

# Intellectual Property and Licensing of Online Content in Local Asian Languages: Issues and Solutions for Developing Asian Nations

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# Presentation Format

- **What kind of goal should policy and regulation have?**
- **Moat and Drawbridge: The ‘traditional’ IPR Licensing Model in the Digital Realm**
- **The Alternative: Creative Commons and Open Source**
- **Creative Commons Licensing Models**
- **The Cult of Collaboration**
- **A Case for Policy Experimentation in Developing Asian Countries**
- **Closing Thoughts**

# **Goals for Policy and Regulation Seeking to Encourage Migration of Local Content to the Online Space, AND Direct Creation of Local Content Online**

# Goals for Policy and Regulation

- **What are the aims that policy aimed at increased local content online ought to serve?**
- **Policy and Regulation must aim to not only encourage the digitisation and online availability of local content, but also work toward putting in place the tools and infrastructure that make it possible and encourage the direct creation of local content online**
- **Making content easily accessible and comprehensible – not just to citizens, but also to others via accurate translation support**
- **That in turn allows for the content to get through to a larger audience**
- **In turn, that maximises the chances of increased exposure, and the chance that more people will consider commercial use of the content, leading to increased revenue for the local content creators**

# Goals for Policy and Regulation

- For Policy and Regulation that aim to meet the twin objectives of:
  - (i) increased digitisation and migration of local content online; and
  - (ii) aims to make it possible and encourage the direct creation of local content online

**A holistic policy vision is necessary, one where IP Protection and Licensing is but one of the factors for achieving the above goals, not the primary factor. The focus should always be on how easily local content can get online, how easily it can be understood by its native speakers, as well as others via translation, and how easily local content can be created online.**

**Such a holistic view requires cognizance of and strategies for additional issues: e.g. Policies aimed at accelerating the development of built-in Asian language support in the primary tools of digital content creation, from the hardware, through to Operating Systems and the applications**

**While the presentation focuses on IP and Licensing, an accompanying paper tackles some of the above issues as well.**

# The 'traditional' IPR Licensing Model in the Digital Realm

# Moat and Drawbridge: the ‘traditional’ IPR licensing model in the digital realm

- Traditional copyright and trademark tend to be over protective – *‘all rights reserved, no reproduction without the consent of the copyright owner, etc...’*
- While the above is subject to ‘fair use’ (educational, research, critique, review), many do not know better and may shy away due to the forceful nature of disclaimers
- Some of the cumbersome issues encountered in traditional and aggressive licensing policies are illustrated well in a comic available at <http://www.law.duke.edu/cspd/comics/>. Many of the same issues there are encountered with online content as well, except one may have to deal with crippling DRM as well!

## Moat and Drawbridge: the 'traditional' IPR licensing model in the digital realm

- **At the same time, any form of Digital Rights Management (DRM) should be CONCIIOUSLY porous, not watertight. DRM implemented blindly can do more harm than good, especially in the case of content trying to garner a wider audience**
- **Open Source: Worth advocating for development of software at the local level with the proper policy experimentation and tweaking – e.g. paid open source software with source code provided. The payment comes for the plug and play convenience and support out of the box, and continuous revenue can be had via support, plus the ones who wish to modify, can do so. E.g. Suse Linux Enterprise from Novell and Redhat Linux**

# The Alternative: Creative Commons and Open Source in Local Language Computing Policy Development

# Creative Commons

- The Creative Commons licensing movement ([www.creativecommons.org](http://www.creativecommons.org))
- Evolved in response to growing dissatisfaction with the direction online content licensing and DRM were taking
- The argument was that the content creator should have the final say in how their content ought to be distributed. The traditional 'all rights reserved' and DRM models were essentially driving a mass syndication of content.
- Actively running a traditional online licensing model is costly, and content producers were funnelling their content into large organisations that can then control access to such content via not only legal protection, but also DRM.
- While this may be justifiable in light of rampant piracy and lack of enforcement, the traditional model would not bode well for local content that is trying to get as much exposure as possible.

# Creative Commons

- **The Creative Commons model differs from traditional IP protection and licensing models primarily since:**
  - (i) It is free for anyone to use and customise as per their needs;**
  - (ii) It allows for a greater degree of flexibility in terms of what can be offered to those who wish to use the content non-commercially, and those who wish to use it commercially;**
  - (iii) It takes a more pragmatic approach that is more cognizant and suited to an online environment;**
  - (iv) It allows for a content owner friendly approach to customisation of licences if required; and**
  - (v) By its very nature, it tends to encourage an ‘open to full view and review’ approach to content, with revenue derivation encouraged only for commercial use cases. In that sense, it subtly discourages non-porous DRM.**

