecommunication, electronics and computer industry, media), each trying to take advantage of the immense economic activity and potential), have different views of the future Global Information Infrastructure, but three commonly accepted trends emerge:

- technological convergence spurred by application of digital networks and techniques;
- offering of ever more personalized services;
- transition to cheap, abundant communication capacity - an environment in which the media view of content as the major product becomes dominant (hence the increased importance of intellectual property rights).

Theme 2: Broadcasting and cable (Mr. W. Rumphorst - EBU)

The adoption of digital technology does not change the nature of copyright protection for broadcasting. The Bern Convention was adopted before any modern broadcasting techniques were available, and therefore the distinction among terrestrial broadcasting, satellite broadcasting and cable transmission has no

relevance. The important principle of the Convention is its application at the national level - national legislation should guarantee equal treatment for applicants of all countries. The Rome Convention is of limited interest to broadcasters since it applies only to phonograms and thus concerns radio but not television.

Theme 3: Computer networks (Mr. S. Ramani - India)

Although in principle the means of transmission should not influence intellectual property protection, enforcement becomes difficult when technology provides vast possibilities for copying and retransmission. Technology can also provide solutions, for example for in the automatic registration of copyright claims, or mechanisms to monitor access to protected works.

Developing countries are experiencing difficulty in benefitting from information technology. There is reluctance to adopt appropriate national policies, for example to provide free access to information or to allow the universities to engage in limited, useful commercial activity related to networking. Guidelines on how to set up computer networks for research and education are needed.

International action is needed to help the approximately three billion people who have no telecommunication network connection. Low-cost satellite options appear to offer the only viable solution in the short term.

Theme 4: Problems of technological convergence (Mr. H. Yamada - Japan)

The globalization of information networks, the integration of different types of work in multimedia, and digitalization making works easier to alter and more difficult to keep track of, pose problems of harmonization of national approaches to intellectual property. For example, the particularly strong moral rights of authors in Japan can present obstacles for multimedia production. National committees have been established to harmonize Japanese legislation with international recommendations.

Theme 5: Countries in transition (Mr. A. Golubkov - Russian Federation)

Russia is emerging from a difficult period of transition in which the computer industry was essentially dismantled. A strong data communication infrastructure based on market principles is emerging, and a large number of enterprises are entering the computer service business. The major challenge is to create a market for information, involving measures for intellectual property protection of Russian databases, and to guarantee the right of access for all citizens with assurance of privacy and security of information.

Videoconference (Mr. M. Nelson - U.S.A.)

The information highways should be built by the private sector, but government has an important role in sponsoring research on technologies, in providing infrastructure to link public sector institutions and in developing appropriate information policy (including intellectual property protection) and telecommunication policy (particularly to promote free competition), as well as using the networks to provide information on government to the public. The Internet can be considered as a prototype for the information highway; its gradual implementation, building on and extending successful applications to new users, continues to be relevant to the present environment. International cooperation is essential in developing worldwide standards to permit secure transfer of information including technical support for economic exchanges (particularly for consumer-level "micro transactions").

Debate

1. The issue of information access and democracy was debated extensively as a critical concern. Some participants believed that increasing access would favour mass participation in the democratic process while others warned that information overflows provided opportunities for manipulation of information and reinforcement of centres of power.
2. There was consensus that educational access would be revolutionized through information networks, and that teaching and training would increasingly be provided by diverse formal and informal mechanisms. One participant stressed the future role of universities in evaluation and filtering

of information.

3. The importance of promoting diversity in cultural production, notably concerning language, was stressed, but solutions in the near term were seen as based on cultural, educational and economic considerations rather than technology.
4. The application of intellectual property rights should be adapted to the new technological environment, e.g. online access, which implies the existence of most works in non-physical form. Protection in this environment increasingly depends on the legal and financial resources available, and steps should be taken to extend equal protection to all authors and creators.
5. The importance of ensuring affordable access to information by disadvantaged populations and developing countries was raised, as well as the need to maintain non-commercial access to certain information essential for education and science.
6. Information highways are new tools which can be used for desirable or undesirable purposes. Codes of conduct and user education were raised as possible measures to promote ethical use of the networks.
7. Network standards, including cryptography, should be affordable and open to all.
8. It is important to establish procedures to ensure the preservation of works in the electronic age; this involves both archiving of electronic documents and the digitalization of documents on paper support.

