

The global copyright system

Unbalanced and unbalanceable for educational access in the global South

Achieving Balance in the Enforcement of Intellectual Property Rights: Global Perspectives

Panel 1 - IP Enforcement and Access to Knowledge

Alan Story

Senior Lecturer in Intellectual Property Law, Kent Law School, University of Kent,
Canterbury, UK.

The CopySouth Research Group

South Centre Third International Symposium

Geneva, Switzerland

23 October 2009

Edited slightly for publication.

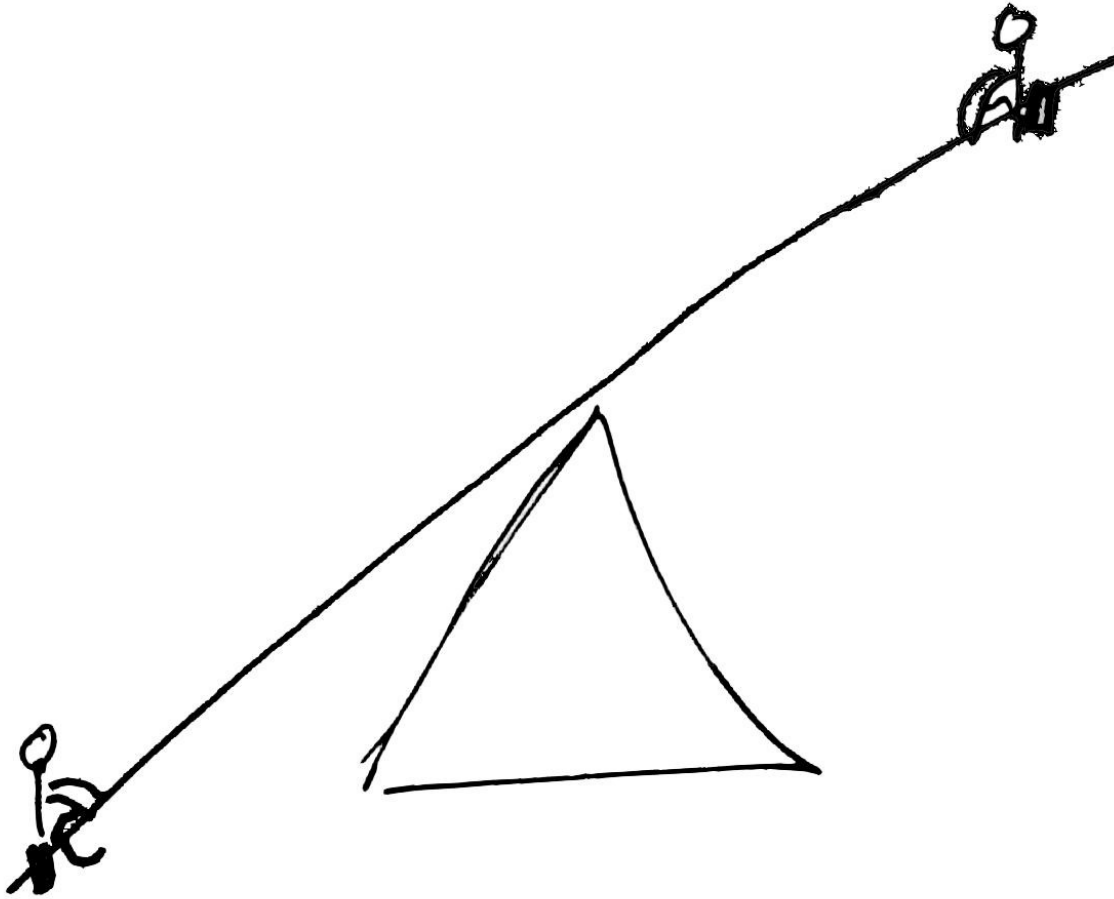
My talk today is titled: **“The global copyright system: unbalanced and unbalanceable for educational access in the global South.”** And I will talking about this theme in the context of “access to knowledge” and “access to education materials,” and, specifically about the enforcement of copyright in the countries of the global South.

