

PILLAR B: COMMUNICATING KNOWLEDGE FOR EQUITY AND CREATIVITY: ENRICHING THE PUBLIC DOMAIN
B1: A balance knowledge sharing regime, with practical support measures

Attributes of communication rights	Relevant data: legal basis, sources for assessment of implementation, indicators and parameters for further evaluation	More information: websites and documents (specific EU, institutional)	International standards	Role of non-state actors & Initiatives, proposals and critical analysis
<p>B1: A balance knowledge sharing regime, with practical support measures</p> <p>Do the governance and practice of knowledge generation, ownership and sharing strike an equitable and efficient balance between supporting widespread creativity and enabling widespread use of knowledge?</p> <p>B1.1 Is there a national strategic and policy orientation to knowledge creation, dissemination and use (especially copyright and including published and broadcast educational materials and software) with the explicit goal of enriching the public domain, satisfying the various needs for knowledge, and encouraging creativity from all sectors of society?</p> <p>B1.2 Are there public policies and actions to encourage and enable widespread generation and communication of knowledge, that might include: support for "fair use" of copyrighted material; constrains on digital rights management; recognition and protection for the "moral rights" of authors; efforts to tailor IPRs to national conditions?</p> <p>B1.3: Do government and public bodies actively interpret and implement national and international laws and agreements in copyright and relevant patents in favour of balanced knowledge sharing, such as: promoting new business and legal models reinforcing knowledge sharing; incentives for necessary research and knowledge creation; facilitating dissemination via the media; support for open source and free software, and for 'development and community-friendly' approaches to knowledge sharing, or efforts to protect folklore from exploitation?</p>	<ul style="list-style-type: none"> ▪ Constitutional principles ▪ Legal basis <p>Directive on the enforcement of intellectual property rights Directive 2004/48/EC</p> <p>Directive on the resale right for the benefit of the author of an original work of art Directive 2001/84/EC</p> <p>Directive on the harmonisation of certain aspects of copyright and related rights in the information society Directive 2001/29/EC</p> <p>Directive on the legal protection of databases Directive 96/9/EC</p> <p>Council directive harmonizing the term of protection of copyright and certain related rights 93/98/EEC</p> <p>Council directive on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission 93/83/EEC</p> <p>Council directive on rental right and lending right and on certain rights related to copyright in the field of intellectual property 92/100/EEC</p> <p>Council Directive on the legal protection of computer programs 91/250/EEC</p> <ul style="list-style-type: none"> ▪ Policies/strategies/ programmes: <p>IST programme Digital rights management</p> <ul style="list-style-type: none"> ▪ Structures, people <p>Internal Market > Industrial property > Patents</p> <ul style="list-style-type: none"> ▪ Evaluation mechanisms (activated at institutional level) 	<p>The patentability of computer programs Discussion of European-level legislation in the field of patents for software http://www.ivir.nl/publications/other/softwarepatent.pdf</p> <p>The patentability of computer-implemented inventions Consultation Paper by the Services of the Directorate General for the Internal Market http://europa.eu.int/comm/internal_market/en/indprop/comp/soften.pdf</p> <p>Study Contract ETD/99/B5-3000/E/106: The Economic Impact of Patentability of Computer Programs http://europa.eu.int/comm/internal_market/en/indprop/comp/study.pdf</p> <p>The results of the european commission consultation exercise on the patentability of computer implemented inventions http://europa.eu.int/comm/internal_market/en/indprop/comp/softenanalyse.pdf</p> <p>Patentability of Computer – Implemented Inventions, Response of UK federation of the Electronic Industry (FEI) http://europa.eu.int/comm/internal_market/en/indprop/comp/fei.pdf</p> <p>Free Software / Open Source: Information Society Opportunities for Europe? http://eu.conecta.it/paper/</p> <p>IPR helpdesk http://www.ipr-helpdesk.org/index.htm</p> <p>European Patent Office http://www.european-patent-office.org/index.en.php</p> <p>Promoting Innovation through Patents. The Follow-up to the Green Paper on the Community Patent and the Patent System in Europe. COM (1999) 42 final</p> <p>Green Paper on the Community patent and the patent system in Europe COM(1997)/0314 final</p> <p>Proposal for a directive of the European parliament and of the council on the patentability of computer-implemented inventions COM(2002)92 final</p>	<p>International standards</p> <p>Universal Declaration of Human Rights (1948) – art. 27</p> <p>Unesco Universal Copyright Convention (1952)</p> <p>Berne Convention for the Protection of Literary and Artistic Works (Amended in Paris 1971)</p> <p>WIPO Paris Convention for the Protection of Industrial Property (1979)</p> <p>WIPO Copyright treaty (1996)</p> <p>Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement 1994)</p> <p>Patent Law Treaty (2000)</p> <p>European Patent Convention 10th edition 2000</p> <p>WIPO Regulations under the Patent Copyright Treaty (2001)</p>	<p>Identification of non-state actors (particularly civil society organizations) that have been active on the topic at the EU level + together with initiatives, campaigns, petitions, positions that have been expressed</p> <p>IPRonline.org is an internet portal on Intellectual Property Rights (IPRs) and Sustainable Development http://www.iprsonline.org/index.htm</p> <p>FFII: Software Patents in Europe http://swpat.ffii.org/index.en.html</p> <p>Eurolinux Alliance http://www.eurolinux.org/</p> <p>Intellectual Property Law in a Global Economy (the hidden patent agenda of the European Commission) http://www.eurolinux.org/news/agenda/index.en.html</p> <p>Free Software Ffoundation http://www.italy.fsfeurope.org/</p> <p>Open Source Initiative (OSI) http://www.opensource.org/</p> <p>Choike www.choike.org</p> <p>Critical analyses that have been carried on by NGOs, associations, scholars, others</p> <p>Intellectual Property and Computer Software A Battle of Competing Use and Access Visions for Countries of the South http://www.iprsonline.org/unctadictsd/docs/CS_Story.pdf</p>

In this section we indicate relevant information or aspects concerning not the EU but the State level (of policies, debates ecc.)

Eventual - In this section we indicate information concerning EU position in relation to international treaties, negotiations, ecc..