Panel II - Protection of rights

A: Summary of Proceedings

The technological convergence, which allies electronic, informatics and the audiovisual and the globalization of the information networks, presents a problem with regard to the status of the protection of copyright and neighbouring rights in the digital environment.

Does the production and communication within a network of intellectual works and the rights of performers and producers of phonograms completely disrupt the traditional rules of protection of copyright and neighbouring rights established for an analogical environment, or does it not, in fact, simply call for an adaptation of existing rules.

The effect of digitalisation touches on different concepts governing copyright. The computer assisted creation, implying contributions taken from already existing works and the input of several authors, poses a problem of determining the author or authors of works thus created. The nature of multimedia works and databases must be defined, as well as the rules which govern their protection. Are they new categories of works requiring special status or should they be classified in the legal system of audiovisual works, collective works or works of collaboration?

Does the exploitation of works and performances on a network constitute an act of reproduction or communication to the public or is it more complex, assimilated, in certain cases, with an act of reproduction, in others with an act of communication to the public, sometimes an act of renting.

Does the interactivity of the digital environment upset the traditional concept of moral right ? Bearing in mind that the exploitation in an electronic network abolishes distance and national frontiers, the question of the law applicable to the protection of rights merits careful study.

How can an adequate protection be provided for the legitimate rights of performers and producers of phonograms while guaranteeing appropriate copyright protection for works exploited in the digital environment ?

A comprehensive study of these questions of intellectual property was made in the light of debates already held at the national level (USA, Japan, France, Australia, Canada), at the regional level within the European Union and at the international level within the framework of WIPO.

The need to reinforce the protection of copyright and neighbouring rights as factors stimulating creativity is unanimously accepted. There are, nevertheless, diverse opinions on the ways in which this should be done. Harmony between the social communication of works of the mind and that offered by the networks of

multimedia communication should also be an element of this protection.

A consensus was reached on the need for dialogue between the technicians and legal circles to ensure that the different issues are clearly understood and thus assuring appropriate protection and an improved flow of information and knowledge.

B. Summary of proceedings and debates

The debates were led by Mr. Thomas Dreier, Moderator of Panel II - Max Planck Institute, Germany.

General Report (Mr. A. Lucas - France)

The basis of intellectual property protection has always been a balance among the interests of three concerned parties: authors and performers, investors and users. There is controversy over whether digital technology will disturb this balance enough to require changes in the basic framework, or whether adaptations will suffice (such as the exceptions to the general rules which already exist in many cases). This choice depends to some extent on the overall philosophy of protection adopted at the national level: some countries, like the U.S.A., prefer to specify a set of distinct rights while others like France are satisfied with a statement of more general principles. It is clear, however, that some new issues, such as the right to make a work available over the Internet, will have to be carefully examined.

Theme 1 - Adaptation of copyright (Ms. S. Lecrenier - CEC)

The CEC is considering a new work programme taking account of ongoing consultations based on the 1995 White Paper on Copyright and Neighbouring Rights. A directive defining a "sui generis" economic right for database compilers came into effect in January 1996. Examples of areas for further study are consideration of "multimedia" as a specific category of works, a right of transmission for digital works, and the meaning of "public communication" when networks are concerned. Opinions of all concerned parties are being actively sought and considered in this process.

