

Workshop 6
Copyright, Corporate Power and Human Rights

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**COPYRIGHT AND THE PUBLIC'S RIGHT TO INFORMATION: A COMPLEX
RELATIONSHIP**

(A Plea to Rethink Copyright in the Light of Fundamental Rights)

The relationship between copyright and the public's right to information is close but complex. Between these two rights exists a tension, which is deeply rooted in the basic principles of copyright itself and expressed in the copyright laws of various jurisdictions. In fact, copyright originated as a mean to facilitate the dissemination of ideas and information, being the "engine of free expression". Far from being an egoistic right, copyright is meant to perform an important social task. Particularly, the promotion of the progress of science - in the sense of knowledge and learning – is considered to be one of the basic justifications of the copyright system. The public's right to information is taken into account in copyright law mainly through the limitations of the exclusive right, which are necessary to maintain the delicate balance between the various interests at stake. But as a result of recent extensions of copyright in breadth and scope, the balance has been seriously disturbed. The public's right to information has ceased to be a major concern in recent copyright amendments. Legislators therefore need to provide the appropriate corrections or, if they fail to so, judges need to step in. External rules, such as fundamental rights, can help the courts to find satisfying solutions to reinstitute an equitable balance between protection and access to information.