

Study of public domain and open licensing (PD&OL)

Following a suggestion from BEUC, EDRI and Wikimedia (sent to the Observatory in March 2014), the Observatory plans to study the economic contribution of public domain and open licensing.

This field of study is relevant to the activities of the Observatory because, in addition to traditional copyright, increasingly creative works are made available under alternative types of licensing, including open source in the case of software or Creative Commons in the case of other types of works. Works can be in the public domain either because they have been placed there by their creators or because copyright has expired. The Observatory will analyse the economic importance of such alternative types of licensing, as well as their interaction with traditional IP rights and the way open licenses are enforced.

In your proposal, two aspects of the economic impact of PD&OL are underlined:

- 1) The value of the works that are in the public domain or are published under an open license;
- 2) The contribution of PD&OL works to innovation and creative endeavours.

In effect the first point, which we propose as the starting point for our study, amounts to a quantification of the contribution of works made available under PD&OL to the economy. In order to make such quantification, we need to answer some basic questions:

- Which are the sectors that produce works that are licensed under PD&OL, and which are the sectors that use them (the proposal provides some examples, but we need more systematic information)—is this information available?
- Given that these works are not registered anywhere, where should we look for data on the quantity of such works?
- Do BEUC/EDRI/Wikimedia have any suggestions as to valuation methods?
- “Open license” does not mean that one can do with the work whatever one wants. Is infringement or misuse a problem for the open source community, and if so, are there any studies that have examined its extent and impact?