

Benefits of the Public Domain and Open Licensing

Context

The European Observatory on Infringements of Intellectual Property Rights aims, among other objectives, at providing neutral and fact-based research in the field of intellectual property. The research proposed here aims to complement this by focusing on fundamental prerequisite for intellectual property - free access to knowledge.

Definitions

The **Public Domain** is the sum of all works whose intellectual property rights have expired, have been forfeited (if legally possible) or are inapplicable.

Open Licensing is to be understood as the entirety of works, whose intellectual property rights have not expired, but their license permits free use, reuse and redistribution ([Open Definition](#) by the Open Knowledge Foundation).

Scope

Three areas where free and open information plays a pivotal role are to be analysed and the benefits of PD&OL need to be assessed:

Economic impact: Two aspects are important here. Firstly, the value of all works that make up PD&OL. Secondly, their role as building blocks of innovation and future intellectual property.

Some examples include:

- The Walt Disney Company is exploiting public domain works commercially from its very beginning (Bambi, Pinocchio, Winnie the Pooh).
- Amazon is providing books in the public domain as a service for their Kindle customers.
- DJs are re-mixing open license music to create new tunes.
- Designers are using PD&OL media repositories to create and sell products (websites, calendars, videos, art).

Social impact: The social value generated by the fact that PD&OL works are publicly available and usable (as opposed to secret or monopolised knowledge). Cost of scientific research can be partially included here, as well as the benefits of universally accessible educational materials and culture.

Cultural impact: The benefits that openly available and usable content has on freedom of expression, freedom of creativity, freedom to know and education. The cultural aspect is key to innovation (also in its economic sense), since without it creators wouldn't have the "matter" to form something new.

Recommended reading

http://www.nap.edu/openbook.php?record_id=10785&page=35

http://rufuspollock.org/papers/value_of_public_domain.ippr.pdf

<http://communia-project.eu/final-report/value-public-domain.html>