I could begin today by listing examples of copyright enforcement actions in the global South that appear to be increasing both in severity and impact in recent months and years. For example, I might start by mentioning the March 2008 confiscation of 626 books of printed books by the Indian Commissioner of Customs. The books were in transit from India to Bahirdar University in Ethiopia which is a country, as studies have revealed, that has some of the poorest stocked university libraries in the world. Pearson PLC of the UK, which is the largest book publisher in the UK and India and second largest in the USA, claimed that a photocopy of one of the 23 titles in the shipment infringed its copyright and Indian Customs officials swooped in.¹

¹ For details, see Alan Story, *An alternative primer on national and international copyright law in the global South: eighteen questions and answers*, CopySouth Research Group, September 2009, 24 and note 72. (Available at: <http://copysouth.org/portal/copyright-primer>)

But instead I am going to spend most of my time today talking about just three words: “balance”, “balanceable” and, most critically, “unbalanceable.”

Slide 2



For at least the past 10 years, and especially since the signing of the TRIPs Agreement, a well-funded legion of NGOs, of IP consultants, of lawyers and wanna-to-be-lawyers, of trade negotiators and assorted spin doctors of many political stripes have been talking about the need to build a “balanced” global intellectual property system. Their exhortations to have “a better balance” echo many other voices.

For example, last week I read the wording of a recent WIPO advertisement for a job as new Director of the Division for Building Respect for Intellectual Property; a key part of the job, the ad says, is to develop “**balanced**” IP systems for WIPO’s respect agenda. A representative of the United States government told WIPO’s Assemblies of the Member States held in this city at the end of September that its government was in favour of “**a balanced evolution** of the international normative framework for IP.” Indeed, this balance metaphor has a very long lineage in copyright law. When I was doing some research for a scholarly article a few years ago, I found **a reference to the need for balance in copyright in a legal case dated 1785.**

But metaphors can often mislead us. And this balance metaphor seriously misleads us when we are talking about copyright in the global South and whether the current regime acts in the public interest of the peoples who live there...which we should never forget make up more than ¾ of the world's population.

Here is the nub of the argument that I am going to make:

We are chasing after a phantom, we are completely missing the point, and, indeed, we are actively misleading people if we suggest that the global copyright is a balanced system or is potentially balanceable. In fact, what I will be trying to show you this morning is that this system is **neither balanced nor balanceable**. And if this system is **neither balanced nor balanceable**, that how then can there be **balanced enforcement**? And this is especially true in the countries of South America, Africa and Asia.

This question, I should stress, is NOT a matter of academic wordplay. Words mean things. Words both assist us --- or hinder us --- as we work together to think about a problem. And they also reveal how we describe that problem and perhaps the biases and blind spots that prevent a just solution to that problem.

For example, take the name of an act that just been passed in India's second most populous state in the name of stricter copyright enforcement. In March 2009, a 1981 act entitled *The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers and Drug Offenders Act* was amended as part of that state's copyright respect campaign to become *The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-Offenders, Dangerous Persons and Video Pirates Act*. The bias of this word association is laughable; the consequences are not. Persons accused of this crime, but not convicted, can be held without bail for up to 12 months under preventive detention laws first imported here by Britain during India's colonial past.

Invoking the concept of balance is misplaced, I suggest, and what I will be arguing for instead --- and I mean this sincerely and modestly, but also passionately --- is **a shift in the paradigm** of how we think about the question of intellectual property enforcement.

Let's begin with getting clear about a few definitions:

Slide 3

“Balance”

- * *To have equal weight or power*
- * *A state of equilibrium of forces*
- * *Harmony among the parts of anything*

“Balanceable”

- * *Capable of being balanced*

“Unbalanceable”

- * *Not capable of being balanced*

Now let's discover what the copyright laws of the world and of two representative countries I have chosen, the UK and Zimbabwe, tell us about this assumed balance, about this supposed harmony of interests, and then figure out how and whether these laws are capable of being balanced.

I will start with Article 1 of the 1886 Berne Convention.

Slide 4

The countries to which this Convention applies constitute a Union for the protection of the rights of authors in their literary and artistic works.

