

CULTURAL SUMMIT

AVIGNON, 17 AND 18 NOVEMBER 2011

COMMUNIQUÉ OF THE PRESIDENCY



The French Presidency of the G8 is honoured to have hosted the very **first meeting of Ministers of Culture and Intellectual Property** dedicated to issues related to the future of creation in the digital age in Avignon on the 17 and 18 November. These issues, along with freedom of speech, are amongst the most crucial ones in the transition to the knowledge society.

It thanks the Ministers of the 19 States represented (Brazil, Burkina Faso, Canada, Arab Republic of Egypt, France, Germany, Italy, Japan, Morocco, Poland, Russian Federation, South Africa, South Korea, Spain, Sweden, Switzerland, United Kingdom, United States of America, Vietnam), as well as the high-level representatives of the European Commission, OECD, WIPO and UNESCO, and key participants from the world of culture.

In these times of international economic crisis, the dynamic nature of cultural creation is more than ever a crucial factor in growth and employment. It is also **a vital issue of civilisation**.

It is for this reason that the French Presidency wished this meeting to **follow on from the declaration of Heads of State and Governments at the Deauville Summit on the 26 and 27 May, which revealed a consensus in favour of promoting responsible use of the Internet**. The declaration especially stated:

“With regard to the protection of intellectual property, in particular copyright, trademarks, trade secrets and patents, we recognize the need to have national laws and frameworks for improved enforcement. We are thus renewing our commitment to ensuring effective action against violations of intellectual property rights in the digital arena, including action that addresses present and future infringements. We recognize that the effective implementation of intellectual property rules requires suitable international cooperation of relevant stakeholders, including with the private sector. We are committed to identifying ways of facilitating greater access and openness to knowledge, education and culture, including by encouraging continued innovation in legal online trade in goods and content, that are respectful of intellectual property rights.”

Based on these approaches agreed at the highest level by the G8 States, the Ministerial Summit in Avignon enabled discussions to be broadened beyond the circle of G8 participants, and the implications to be explored by exchanging the views of the Ministers responsible for culture and intellectual property.

Based on these exhaustive discussions informed by a sense of shared responsibility for creation and its future in the digital age, the French Presidency has identified for its part **5 major principles**.

1. There can be no sustainable creation or cultural diversity without a copyright regime that protects and financially rewards creators.

Indeed, the digital age offers tremendous opportunities for artistic creation and the dissemination of works, but also poses vast challenges if we are to remodel their economy and promote their diversity.

By upholding the principles of copyright and related rights in this new climate - i.e. by ensuring continuing financial reward for creators and their economic sectors - we can successfully meet these challenges. The wide variety of potential methods of copyright management, which is a key element of its adaptability, is a great advantage in this respect and should contribute to the dynamic development of online cultural supply and its underlying business models.

Creation must be recognised as the vital resource of cultural industries. The solutions chosen to ensure effective protection of copyright in the digital environment represent the essential prerequisite for creative innovation and cultural diversity.

2. Legal supply of cultural content online is now available: we must encourage its development while working on the ambitious, responsible digitisation of heritage.

Over the last few years, there has been decisive progress in the development of legal offer, proof that all those involved have assimilated digital technology. In many countries, millions of music tracks are already available online at a competitive price. As for audiovisual production, as well as the press and soon publishing (to mention but those sectors), a great deal of offers is appearing, backed by creative ergonomics and ease of use, related services and innovative pricing methods. A new chapter is opening today now that the excuse of non-availability of content - under cover of which mass piracy emerged - is clearly invalid. In this perspective, an efficient marketplace plays a key role.

We have to seize this opportunity at once to develop the cultural economy while handling the ambitious, responsible digitisation of heritage works in particular. From the Europeana digital library to the new Digital Public Library of America or the ambitious platform in Brazil, groundbreaking projects have been launched. Authorities must play their part to the full in developing this cultural economy. Cultural heritage digitisation projects and their subsequent dissemination must obey the rules of equitable partnership between the public sector and private operators. Digital cultural services must be developed in compliance and partnership with existing cultural institutions, as has been emphasized in Europe by the New Renaissance report of the Comité des Sages. Museums, libraries and universities must apply their expertise to these services and, through them, enjoy the growth in their resources.

3. On every continent, convergent initiatives for the enforcement of rights are being developed: the question is no longer whether it is urgent to reduce piracy, but how best to achieve it.

A graduated response has shown its awareness raising impact in France and Korea. From Chile to New Zealand and the United Kingdom, numerous legislative initiatives are adopting similar approaches. In the United States of America, the broad agreement signed in July 2011 by electronic communication operators and representatives of the cultural economy are also based on a concrete awareness campaign to combat the illegal sharing of content. In many countries, from Spain to Norway and Sweden, efforts are focused on the implementation of efficient legal means to stop infringements of copyright. All these approaches are complementary and should be explored in parallel, according to the legal background of each State.

They will reach their full potential thanks to prevention, education and awareness raising initiatives, such as those launched in a variety of countries, for instance in Germany, South Africa, the United States of America and Vietnam.

4. This sweeping transition affecting the cultural economy is the shared responsibility of authorities, citizens, copyright holders and all stakeholders in the digital field.

Citizens, copyright holders and companies in the digital sector have a clearly understood common interest in the legal supply economy that is now emerging. Instead of the loss of value and impoverishment of creation that piracy causes, we are now witnessing the appearance of a new value creation that can be shared. After years of reluctance and misunderstandings, awareness is now increasing. This is clearly illustrated by discussions between right holders and search engine operators in Europe, the United States of America and China to ensure that citizens are directed towards legal sources of supply. All stakeholders should be involved, down to the suppliers of payment solutions and online announcers, for instance.

In parallel, digital stakeholders who benefit from dissemination through cultural content networks should play a role in funding creation, whether through contractual approaches or legislative initiatives. Beyond the issue of access to works and their online availability, the major challenge we face in preparing the future of creation in the digital age concerns the conditions for the development of an ecosystem able to ensure the continued replenishment of this creation in all its diversity.

5. Consolidation of this future cultural economy requires greater co-operation between all players and the close involvement of international organisations so that public policies designed to facilitate development of the creation economy are shaped by common founding principles.

The borderless world of the Internet cannot be addressed by purely national strategies, which, although convergent, prove too fragmented and come up against uncooperative “digital haven” attitudes. International co-operation of the type launched by this Ministerial Summit is crucial, whether worldwide or regional, notably within the European Union. On a universal level, copyright is recognised as a shared asset promoted by the WIPO, which should represent a powerful incentive to improve its acceptance and efficacy.

The legal security provided by the international copyright system is a decisive asset in the development of tomorrow’s cultural economy, which will require appropriate rules (in order to encourage fair competition between economic partners), new technologies and innovative business models. North-South cooperation is of a crucial importance in this respect.

During this period of change, public policies will play an essential role in supporting cultural creation. Policies and measures to benefit culture must be developed in compliance with an international framework, consolidated and accepted as an essential contribution to creation and its dissemination and sharing. It is for this reason that international co-operation must also involve the pooling of experience and innovative tools for the funding of creation. Exchanges between States will enable us to assess and optimise the development of these measures in the interest of creators and their economic sectors.

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Beyond possibly differing perceptions, it clearly appears that all resources offered by technology and the law must be leveraged to serve this common and intangible purpose: the future of cultural creation in the digital age.

Confident of the merit of these five principles explored by the discussions held in Avignon, the French Presidency invites its successors to continue this joint work on the issues of copyright and financial reward for creation in the digital age.