



The Open Information Society: Where Are User Rights?

Florence, 27 and 28 February 2018

Venue:

European University Institute
Law Department
Sala del Capitolo, Badia Fiesolana, Fiesole

Event coordinated by:

Prof. Peter Drahos, European University Institute

■ ABSTRACT

If, as some theories of innovation claim, innovation has become more networked, user-centred, and democratic then rules and rights favouring users (and therefore diffusers) of information should be the dominant regulatory tool. Openness should also be a pre-eminent value since it is said to aid discovery, innovation, access rights, market efficiency and ultimately the functioning of democratic societies. Is this what we find?

The use of intellectual property rights as a regulatory tool over information objects and processes has deepened in terms of variety of rights, their depth and geographical spread. Users of information find that their interests, to the extent they are protected at all, emerge as interstitial modifications or qualifications within a structure based on exclusive rights in information. Uncertainty over the scope of exclusive rights creates a structural inegalitarianism in which users of information remain uncertain about its proprietary status. Within this paradigm openness as a value has arguably become more rhetorical than real. Publishers, for example, use it to justify the creation of royalty streams for academic works that, in effect, function as a form of double taxation on the public.

Should we be worried by the entrenchment of the exclusive rights paradigm for information? Was Schumpeter perhaps right to see monopoly as an intensifier of creative destruction in capitalism? Should legislatures be creating more express rights for users to replace the current ragtag of implied user rights, and exceptions and limitations on owners' rights?

■ PROGRAMME

27 February 2018

9.00 - 9.10	Introduction , Peter Drahos, EUI
9.10 – 11.00	Disruption <i>Creative Industries: From Organization to Creative Disruption</i> Martin Kretschmer, Director of CREATE Centre, Glasgow University <i>IP over AI systems: issues for transparency and responsibility?</i> Giovanni Sartor, EUI
11.00 – 11.30	Coffee break
11.30 – 1.00	Open Access <i>18 years of Open Access initiatives: Academic Libraries now and then what?</i> Pep Torn, EUI <i>The interface between copyright governance and open access</i> Nikos Koutras, University of Antwerp <i>Considering Readers' Demands and Expectations for Online Availability of Books – A Focus on Digital Natives</i> Argyri Panezi, EUI
1.00 – 2.30	Lunch, Sala Buonsanti (on invitation only)
2.30 – 4.00	Property Theory in the Information Society <i>Justice in IP: from sufficiency to non-domination</i> Johan Rochel, Ethik Zentrum, University of Zürich <i>Virtual Property: Towards a General Theory</i> Przemyslaw Palka, EUI
4.00 – 4.30	Coffee break
4.30 – 6.00	Data, ownership and rights of access Hanns Ullrich, Max Planck Institute for Innovation Giorgio Monti, EUI Maria Lillà Montagnani, Bocconi University

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9.00 – 10.30 **User Rights – Session 1.**

Property Abandoned? Rights, Wrongs and forgetting Durkheim
Mark Findlay, Singapore Management University

Square peg, round hole: networked software innovation under a traditional IP licensing system.
Kasper Drazewski, EUI

10.30 -11.00 Coffee break

11.00 – 12.30 **User Rights – Session 2**

Big Data and Database Rights. New legal and economic challenges
Valeria Falce, European University of Rome

Big Data, Consumers and 'Dominance-by-abuse': Strategies of Prevention
Gustavo Ghidini, Milan University and University of LUISS Guido Carli

The access of users to IP governance: a bittersweet story
Antonina Bakardjieva Engelbrekt, Stockholm University, Fernand Braudel Fellow, EUI

12.30 – 1.00pm **Conclusions**, Peter Drahos, EUI.

1.00pm – 2.30pm Lunch, Sala Buonsanti (on invitation only)