*The Berne Convention *Article 1* Establishment of a Union*

The Berne Convention, which is the leading international copyright convention and which has been incorporated into the TRIPs Agreement, has a **single defining purpose** and you can read it here: **“the protection of the rights of authors.”** You will search in vain within the articles of the Berne Convention for any other purpose, for any other competing values, for any other interest or any other contending rationale that **might act as a balance or as a counterweight** to this single value. (As we will see in a minute, this wording about authors is itself highly misleading)

In other words, the words of the Berne Convention are very clear: its purpose is NOT to spread knowledge, it is NOT to allow better global communications and sharing of intellectual and cultural resources, it is NOT to assist children in the global South (or the global North for that matter) to become literate and to become educated and to face the many challenges of the world. **Berne contains NO substantive rights for users that are deserving of legal protection** in the view of its drafters. Instead, it has one interest: to give **exclusive property rights** to songs, to stories, to photographs, to proprietary software, and in doing so, to turn these songs and stories into **marketable commodities**, into items of world trade ...and, as a result, to make them into an excluding right that can be used to exclude everyone else from using these songs, these stories, this software except under terms dictated exclusively by the owner. By its very nature, **copyright is an exclusive right; it is a right that trumps all other rights and all other interests. The ideology of copyright is NOT about creating equal power or harmony.**

I said a minute ago that the wording of Article 1 was misleading: Why? Because the main purpose is NOT the protection of authors, it is **the protection of the owners of copyright**; the overwhelming majority of global copyrights are owned by corporations and multinational conglomerates based primarily in rich industrialised countries. Perhaps 123 years ago in 1886 --- when a handful of mostly European countries gathered in another Swiss city, Berne, to sign the Berne Convention --- authors may have been the principal owners of copyright.

But they aren't today. Windows 7 is much in the news because it was released globally yesterday. However, the computer programmers who wrote the programming code in Windows 7 or other Microsoft

programmes do NOT own copyright in these programmes. Bill Gates, the world's richest man --- or perhaps the second richest since retiring --- does and so do Microsoft shareholders.

In the same vein, The Beatles, certainly the most famous rock and roll band since that form of music began, did NOT own copyright in their own music. Michael Jackson bought these copyright in the 1980s --- he evidently outbid one of the Beatles --- and their value increased 10-fold over the next 20 years. And as for the late Michael Jackson, yes, he was a global mega-star, but he was not powerful enough to own copyright and collect the royalties from this own music. Who owned...and owns it? Sony, the music conglomerate.

Let's move on to another section of Berne.

Slide 5

The provisions of this Convention shall not preclude the making of a claim to the benefit of any greater protection which may be granted by legislation in a country of the Union.

*The Berne Convention * Article 19* Protection Greater than Resulting from Convention*

There is no ambiguity in these words I think. Countries are perfectly free to make laws which grant **greater copyright protection**...which of course means tighter restrictions on access and further constraints on the ability of the public to act in their own interests. What about the possibility of **lesser protections and fewer restrictions**? On this rather important question, the Berne Convention is silent. Give another point to the unbalanced and unbalanceable side of this issue.

But let's move ahead quickly to a related section that deals with the question of the term or duration of copyright in the Berne Convention, that is, the number of years that a work remains under copyright restrictions.

Slide 6

(1) The term of protection granted by this Convention shall be the life of the author and fifty years after his death.

6) The countries of the Union may grant a term of protection in excess of those provided by the preceding paragraphs.

*The Berne Convention * Article 7 * Term of Protection:*

We do need to correct this wording; Berne should say "his or her death"; women, after all, can be authors of books or writers of software code.

How does Article 7, section (1) work in practice? For example, a 30-year-old person might today write a piece of music today --- or in our case, a textbook ---and that person then might live until the age of 75.

Here is the math to figure out the duration of copyright: Today (2009) + 45 (2054 when the person dies) + 50 years = 2104. This copyrighted work is restricted by copyright law for the next 95 years.

According to the Berne Convention, fifty years after an author dies then is the **global minimum**. This is a very long period of time. This law, which must be mirrored in the laws of the 160+ Berne Convention countries, means that performing this music or copying this textbook or translating it into another language anytime before 2104 without the permission of the copyright owner would be a straightforward case of copyright infringement. It does NOT matter if the author **ever owned** the copyright in the first place --- that is, today in 2009 ---, whether she owned it **in 2054 when she died**, or whether, in the case of a book, it went out of print in 2015 and you could NOT purchase a copy. **All that matters is when the author died**. And if the author gets hit by a bus at the age of 35, rather than dying at 75, the term of copyright would be reduced by 40 years. Conversely, if the author lived to the age of 85, the copyright term would be increased by 10 years to 2114.

But passing over the question of how incoherent and arbitrary and downright illogical this approach is and pushing ahead on the question of balance, let's look instead at Article 7, Section (6). If the Berne Convention was actually balanced on the question of duration, then countries might decide that is in their public interest to reduce the duration of this extremely long copyright term. (Iran, which is NOT a Berne Convention member, has a term of life of the author, plus 25 years.) For example, perhaps getting better access to textbooks might be a key educational objective for that country, say a country in Africa. This long term should be lowered, a country might decide.

Impossible, replies Berne. The term of protection **can only go in one direction**, only longer and never shorter. And actually life of the author plus 500 years would be quite legal under Berne. **There are no legal maximums**. And given the way that the retrospective copyright legislation works in Europe, a country can even **legally revive copyright** in the work of long-dead authors and composers as occurred in the UK in 1995. In 1995, for example, the works of the long-deceased British writers Virginia Woolf and D.H. Lawrence were again placed under copyright restrictions in the UK after being in the public domain for a period of time. Let's see now: Shakespeare died in 1616, Beethoven in 1827. **Under Berne, infinity is the only limit**.

As an aside, I would ask: if one of the stated reasons why we have a copyright system is to provide an incentive to authors, the question to which I have never got an answer is: **how do you give an incentive to a dead writer or composer?**

But this is not a joke. Mexico currently has the dubious honour of establishing the longest copyright term in the world, life of the author plus 100 years. (It noses out, by a year, the Ivory Coast at life, plus 99 years.) On the same facts I have given above, this same work in Mexico would be under copyright restrictions until 2154. Yet, this Mexican legislation is all very legal under the supposedly balanced

provisions of Article 7, section (6) ... and hence supposedly in need of balanced protection by the copyright cops.

And I hope we are not so naive as to think that when, in 2003, U.S. President George Bush pressured the Mexican government of Vicente Fox to increase its copyright term to life, plus 100 years, as part of a free trade deal, either Fox or Bush was interested in **putting more pesos into the pockets** of Mexican musicians or textbook writers. To think this is to forget the central principle of international copyright law, namely **national treatment**. It states: any rights granted to nationals must also be granted to non-nationals. And which country is the main exporter of copyright commodities --- films, software, and music --- to Mexico? I assume we all know the answer.

The end result of such copyright extension schemes all across the global South has a numbing similarity: primarily foreign corporate interests --- because they own the overwhelming majority of copyrighted products --- receive the benefit of **an extended profit protection plan** for many more decades. For countries of the South to extend the duration of copyright term is literally to **mortgage their futures**; people who are not even yet born will be paying the price for well into the next century.

We have one more section of the Berne Convention to look at briefly and then we will move on to the national laws of the UK and Zimbabwe and see whether, in the case of educational access, their protections and restrictions are in symmetry and equally balanced.

Slide 7

The Governments of the countries of the Union reserve the right to enter into special agreements among themselves, in so far as such agreements grant to authors more extensive rights than those granted by the Convention...

*The Berne Convention *Article 20* Special Agreements Among Countries of the Union*

There is, I think, no ambiguity about these Berne words here either. If countries want to **add to** the level of already high levels of protection, **they are perfectly entitled to do so**. It was the terms of Article 20, for example, that permitted the creation in 1996 of the World Copyright Treaty as it involves the granting of more extensive rights to copyright owners. In its Preamble, the WCT drives home this never-ending “balance” refrain. The WCT states that the Berne Convention already reflects --- and I quote --- “a balance between the rights of authors and the larger public interest, particularly education, research and access to information.”

The evidence for this quite remarkable conclusion? None is given; we are supposed to accept it on faith alone. And I can give you many examples from across the global South which show that this conclusion is incorrect, that it is NOT supported from the evidence of peoples’ daily lives. Here is just one. Two years ago I visited Kenya and I was talking for a long time with the principal of a school for blind

children in Uganda. Our biggest problem as teachers, he explained, is getting access to materials that will allow the children to learn to read. And the main cause of this problem? The so-called “fair dealing” provisions of Uganda’s copyright laws --- another country in which the British wrote the copyright laws --- do not allow the format of books to be changed from regular printed books to a Braille format or into talking books without the permission of the copyright owner and it must be done on a book by book, article by article basis.² And so while it is all very fine to talk about the purported obligations in the international intellectual property system, there are no obligations in international copyright laws which require publishers to make their materials available in a format that will be accessible to the tens of millions of blind students across the globe.