Theme 2 - Legal status of multimedia and databases (Mr. A. Millé - Argentina)

The emergence of multimedia is part of a technological and structural revolution which is not well understood by the public. Network use is expanding at tremendous rates of 15-20% per month, and, with the introduction of new access technologies and protocols for commercial transactions, new means of presentation such as multimedia, virtual reality and interactive TV will soon enjoy wide application. However, although multimedia is undoubtedly a new art form and social phenomenon, there is no need to view it as a new category of works for the purpose of intellectual property rights. Although multimedia authors make extensive use of archived works of other authors, it is straightforward to identify the principal authors of a multimedia work and the executors, and to ensure the application of the existing regulations by defining appropriate exceptions or examples.

Theme 3 - Protection of performers' rights (Ms. C. Rodrigues - ADAMI)

Two themes dominate the consideration of how to handle performers' rights today: i) the increasing importance of international conventions relative to national legislation and ii) the shift in the economics of the performing arts, where secondary use typically generates greater remuneration than dissemination of a primary product. Performers are not adequately protected in this environment, and require a moral right on their work as well as additional economic rights. The objectives of WIPO [adoption of a protocol to the Bern convention and new instrument to cover phonograms and possibly audio-visual works] are very ambitious and are appreciated by performers; these projects should be seen as part of a necessary effort to harmonize different categories of rights and to adapt them to the new technological environment; the development of a unique framework capable of protecting the specific rights of performers can be seen as only a long term goal.

It is clear that placing a work in a network server is already an act of transmission and should be governed by a specific right. The question of jurisdiction over this right - the country of the server, of the producer of the work, or of the user - is an important point to be settled. But whatever regulations are adopted it is clear that collective rights management mechanisms, appropriately decentralized and individualized, will be necessary to ensure that performers' rights are protected.

Theme 4: The rights of phonogram producers (Mr. C. Grande - Spain)

Rights protection for most types of works in the information age can be ensured through the basic framework of the Bern Convention, but, as electronic distribution becomes the most important means of dissemination, major changes will be required in rights concerning phonograms and broadcasts, particularly by granting their authors and producers an exclusive economic right. The problem of non-authorized introduction of works into electronic networks will require particular attention. The availability of low cost cultural services is important both for individuals and society; both individual and collective rights management will be important in this context, depending not only on the preferences of the parties concerned, but also on the increasingly diverse nature of the distribution channels.

Theme 5: The rights of broadcasters (Mr. W. Rumphorst - EBU)

The basis for intellectual property rights lies in political views of society rather than in technology. Broadcasters require neighbouring rights to prevent piracy and thus fulfil their social function. Currently, the restrictions on rebroadcasting apply only when this is done simultaneously with the original broadcast. Such rights would be supplementary to those enjoyed by authors and performers, and are especially needed for broadcasts in which authorship is not known or recognized (e.g. sports broadcasts and to a lesser extent news). A associated provision to prohibit piracy of signal decoders is also needed to protect broadcasts.

Theme 6: The rights of publishers (Mr. C. Clark - United Kingdom)

This is a time of great change in the intellectual property field. An important innovation, supported by publishers, is the CEC directive on rights of compilers of databases. A major question is how to apply and manage these rights at the international level, perhaps through a new international instrument.

The major challenge for all intellectual property rights is how to monitor access to and use of works in a digital environment. For this a unique identifier is needed, similar to the ISBN scheme which has been operational for 25 years for books. Issues like security and confidentiality will be very important in implementing such a tool, as will be considerations of the depth to which parts of works should be identified. Society cannot afford the development of competing schemes, and it is important that this process be brought under the aegis of ISO as an international standard.

Theme 7: Collective administration of rights (Mr. E. Bautista - Spain)

The concepts of multimedia and of "online" versus "offline" distribution will have a major influence on means of protection of intellectual property rights in the information era. Collective administration of rights is appropriate to various types of electronic product or distribution channel, but should be foreseen only when individual administration is not wished by the rights holders or not technically possible. Different categories of rights holders are applying collective administration with varying degrees of success, and the harmonization of rights regimes should facilitate the standardization and generalization of this practice.

Theme 8: Authors' rights in cyberspace (Ms. P. Samuelson - U.S.A.)

Electronic networks are changing the balance in the relationships among authors, producers and users, and new solutions have to be imagined. The difficulty is not with the current laws, which offer substantial protection, but rather with problems of enforcement. This should, however, be placed in the perspective of a network environment where business procedures have not been developed, and where technology offers the prospect of a supplementary protection which may be as important as legal recourse.

Proposals for new regulations should be viewed with caution and reviewed by all concerned parties including both end and institutional users, particularly concerning attempts to control their behaviour by invasive technologies. The same principle should apply to business practices; for example, it would be futile to introduce perfect protection schemes if it meant turning clients into enemies.

International harmonization of rights is a meritorious goal, but it would be unrealistic to expect countries to easily modify their national traditions for this purpose.

Theme 9: Legal framework for transnational digital communication (Mr. A. Bercovitz - Spain)

International trade is becoming ever more important and digital products and services are becoming an ever larger component. Normally international trade is

considered to be free of further rights restrictions once the author assigns rights under license to an exporter. This model can apply straightforwardly to broadcast material, but not easily to network access where it is the user who chooses the moment and mode of transmission. One solution is to assemble the works concerned in a database for which the overall rights could be assigned. Another question is which national law will apply in case of infraction, which is traditionally either where the user resides or where the damaging act took place. The law under which specific authorizations are granted is the one under which the license is established, which provides advantages to the author but can subsequently cause difficulties in enforcement. An international convention is needed to harmonize these questions.

Theme 10: Public libraries, information centres and museums (Mr. E. Valauskas - IFLA)

The Internet provides both abundance of information and problems of access. Also, the increasing popularity of networks will not decrease demand for books, and in fact has caused a dramatic increase in use of paper for copying. Computer screens are less easy to read than hard copy and cause documented physiological difficulties. These problems should be considered through research.

Libraries provide an important social function in providing information access for the poor and underprivileged and for scholarly work. They should be seen as potential partners by publishers, both in market development and in joint experiments on means of accessing and disseminating information.

Theme 11: Requirements for teaching and research in developing countries (Mr. B. Hammes - Brazil)

Access to knowledge and education are fundamental rights which developing countries in particular have difficulty in reconciling with respect for intellectual property rights. The animosity between the private sector and the research and education sectors in these countries should be overcome through education of all university students in the basis for protection of intellectual property rights, and through the introduction of special courses in law curricula.

Videoconference (Telefónica de Argentina)

Argentina is studying the establishment of a special legal code and tribunal to deal with the area of information technology - intellectual property rights as well as other aspects such as customs, commerce and computer crime. A thriving data network environment is developing, including a rapid expansion of cable TV. Educational applications being given a high priority as is the promotion of national cultural production.

Videoconference (Mr. Bruce Lehman - U.S.A.)

The U.S. White Paper on Intellectual Property within the future NII makes recommendations on treatment of national content under national law, but had to take extensive account of international factors. It concludes that only three relatively modest modifications are needed to account for the needs of digital commerce: clarification of the existing right to distribute copies, extension of fair use photocopying to digital copying, and stipulation of rights to use protection technology. A transmission right will be needed to cover the international concept of "communication to the public". These questions are expected to be clarified in the proposed new Bern Convention protocol. The government has no plans to institute moral rights for authors, as foreseen in the Bern Convention, since they are considered as covered in other legal provisions.

The view that copyright will become less important in the network era is a minority view in the U.S.A.; most specialists expect that a protected space will develop on the NII for those who wish to take advantage of intellectual property rights. It is the government's view that developing countries have no need for preferential access conditions, but, on the contrary, the new commercial network procedures will make it easy for them to market their own products and organize user groups to gain affordable access to others'.

Debate

1. The basis for intellectual property rights lies in accommodation of the justifiable claims of all of the concerned components of society. Care should be taken that this balance is not upset by technological developments or by undue appreciation of the positions of special interest groups.

