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Education, IPRs and Fundamental Freedoms – The right to knowledge

Abstract: The current nature of copyright law is often accepted as being the necessary and efficient response to the need of authors and publishers to appropriate the economic value of copyright works from users. Digital technology has simultaneously expanded and curtailed access to and usage of information and knowledge products, such as scientific, educational and academic texts and books. Moreover, in the late twentieth century, some of the most far reaching provisions within the copyright law were introduced in international copyright law which may prove to have finally and irrevocably tipped the balance towards the rights owners away from the general public interest. There is now a growing realisation of the potential impact of current copyright policies on educational and knowledge policies. Can countries, especially developing countries, take advantage of the wide flexibilities provided in the WIPO Treaties by establishing strong exceptions for the research, education and scientific usage of copyright material? Can Article 13 of the WTO-TRIPS Agreement allow for a more positive rights approach so that developing countries can implement clear exceptions which allow full access to educational and scientific information? Is “public interest” compatible with the general principles of the TRIPS Agreement which sanction the full usage of ideas and concepts? Should countries now formulate pro-technology, anti-competitive policies? Or should we now turn to international human rights law which encourages member states to have public interest policies which allow users “freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”? The primary difficulty lies in reconciling the potentially conflicting rights and policies which arise when we consider these issues from the different perspectives of the relevant local and global stakeholders: