

Conference: UNAM, WIPO, INDAUTOR
The new challenges of copyright. The digital environment
UNAM, CDMX, September 2019
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- Ms. Sylvie Forbin, Deputy Director General for the Copyright and Creative Industries Sector of the World Intellectual Property Organization
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Many thanks to Mr. Contreras for his kind invitation to participate in this important conference. It is an honour to be with you today, here at my *alma mater* (although I graduated from the School of Engineering).

The new challenges of copyright. The digital environment. A very appropriate topic at a time when copyright is under systematic attack and the digital environment presents both great opportunities and enormous dangers for rightsholders and for written culture in general.

Copyright as we know it today dates back to 1886, with the signing of the Berne Convention on 9 September. Thanks to the good deeds of the most eminent European intellectuals of the time, gathered in the Association Littéraire et Artistique Internationale (ALAI), under the Honorary Presidency of Victor Hugo, three diplomatic conferences were held in the Swiss capital of Bern. At the end of the third conference the Convention was signed, which today remains the main regulatory framework for copyright protection worldwide.

From the beginning, publishers were aware of the importance of having an international legal instrument to protect literary creation and the investments necessary for the elaboration and dissemination of works. Just ten years after the Berne Convention was signed, in 1896, publishers representing eight

countries founded the International Publishers Association in Paris to support the implementation of the Convention worldwide.

Today, the International Publishers Association, or IPA, is the largest and most important federation of publishers' associations on a global level. We have 81 member associations in 69 countries. Through them we represent and defend the interests of thousands of publishers worldwide.

Our work is based on two main pillars: the protection of copyright and respect for freedom to publish.

Sometimes the best protection for intellectual property comes second when you are at risk of being persecuted, imprisoned or even killed because of the works you publish. That is why we at IPA seek to ensure a climate of freedom of expression and publication.

But our other major focus of attention is of course copyright, which is the regulatory framework that allows authors and publishers to recoup the investment made to create and produce new works in all genres, and which today, due to the challenges presented by the digital environment, is again being questioned as it was in 1886.

The digital environment has opened the door to a whole transformation of the publishing industry, in which as publishers we can deliver content from authors to readers in innovative and different formats other than the traditional printed book. The digital environment gives us as publishers the possibility of new business models, and readers the possibility of accessing information in multiple ways, depending on their needs.

Publishers are no strangers to technology, we have incorporated it into our production processes and our business models. Even digital technology itself is enabling the publication of digital works in formats accessible to the visually impaired. Publishers are committed to the topic of inclusion and we are working resolutely to close the gap in access to information for blind people.

On the other hand, the main problem with the digital environment is that it also facilitates the illegal reproduction of our content. Thirty years ago, the technology of photocopying caused us great concern, due to the ability to make unauthorized reproductions of content protected by copyright. But photocopying is now in diapers compared to the ease of making an infinite number of perfect digital copies, identical to the original, in a minimum amount of time.

So, we find ourselves in an environment where unauthorized reproduction is easier than ever, while the very notion of copyright, as I said before, is being systematically attacked.

Authors and publishers are currently experiencing a concerted attack by the big tech companies, which to some extent have succeeded in presenting copyright as "an outdated system that only blocks the legitimate access to content and transfers resources to publishers."

It is somewhat ironic that the largest and wealthiest corporations ever known to mankind now accuse publishers of enriching ourselves with copyright.

And the reason is that technological consortiums have a different business model. A business model that feeds on the content that authors write and that publishers publish, but with no intention of paying for it.

Journalist [Robert Levine](#) says the following: "Google has as much interest in free online media as General Motors does in cheap gasoline. That's why the company spends millions of dollars lobbying to weaken copyright."¹

We need to counterattack the offensive. We need to reassess how we value books and reading. Every time Facebook users share a pdf file of a book on their page, every time teachers send a textbook in pdf to their students via WhatsApp, the creation of new content is weakened. Every time this

¹ Citado por Foer, Franklin, World Without Mind: The Existential Threat of Big Tech

copyright-protected content is reproduced without authorization and without remuneration, there are authors that stop writing and publishers that close their doors.

What is not understood is that the very future of intellectual creation and the dissemination of ideas is being undermined. It is false that copyright is opposed to the right to information. Just last week the eminent professor [Fernando Zapata](#) said in a conference in Bogotá that "[Copyright guarantees the right to communication, because thanks to the fact that the work and investment of authors and publishers is paid for, the generation and communication of new ideas is possible.](#)"

One of the problems we face is that we do not know what it means for authors to dedicate their life to writing and for a publisher to make the risk investments required in an industry that becomes more complex by day.

In the case of authors, I have listened to people say that writing is something that any of us can do in our free time: on the way to "our real job," in the coffee break, in the park, and so on. Nothing could be further from the truth. Writing is an activity that requires complete dedication, decades of experience, trial and error. And authors, like any of us, have the right to earn a living from their work.

Last year I traveled to Canada to participate in a hearing of one of the parliamentary committees in charge of reviewing its copyright law. In 2012, Canada approved an exception for educational purposes that has caused enormous harm, not only to authors and publishers, but to the education system itself. Canadian students today have access to much less local content, because local authors no longer write, and local publishers no longer publish.

At that hearing, I listened to Sylvia [McNicoll](#), a Canadian author who told us about her struggle to find new ways to make a living as a result of this change to the copyright law. She told us that prior to the introduction of the educational exception, she could pay six months' rent with her royalties, and at that time she could only afford to pay half a month.

In the case of Publishers, the general perception is, in many cases, that once we receive the manuscript from the author the only thing left to do is to sit back and wait to get rich automatically, while “we exploit authors and readers, under the protection of a monopolistic law that blocks the access to information”.

Normally we do not realize the work that a large team of people in a publishing house carry out in the selection, design, revisions, editorial care and distribution of published works. Publishers, like authors and any of us, also have the right to earn a living from what we do. And thanks to copyright there are people interested in investing in producing literary, educational, scientific and all genres of works.

For this reason, our daily activity at IPA is to make awareness of the work of publishers and the importance of copyright for creativity and innovation. It does not matter if it is a printed or a digital format. The concept of copyright remains the same.

Conclusion

The German novelist and poet [Hermann Hesse](#), awarded the Nobel Prize for Literature in 1946, wrote the following in one of his lesser-known works, entitled "The Magic of the Book".

"Among the many worlds which man did not receive as a gift of nature, but which he created with his own spirit, the world of books is the greatest. Every child, scrawling his first letters on his slate and attempting to read for the first time, in so doing, enters an artificial and most complicated world: to know the laws and rules of this world completely and to practice them perfectly, no single human life is long enough. Without words, without writing, and without books there would be no history, there could be no concept of humanity".

Copyright is fundamental for maintaining and developing Hesse's world of books. Printed and digital. Authors and publishers can be proud of our profession. We work to make the world a better place by providing intellectual creation and bringing it to as many readers as possible. We entertain, educate, we help to dream and get to know other places and other people, even in other times. In short, thanks to copyright, we carry out our contribution to humanity by providing reliable stories and information to all.

Thank you very much.