2. Libraries, universities, and other not-for-profit users have special needs and problems which have been traditionally accounted for in rights protection practice, and which should be evaluated in planning changes in such practice. The special institutional role of broadcasters in mediating the verification and presentation of information in society must also be taken into account. Authors also have important needs and rights, which too often tend to be subjugated to, or assimilated with, those of the "creation industry" representatives.
3. There was a general consensus that multimedia does not require additional protection beyond those of its constituent works including that becoming recognized for databases. There was, however, considerable concern about ensuring protection for parts of works made available in digital form. A transmission right was widely seen as necessary to protect the access of digitalized works over electronic networks.
4. Technologies were widely seen as a substantial support for ensuring the integrity of digital works and for managing electronic intellectual property. The importance of developing appropriate systems as rapidly as possible was stressed, as was the danger of over-protection to the detriment of the user. Greater consultation was proposed among the various concerned groups, particularly between technologists and lawyers and between users and those responsible for planning and enforcement of property rights protection mechanisms.
5. Appropriate contractual arrangements will also be essential to protect intellectual property rights in the digital era. Collective rights management arrangements will become increasingly important for electronically disseminated works, and may often offer the only possible solution acceptable to the users.

Panel III - Economic and cultural impact

A. Summary of proceedings

The economic dimension of electronic multimedia communication (information superhighways) constitutes, first of all, the establishment of the basic infrastructure and activity and the employment which it generates. But it is principally reflected in

the considerable flow of digital information which it is possible to produce and disseminate on a large scale throughout the world, thanks to digital technology.

Access to this immense market demands, however, an adaptation of the tools and structures of production and the dissemination of products and services.

Wide public adherence to the new multimedia products is also an important element. It is that which determines for each society the rhythm of its entry into the information society.

With regard to the cultural sector, cultural industries must progressively accede to the digital market, while continuing to provide analogical material support.

The positive effects of the advent of new digital technologies are very important for the social development of cultural life and the prosperity of education. They open wide perspectives for the creation of intellectual works and greatly enhance their potential for distribution throughout the world. The speed of exchange of information on a planetary scale facilitates the work of researchers.

This technological revolution provides new prospects for the education system with the possibility to ascertain which approaches and methods have failed and which have succeeded.

Electronic multimedia communication also produces negative effects which it is wise to foresee. The international community as a whole should endeavour to preserve the diversity of cultural wealth and its distribution on the challenging market of information and knowledge which is forming in this "fin de siècle".

B. Summary of proceedings and debates

The debates were led by Mr. Vicente Parajon Collada, Moderator of Panel III - European Commission, Luxembourg

Theme 1: General report (Messrs. J. Moneo and M. Soler d'Hyver - Spain)

Multimedia may have a greater impact on society than the computer

revolution, because it more directly effects the life the ordinary citizen. Information can dramatically improve productivity, but information overload can also slow progress in both business and government. The information revolution is above all an economic struggle, where emerging and dying markets will cause intense social instability, including problems of governability at all levels and dramatic shifts in employment. It will also present new opportunities and necessities for North-South cooperation. Enactment of proper levels of intellectual property protection will be one of the key tools in attempting to guide this revolution in terms of societal needs.

Theme 1: Economic dimension of communication in the national economy
(Mr. A. Aitken - Canada)

Government has relatively limited scope to influence the development of the information economy and in Canada is emphasizing promotional and catalytic efforts. In the former area one can cite a project to connect all 16,000 schools to the Internet, the Ottawa Freenet which has connected about 6% of the community population in two years, and an information technology business fair for children. In R&D, seven regional ATM (asynchronous transfer mode) networks are operating and linked together in the first national network based on this high-speed technology, and plans are being laid for an Ontario-wide network offering equal-cost access to all citizens.

Computers took fifteen years in the market to achieve proven productivity gains, and a similar situation may apply to multimedia unless application development is given strong support from the beginning. Copyright protection should not be implemented in such a way as to slow the launching of useful applications and products.

Theme 2: Impact on the organization of research, culture and communication
(Mr. J.M. Morán - Spain)

Although a very large impact of telecommunication is expected on all sectors of society, relatively few companies are as yet introducing telecommunication-based services. Basic research is being displaced by applied research, as actors jockey for position in an unstable environment. Multimedia and innovations in presentation of information are attracting most attention, but most of the applications are under development and still searching for a market.

Theme 3: Information highways and North-South cooperation

(Mr. J.Y. Babonneau - France)

Technological development today is driven by economics and cannot be controlled by political processes. It is a revolution causing inequalities at the world level and leading to disemployment and ultimately falling production. The only solution is to channel technology for the benefit of society by creating markets in developing countries and promoting co-development building on regional cooperation. A network of commercial WWW sites in developing countries, extending a concept already approved at the recent Francophone summit, could provide a motor for this effort.

Theme 4: Governability in the electronic republic (Mr. J. Prats Catalá - Spain)

Society is becoming increasingly ungovernable in today's turbulent times, as the traditional roles of governments, enterprises and unions are radically changing, and as new actors such as special interest groups and the media gain influence. These trends were documented in the last report of the Club of Rome which stressed that coordination is becoming more critical to governance than efficiency. Telematics is becoming ever more important in the political process, both in informing the public and in permitting electronic opinion setting and voting. Most specialists are optimistic that these trends are helping to extend democracy, while some fear new types of exclusion and of control of power. Ensuring freedom of expression and universal access to telecommunication media are key elements of an approach to impose some needed checks and controls on the inequalities spawned by present ultra liberal trends.

Theme 5: Strategy for communications firms (Mr. J.L. Cebrián - Spain)

People are missing important developments by placing too much emphasis on the Internet and not looking at the new broadband networks just around the corner. With these new tools, users can easily become alternative providers, but large companies can also gain control of content. Both tendencies will manifest themselves as means of communication diversify and markets become globalized.

Communications companies are growing and forging alliances to respond to this market challenge. Although some telecommunication companies still have monopolistic approaches, strategies towards diversification and control of content are likely to yield more success. Information technology will have a negative impact on employment in the shorter term, especially in Europe with the liberalization of telecommunication regimes, but this may well be balanced in the medium term by boosts in employment in the content industries.

Theme 6: Potential and challenges in widening access to education (Mr. A. Bates - Canada)

Within ten years in developed countries, most families and businesses will have communication/entertainment/learning boxes enabling them to tap into specialized multimedia educational networks. The driving markets for this development will be generalization of higher education to encompass more part time and distance students, and above all a strong demand for training and retraining in the workplace, which will be fulfilled to a large extent by private-sector mechanisms for formal and non-formal training. Learning modes will become a diversified mixture of self-instruction, group work and tutoring. Universities, and public sector education in general, will have to adapt; their courses will become more modular and personalized, and will emphasize problem solving, communication and information gathering skills. Teachers in the public and private sectors will have to master educational technologies, which will become widely accepted and cost effective based on new functionality, easier access and economies of scale. Developing countries will also have tremendous opportunities to benefit from these trends, providing that they are able to recognize and meet the associated challenges in terms of educational strategy and infrastructure.

Theme 7: Challenges and opportunities for cultural development and the life of society (Mr. B. Miège - France)

In considering evolution towards an Information Society, there is a tendency to pay more attention to certain socio-political aspects than to equally important economic aspects such as the expanding market for information and cultural products and the intercalation of information activities in all industrial sectors. It is not clear whether the entire society will benefit from information highways or only certain populations. Technology is a social phenomenon which can itself become an agent for change, particularly as content becomes embedded in technology causing

the distinction between culture and technology to blur. The roles of the media will change as new tools to navigate through knowledge expand past present text based systems and as narrow-cast services displace today's broadcast media with their role of social mediation (common cultural perceptions, common social experiences).

