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» Why copyright is a key factor in securing a free and flourishing discourse

COPYRIGHT AND THE FREEDOM OF INFORMATION

The first modern Copyright Act, the British Statute of Anne from 1710 was called «An Act for the Encouragement of Learning». The title points to the importance of copyright for the dissemination of knowledge and public education, and subsequently for the growth and development of society as a whole.

These are still valid reasons for copyright protection. The copyright system secures a cycle of rights and remuneration enabling authors, composers and visual artists to create works for the benefit of the general public.

Human rights

Copyright entails, however, a more fundamental right. The Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly in 1948, declares in article 27.2:

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

The exclusive right to retain control of one's own literary, scientific or artistic works is one of the universal human rights. It stands together with the right to life and security, to freedom of speech, and to the protection against discrimination.

Freedom of speech

From time to time we hear arguments about copyright being a threat to the freedom of speech. But what is the normal activity of authors and creators, if not the practice of free speech?

Freedom of speech, artistic freedom and freedom of information is not only about freedom from censorship, but also about the authorities' responsibility for maintaining and developing a public discourse. The Norwegian Constitution states as follows:

It is the responsibility of the authorities of the State to create conditions that facilitate open and enlightened public discourse.

Well functioning copyright laws and modern and effective rights management systems are vital for such enlightened public discourse.



Copyright management

Within the framework of international law, the Norwegian copyright act lists several exceptions from, and limitations of, the exclusive right of the copyright holder. Authors and creators have also been among the first to make agile and flexible arrangements for the management of rights, so that their work can be used and distributed.

By facilitating access to their work, the authors and creators support the fundamental right of the general public to enjoy the arts and be educated, as stated in article 27.1 of the Universal Declaration:

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

The final decision, however, concerning the use of a work of art will always be the privilege of the creator. That is his or her human right.

Kopinor

Kopinor represents copyright holders of published works through 22 member organisations, both publishers' and authors' associations.

By law or through bilateral agreements with Reproduction Rights Organisations in other countries, Kopinor also represents foreign rightsholders.

Kopinor negotiates and concludes collective agreements on photocopying and digital uses of copyright protected works in all areas of society.

In 2017, Kopinor distributed NOK 280 million (USD 36 million) to Norwegian and foreign rightsholders.

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