Again, we can ask the question: is there anywhere in the Berne Convention which gives countries the legal right to provide less extensive rights? Again, silence. In other words, the rights of copyright owners are put in the “**untouchable**” category; they can only be increased and never decreased. It is the property rights of copyright owners which define the limits of any dispute; their interests constrict what we can and cannot debate.

This one-sidedness reminds me of a 37-year-old agreement that has recently come to light in the United Kingdom. Britain, like many other countries, is facing many recessionary financial pressures and has been trying to find various ways to reduce cut its state expenditures and cut its deficit; it has recently ballooned for various reasons such as bailing out its big banks. How about reducing the amount of money that **taxpayers spend each year to fund the living expenses of the British royal family**, one commentator suggested. After all, last year the royal accounts had a surplus of UK£21 million (US\$33.5 million) and **the Queen is one of the richest people in the world.**

Simply not possible, no reductions can be made, came the reply from government lawyers. The reason? Under the terms of a 1972 agreement signed with by the British monarchy, the British government, is legally forbidden **from cutting the expenses** used to fund the royals, government funding only can **only be increased.**³

There is no doubt that crafty lawyering lies behind the wording of both Article 20 of the Berne Convention....and this agreement hammered by the royal solicitors of Buckingham Palace. **But balanced? Or balanceable? In the public interest? Sorry, I just don’t see it.**

Let’s now examine how this same approach is played out in the domestic legislation of two countries on the specific questions of educational access and the enforcement of copyright. I will start with the United Kingdom where I now live and teach intellectual property law. The UK is NOT, of course, a

² For more on this issue, see section 4.10, “The visually impaired in the South; shut out of reading by copyright roadblocks” in the *CopySouth Dossier* (available at www.copysouth.org.)

³ See Alan Travis, “Revealed: the royal wave which means no spending cuts for the Windsors”, *The Guardian*, 26 Sept. 2009, <http://www.guardian.co.uk/uk/2009/sep/26/royal-family-windsors-civil-list>

country of the global South. But it is the country which enacted the world's first copyright act, **the Statute of Anne** --- an act “for the encouragement of learning” as it was called --- **299 years ago this year**. And, in its imperial hey day, **the UK itself wrote the copyright laws of more than 25 of its colonies/** now independent countries across Africa, Asia and Oceania.

Slide 8

(1) Copyright in a literary, dramatic, musical or artistic work is not infringed by its being copied in the course of instruction or of preparation for instruction, provided the copying—

(a) is done by a person giving or receiving instruction,

(b) is not done by means of a reprographic process, and

(c) is accompanied by a sufficient acknowledgement, and provided that the instruction is for a non-commercial purpose.

** Things done for purposes of instruction or examination.*

*The (UK) Copyright, Designs and Patents Act 1988 * Article 32*

How might Article 32 be enforced in a so-called “balanced” way? In other words, how you would abide by the terms of Article 32 if you were a teacher in a school in London and wanted to hand out 30 pages from a novel or short story (published in 1935 and now out of print, but still in copyright) for a lesson you were teaching to 25 students?

Yes, I admit that **it is possible to follow Article 32** and not be worried that you might be committing copyright infringement or that copyright enforcers might be called in to your school. Here is how you could do it:

a) You could **personally** type up the 25 copies (one at a time) of each of the 30 pages of the novel you need to use . But you would have to use an old-fashioned **manual or electric typewriter** (if you could locate one.). If you did your typing on a computer, you would then have to use a printer to retrieve the copy from your computer's hard drive and that would mean employing a forbidden **“reprographic process”** mentioned in Article 32 b).

This is a ridiculous waste of time, you might say. Why not first download the material in the novel from the Internet or from an accessible e-book and then print it off to use as first or master copy for your re-typing marathon? Or, even better, why not download it 25 times? But this would also involve... and well, you know the answer.

b) Alternatively, you could pass out the novel to each of your 25 students, one after another --- remember no photocopying or printing is allowed ---- and each one of them could type up **his or her own personal copy** of the 30 pages, again on a manual or electric typewriter. Yes, that would also be legal.

c) You might think of a third possible alternative to photocopying, namely, the hiring of a friendly neighbourhood Benedictine monk who specialises in calligraphy. But this would not be permitted either. The preparation of the text, hand-written or otherwise, can only be “done by a person giving or receiving instruction”, in the words of Article 32 (1) (a), and so **a monk would be disqualified**.