Debate

1. The tension between economic constraints and social objectives was stressed, and with it the importance of recognizing economic reality in realizing political and cultural goals.
2. Wide availability of practical training and sensitization concerning information technologies were seen as a critical need, and will have to be based on innovative educational methodologies. An increasing "generation gap" in mastery of information technology was raised as one consequence of not following such a strategy.
3. The problem of undesirable content in the electronic media was also raised. While one participant felt strongly that societies should take appropriate action, others felt that the underlying ethical problems concerned mainly the actors involved rather than the specific tools used for dissemination of information.

The participants of the Symposium had an opportunity to attend at Telefónica I&D, a demonstration of pilot multimedia projects and services currently offered by Telefónica on wideband, as well as a presentation of the state of progress of the Common Information system, a pilot project developed by CISAC for the electronic identification of protected works, held at the SGAE headquarters.

Closing Session

During the closing session in which intervened Mr. Parajon Collada, Assistant Director General of Telecommunications, Information Market and Exploitation of Research (European Commission), Mr. Blanco Losada, Assistant Director General for Strategic Planning (Telefónica de España S.A.) and Mrs. del Corral on behalf of the Director-General of UNESCO, a summary of the discussions was drawn up and the wish was expressed by the participants that UNESCO should take the lead to

ensure that the equitable use of diacritical and other special signs of different languages is technically possible in the Internet, and should not be hampered by the preeminence of English, in order to avoid the detriment of non-Anglophone cultural expressions.

The participants were informed about future UNESCO action on issues related to the development of global information infrastructures and, more particularly, on copyright and neighbouring rights aspects of which the delicate balance must be carefully preserved.

Attachments (selected press clips)

LISTE DES PARTICIPANTS

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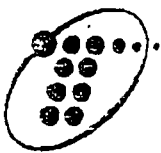
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ABC 12-3-96

• **Jornadas de la Unesco sobre derechos de autor.** El presidente de Telefónica, Cándido Velázquez, inauguró ayer unas jornadas de la Unesco sobre derechos de autor y la sociedad de información. Velázquez manifestó que «hay que unir fuerzas para crear una infraestructura europea de la información» y destacó la necesidad de dar una protección jurídica al contenido de las autopistas de la información. Este encuentro, organizado por el Gobierno español, Telefónica y la Sociedad General de Autores, se retransmitió por teleconferencia a la sede del Banco Mundial en Washington y a Telefónica en la ciudad de Buenos Aires.

C. VELÁZQUEZ: UNIR FUERZAS INFRAESTRUCTURA EUROPEA INFORMACION

Madrid, 11 mar (IFE).— El presidente de Telefónica España, Cándido Velázquez, dijo hoy en la inauguración de unas jornadas de la UNESCO sobre el derecho de autor y la sociedad de información que "hay que unir fuerzas para crear una infraestructura europea de la información".

En la apertura del coloquio internacional organizado por la UNESCO (Organización de Naciones Unidas para la Educación, la Ciencia y la Cultura), Velázquez destacó la necesidad de dar una protección jurídica al contenido de las autopistas de la información.

La UNESCO ha organizado en España la primera reunión interdisciplinar, que tiene lugar en la sede de Telefónica del 11 al 14 de marzo, sobre las nuevas tecnologías de la información, en la que participan expertos en redes, informática, telecomunicación, cultura, economía y derecho.

El encuentro, organizado en cooperación con el gobierno español y con el apoyo de Telefónica y la Sociedad General de Autores de España, se retransmite por teleconferencia a la sede del Banco Mundial en Washington y a Telefónica en Buenos Aires.

Cándido Velázquez afirmó que "la simbiosis entre comunicación, informática e industria del conocimiento es irreversible" y traerá consigo cambios en los usos sociales y nuevos hábitos de consumo, educación, trabajo y ocio.

La subdirectora general de Propiedad Intelectual del Ministerio de Cultura, Pilar Rodríguez Toquero, hizo hincapié en el desafío que supone la adaptación del régimen jurídico nacional, europeo e internacional de la propiedad intelectual a las nuevas formas de creación a través de las autopistas de la comunicación.