# Creative Commons Licensing Models

# Creative Commons – Licensing Models

- **Attribution Non-commercial No Derivative**: the work can be copied and shared as long as the author is identified; permission is required before any derivative work based on this work is created or any commercial use is made of the work'
- **Attribution Non-commercial Share Alike**: the work can be copied, remixed, tweaked and built upon non-commercially. All new work based on the original must also carry same licence. Permission required for commercial use
- **Attribution Non-Commercial**: Same terms as **Attribution Non-commercial Share Alike** except derivative works need not be licensed on the same terms as the original work itself

# Creative Commons – Licensing Models

- **Attribution No Derivatives**: Redistribution of the work is allowed for commercial and non-commercial purposes so long as work passed on whole and unchanged with due attribution to content author
- **Attribution Share Alike**: Allows remixing, tweaking, building upon work for commercial and non-commercial purposes. Attribution required and new works to carry identical licence, therefore derivative works would also allow commercial use
- **Attribution**: Only condition is attribution. Otherwise any commercial or non-commercial use is allowed

Full descriptions of the licences, including ‘plain English’ and legal text of the licences available at:

<http://creativecommons.org/license/> and

<http://creativecommons.org/about/licenses/meet-the-licenses>

# Creative Commons – Specialised Licences

*“Sampling Licenses allow for snippets (not whole work) to be remixed into new works, even commercially. Our Public Domain Dedication lets you free works from copyright completely, and our Founders Copyright lets you do the same, but after 14 or 28 years. Musicians looking to share their work with fans might want to look at the Music Sharing license. The Developing Nations license lets you offer less restrictive terms to countries that aren't considered high income by the World Bank, and finally, for those licensing software, we offer the GNU GPL and GNU LGPL licenses.”*

*<http://creativecommons.org/about/licenses/meet-the-licenses> (accessed 19 January 2007)*

# The Cult of Collaboration

- **The Creative Commons and Open Source models of licensing lend themselves to collaborative content creation and development**
- **The point is this: the more accessible content is and appears to be online, the wider an audience it is likely to garner. The wider an audience, the more likely someone will think of a way to use the content commercially, and the greater the eventual revenue stream from that content**
- **Good example: Wikipedia. The ‘anyone can edit’ functionality serves as a check and balance in and of itself. Note however that Wikipedia is pure non-profit, whereas Asian nations encouraging the growth of local content may not wish to follow that model**

# The Cult of Collaboration

- **Collaborative Content is already a reality, but within enterprises.**
- **The web is pushing that model into mainstream cyberspace.**
- **For local content, the potential is that local art, culture, music and traditions, will eventually get mixed into the melting pot of developed nation content out there, thereby accelerating acceptance, piquing people's interest, and garnering reasonable revenues**

# Collaboration for Local Language computing development

- **Collaborative Content strategies are crucial for local language development policy – need to encourage private and public sector cooperation. Overly protective licensing environment will stifle development and adoption of eg. language packs.**
- **Regulator/Government should play a role in setting standards after which licence over technologies developed should be liberal enough to allow for continued development by 3<sup>rd</sup> parties.**
- **Where private sector is engaged early on for development/consultancy, ensure that the state gets broad IP rights over technologies created to pass this on to citizens.**
- **Concerned by current engagement arrangements with private sector companies who are retaining significant IP rights over components developed eg. In multi-lingual domain name initiatives.**

# The case for Policy Experimentation in Developing Asian Countries

# Case for Policy Experimentation

- Each nation is different, and each regulator and policy setting body must take cognizance of and adapt its policies to best serve its own peculiar circumstances
- On the licensing front: Consider, for instance, tweaking the creative commons model so that content is offered on an ‘Attribution Non-Commercial Share Alike’ license, AND this is coupled with a tweaked ‘Developing Nation’ license. The tweak would be that both developing and developed nation users could enjoy less restrictive license terms, as that may well increase the chances of people considering commercial use, to actually apply for commercial use

# Case for Policy Experimentation

- **As alluded to earlier in the presentation, policy and regulation must also go further to help achieve the goal of putting in place the tools that allow creation of local content online**
- **This encompasses policies such as:**
  - (i) Policies to encourage local language ready applications at home;**
  - (ii) Education and training for the content creators so that they can actually go about creating online; and**
  - (iii) Collaboration between the ICT regulators and the bodies that coordinate local content production (e.g. TV stations, artisan community heads)**
  - (iv) Liberal IP Policies allowing for greater adoption of language packs created.**
  - (v) Discussion with proprietary rights owners (eg. Microsoft) on packaging low-fees local language office productivity software.**

# Closing Thoughts

# Concluding Thoughts

- **Traditional Licensing Models and DRM may not be the ideal solution for Developing Nations looking to increase local content online, via digitisation of existing content, or via tools that allow creation of local content online**
- **A Creative Commons approach, suitably tweaked and adapted may work better given the desire to maximise the exposure and audience for such content**
- **However, a holistic approach going beyond just the proper licensing model must be thought through and implemented**

**THANK YOU**

# Questions, Comments?

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