Complete and utter stupidity, most sensible and busy teachers would conclude. A far, far more efficient method: take the novel down from your shelf, make one photocopy of the 30 pages, slap it into your school’s modern office photocopier and, in less than 20 minutes, you will have 25 packs, in fact stapled packs, of the 30 pages to hand out to your students. Instead of a typing marathon, you could be teaching. And the students, instead of engaging in their own “torture by typewriter”, could be reading the material and discussing the novel in class.

But this simply cannot be done, says the UK Copyright Act; **our teacher has committed copyright infringement. This is balance? Not in my opinion.**

Let’s now move to a country in Africa. I could have picked a number of countries for our quick tour: Kenya, Ghana, Nigeria. The British wrote the copyright laws in all of them when they were the colonial masters and the laws in none of these countries have changed very much in the past 50 years since the Union Jack was lowered.

But I have chosen Zimbabwe, the former British colony of Rhodesia. And instead of printed materials, let’s look at how copyright operates when a school in that country decide that it wants to put on a play or give a music concert. Teachers in Zimbabwe, as in many other countries across the world, think it is a good idea to put on concerts or plays at schools before an audience made up of other teachers, other pupils, parents, grandparents and others in the community. Of course, parents naturally want to attend to watch their own child or the child who lives next door be “a star for the afternoon” up on the school stage. It certainly would be hard to argue that such concerts are not in the **public interest**.

But copyright law has its own **private interest**. Only the owner of a play or a musical score can give permission for **the public performance** of a work they own. And for public performances, copyright owners may demand that they be paid copyright royalties. And to raise such royalty payments likely an admission fee would have to be charged.

For a school concert in rural Zimbabwe? There has to be some solution. And at first glance, the Zimbabwe Copyright and Neighbouring Rights Act appears to offer one.

Slide 9

The performance of a dramatic or musical work before an audience consisting of teachers and pupils at an educational establishment and other persons directly connected with the establishment’s activities shall not be regarded as a public performance for the purposes of copyright infringement....

Educational Use of Copyright Material

Zimbabwe Copyright and Neighbouring Rights Act, 2000. Article 25 (4)*

This wording **does solve one users' right problem**; such a performance will NOT be considered as “public”. But what about the parents and guardians of students? Aren't they **also connected with the school their own children attend**? Can't they also come to the concert **without paying copyright royalty fees**? **Certainly not**, replies the Zimbabwe Act, in its so-called “**balancing clause**”.

Slide 10

a person shall not be regarded as directly connected with the establishment's activities for the purposes of this subsection simply because he [or she] is a parent of a pupil.

*Zimbabwe Copyright and Neighbouring Rights Act, 2000.*Article 25 (4)
Educational Use of Copyright Material*

So this wording strikes down parents. What about brothers and sisters not at the school and grandparents and aunts and uncles? Cannot they attend without paying admission? No, they are put in the same “**free loaders**” category as parents. If they want to attend a school concert, they, too, will be required to pay an admission charge.

The moral of this sad story? For reasons of balance and “fairness” to copyright owners, **not a single Zimbabwean dollar should be permitted to escape their cash registers**. Unfortunately, few governments in the global South have ever challenged this approach to supposed “fairness”.

Drawing a few conclusions about “balance” from our quick global tour:

So what then can we conclude from this quick tour through a few articles of the Berne Convention and the copyright legislation in the United Kingdom and Zimbabwe as they pertain to educational uses of materials?

1) It makes no sense to talk about the so-called “balanced enforcement” of the copyright system --- whether in the field of education or in any other sphere ---- because **the very nature of that system is both unbalanced and unbalanceable**.

Let me make an analogy. Perhaps you do not know too much about the card game Bridge. But the enforcement of international and national copyright systems in copyrighted works operates in much the same way as a fanciful game of **Bridge MIGHT work if:**

a) **One side had made all of the rules of the game before the game began**. And in the case of copyright, it was a handful of predominantly European countries which created the Berne Convention 123 years ago. And Berne's rules remain in place and are essentially unchanged today and, 15 years ago, they were inserted into the TRIPS Agreement which has now made them more enforceable. Where was India or

China or Nigeria or Argentina in 1886? And what about the more than 100 countries, most located in the global South, who have signed unto an unchanged Berne Convention since 1970?