En representación del Director General de la Unesco, Federico Mayor Zaragoza, asistió Milagros del Corral, quien destacó que la tecnología va siempre delante del derecho y señaló que la digitalización de datos, voz, textos e imagen plantea interrogantes jurídicos, culturales, económicos y sociales.

El derecho de autor construido para un universo analógico debe ahora adaptarse al mundo digital y por ello la UNESCO va a organizar reuniones sobre este nuevo reto de la sociedad de la información en todos los continentes, agregó del Corral.

La representante de la organización de Naciones Unidas recordó que hay que procurar que esta nueva sociedad no ahonde más en el abismo cultural y de bienestar entre el mundo desarrollado y el que está en vías de desarrollo.

Sólo el 20 por ciento de la población mundial disfruta del 80 por ciento de todos los recursos disponibles, incluidos los del conocimiento, señaló del Corral, por lo que a su juicio hay que intentar evitar la discriminación de los países en desarrollo.rrr

mgm/cp

03/11/12-36/96



PROCEDENCIA: ONDA CERO

PROGRAMA: LA RADIO DE JULIA

FECHA: 11-03-96

HORA: 19,50

COLOQUIO SOBRE DERECHOS DE AUTOR Y LA COMUNICACION

Noticia del día de Telefónica nos dice que, hoy ha comenzado en la Sede de Telefónica de Madrid, un Coloquio Internacional sobre derecho de autor y la Comunicación en la Sociedad de la Información. Este coloquio está organizado por la Unesco en colaboración con la Sociedad General de Autores y Telefónica. Ha empezado hoy y va a durar hasta el día 14 de marzo.

En las jornadas se va a hablar de la situación de los derechos de autor en su relación con las nuevas tecnologías.



EL PAÍS 15-3-96

Problemas para los derechos de autor en la 'sociedad digital'

R. G. G., Madrid

Los expertos coinciden en señalar que las autopistas de la información crearán un nuevo marco en la explotación de obras literarias y musicales que favorecerá la distribución electrónica de copias. El problema que se plantea es cómo defender en estos casos los derechos de autor. El coloquio internacional organizado por la Unesco, en colaboración con Telefónica y la Sociedad General de Autores y Editores (SGAE), concluyó ayer haciendo un llamamiento a la colaboración internacional para unificar criterios a la hora de defender los derechos de propiedad intelectual.

Aunque Internet, la más potente red informática, no es todavía el vehículo principal de explotación de obras protegidas por

derechos de autor, los titulares de estos derechos corren el riesgo de que se multipliquen las copias sin su autorización.

Según Jesús Moneo, presidente del Capítulo Español del Club de Roma, la cuestión vital es cómo proteger la creatividad en las autopistas de la información, donde la capacidad de copiado "es casi ilimitada una vez que la obra ha sido digitalizada y almacenada en una red de telecomunicaciones". Para evitar situaciones como ésta, Bruce Lehman, secretario de la Comisión de Patentes estadounidense, considera que será necesario establecer en esta red mundial una zona codificada a través de la cual los autores puedan comercializar sus obras.

Para Carlos Grande, secretario general de la Asociación Fonográfica y Videográfica española (Afyve), las nuevas tecnologías van a cambiar el concepto tradicional de distribución de copias al público. La transmisión de las obras musicales se efectuará a petición del oyente y la

venta se realizará sobre una base electrónica. La cuestión de fondo es cómo impedir la introducción no autorizada de obras en las redes de información.

Tedy Bautista, presidente del consejo de dirección de la SGAE, considera que el instrumento más eficaz para defender los derechos de autor dentro de los servicios de comunicación multimedia son las sociedades de autores y compositores.

Sin embargo, el Libro Verde sobre los derechos de autor elaborado por la Comisión europea asegura que habrá que plantearse otros medios de adquisición de derechos.