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Abstract

The paper deals with free cultural works and their consequence on copyright. While free flow of knowledge can be recognized as the fifth freedom in the European Union, one can relate this announcement to the ethical (r)evolution that is occurring online, specially towards the modern exercise of copyright. Fundamentally opposed to the “Permissive Culture”, the Free Culture Movement gives rise to a new balancing of interests between authors and users in a revised social contract of copyright, in which expressive works are free by means of licensing. The notion of “Free cultural work” refers to works which are under Free Culture Licenses, sometimes under Copyleft such as the Creative Commons Attribution-ShareAlike License and the Free Art License. By allowing a user to copy, modify and distribute the licensed work under copyright, derivative works are created and evolve endlessly, contributing to a continuous spread of literary and artistic creations. These licenses can contravene copyright provisions in some States, especially where the author is at the centre of protection. This paper focuses on the above-mentioned licenses and their implications on copyright, before studying the different solutions that have been proposed in order to acknowledge the validity of the users’ “creative, transformative and derivative” works and contribute to an effective knowledge-sharing on the internet.

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