Panel Discussion on Alternatives to Copyright

Open Access, Creative Commons, Open Sources (Brainstorming Session on the Future of Copyright, IUCIPRS, Cochin University of Science and Technology)

CIIPC
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Mr. **Yogesh Pai**, Co-Director, CIIPC, was part of a panel discussion titled '**Alternatives to Copyright-Open Access, Creative Commons, Open Sources**' at the Brainstorming Session on the Future of Copyright, organised by the Inter-University Centre for Intellectual Property Rights (IUCIPRS), Cochin University of Science and Technology, on February 27, 2019. This panel was chaired by Dr. Lawrance Liang, and Mr. Pai made a presentation titled 'Copyright and Openness/ Open Access: A Method of Competition?' The talk focused on the academic publishing and digital content intermediary industries as case studies to assess the question of openness/open access in the context of need for copyright law reforms. Taking Ad-mag's example of distribution of free print copies to note the availability of two-sided markets (even in the pre-internet era) and Wikipedia's peer production model to explain cross-subsidisation of costs through free labour without effective monetisation driven by copyright protection in the internet age, he questioned if any specific reforms in copyright law drew the success of these models in the marketplace? He then discussed if the well-established virtues of openness have any evidentiary backing and economic soundness if they were not part of a firm's competitive strategy in the marketplace. He then discussed as to how, even after the huge reduction in distribution costs due to digitisation, open access in academic publishing survives only in parallel to the proprietary model. He mentioned that Artificial Intelligence and the Fourth Industrial Revolution may radically change the nature of publishing industry and could help promote more open access due to further reduction in editing and publication costs depending on the opportunity cost. He then emphasised on the rise of intermediaries and content commoditisation models which benefit content aggregator industries rather than content creator industries. He remarked if the rise of content aggregators may lead to the content creation industry being vertically integrated over a period of time if copyright protection was weakened in favour of content aggregating industries? He also questioned if all industries have the benefit of two/ multi-sided markets and should the copyright law reforms, by promoting open access, favour one set of industries over another if openness was simply a method of competition? Taking the example of Netflix, where it may have the benefit of two/multi-sided markets, he explained why it may still not be able to distribute free content by adopting openness. Finally, he concluded that openness/ open access works in the marketplace as a business model only if it is part of a firm's competitive strategy as a method of competition rather than an esoteric question that copyright law should answer. The presentation can be accessed here**.**

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