To carry on with this analogy to a **fanciful Bridge game**:

b) One side, AFTER all of the cards were dealt, had the power to declare “my suit will be trump.”

International copyright operates as if one side, the side based in rich industrial countries and representing media conglomerates, had been dealt 13 cards and upon discovering that ALL of its 13 cards were in the spades suit, this one side declared “for this game, spades will be the trump suit.” And then this one side --- and WIPO ---declared: **“let’s have a fair and friendly ---and balanced ----game of cards.”**

This is not a question of balance. Nor is it like any game of Bridge I have ever played. Instead, this is a question of **playing with a stacked deck: one side holds all of the trump cards, such as unchallengeable and global property rights.**

2) We can draw a second conclusion: Not only is the system unbalanceable, but to even start to make Berne work in the interest of countries of the global South, this Convention would have to be completely re-written, if we would have to be gutted, we would literally have to **“ Burn Berne.”**

One could imagine a new Article 1 of the Berne Convention that might say:

“The countries to which this Convention applies constitute a Union for the protection of the rights of authors in their literary and artistic works and to ensure the widest possible global dissemination of and access to the knowledge in the public interest.”

Yes, one could well imagine such a new Article 1 and one can even imagine getting a majority of countries to agree to such new wording...or wording with a similar intention. But any changes to Berne require the unanimous consent of **ALL 160+ Berne members** and this is something that I do not foresee is possible given the current constellation of forces. And even such attempts at “balance” would create their own problems as we will see in our fourth conclusions in a minute.

3) There are other indicators of this imbalance and of the unbalanceable nature of the current global copyright system. There is not the time here today to explain them in detail so permit me to just list three of them here:

a) One side, as I have already explained, has exclusive rights --- **meaning the right to exclude everyone else** --- and rights that often exist well past the year 2100. The other side is supposed to feed itself on “exceptions”, the table scraps that are thrown to users as an act of generosity. The words chosen tell all.

b) The global copyright system is **not a fair trade system**. The global flow of cultural goods and of educational material is completely one-sided and imbalanced, it is **overwhelmingly North- to-South**. Let me give one example. In 2004, China licensed the copyright to 4,068 US-published books and 2,030

UK-published books for sale within China. By comparison, the US and the UK, respectively, licensed the copyright to 14 and 16 Chinese books in the same year for use in their own countries.⁴ These statistics give us a bit of context to the complaint of the USA, which the World Trade Organisation upheld in August 2009, that the Chinese government is discriminating within its border against the sale of US media products.

c) There is nothing in the global copyright laws which provides assistance to authors to retain copyright in their own works or which challenges **the grossly unequal bargaining power** that exists between the individual musician or individual writer AND the global music or publishing conglomerates.

4) Finally, even if the words of the Berne Convention could be re-written, interests cannot just be balanced as can be done with food on a set of weighing scales. **The weight of an interest is determined predominantly by what values we are trying to uphold and by what measuring stick or metre stick we are using to do the calculation.**⁵

For the peoples of the global South, the metre stick of the Berne Convention is a broken one.

Thank you for listening.

Here are three publications that may be of interest; they develop and expand on some of the themes included in this talk.

1) Alan Story, "Burn Berne: Why the Leading International Copyright Convention Must be Repealed," 40 *University of Houston Law Review* 763, 2003.

http://www.houstonlawreview.org/archive/downloads/40-3_pdf/storyg3r.pdf

2) *The Copy/ South Dossier: Issues in the economics, politics, and ideology in the global South*, The Copy South Research Group (Canterbury, UK: May 2006). www.copysouth.org

⁴ Paul Richardson, "Reducing the cultural deficit: China assays the world book market" *Logos*, 17/4, 182.

⁵ R.W.M. Dias, "The Value of a Value-Study of Law", 28 *Modern Law Review* 897, July 1965.

3)

An alternative primer on national and international copyright law in the global South: eighteen questions and answers

Alan Story
September 2009



José Guadalupe Posada

Published by the CopySouth Research Group
www.copysouth.org

© Not restricted by copyright

To download a copy, go to:
<http://copysouth.org/portal/copyright-primer>

To receive a copy in the mail, send an e-mail to: contact@copysouth.org. Put "Primer" in the subject line and include your FULL postal address.