

ACAP Newsletter: May 2009

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Implementers

More than 800 sites have now implemented ACAP; these now include the Wall Street Journal.

Since our last count, there have been significant implementations in Finland, Denmark, India, the Netherlands and Switzerland with a steady increase from US sites. Implementations in the US make up 53% of the total.

Dow Jones joins ACAP management team

ACAP is pleased to welcome Chris Guenther from Dow Jones in the US onto the ACAP project management team. Project Director Mark Bide said: “We are delighted that Chris has joined us and look forward to working with him to increase our outreach to the US content industry.”

Presentation programme

- Mark Bide presented to the French regional and national newspaper publishers on 13 May, Paris
- Larry Kilman presenting to German publishers on 3 June, Berlin

Article by Gavin O'Reilly

The following article about ACAP has so far appeared in newspapers in Belgium and Portugal. For those of you are not in one of those countries, we are pleased to reproduce it here.

Copyright – a life-line to Europe's publishers

Gavin O'Reilly

Chairman of ACAP, President of the World Association of Newspapers and CEO Designate of Independent News & Media

Something is up with copyright. For what has until recently been an essentially

technical subject, exciting only for specialists and lawyers, it's getting talked about a lot, nationally and in Brussels, with new copyright laws and regulations springing up all over the place.

The European Commission is working on "Recommendations on aspects of the Content Online initiative" which deals with, among other things, digital rights management and guidance on how Internet Service Providers will cooperate with rightsholders over the illegal sharing of copyright content online.

Then, later this year, we are expecting the Commission's proposal on "Copyright in the Knowledge Economy".

At a time when we publishers are seeing our readership soar, thanks to the Internet, but our revenues fall – because we are yet to find a way to make money from our online content and there is the expectation that information online should be free – and because search engines and others copy, use and monetise our content without our permission, we welcome the opportunity for legislators to re-open the debate on copyright, to bring it into the digital age and, in the process, to safeguard the future of high-value, high-quality authoritative content.

Copyright was established three centuries ago to tackle technological change – the unregulated use of the printing press was threatening the livelihood of authors, as it became easy to copy and sell their works indiscriminately – to the benefit of the printer but not of the author. This meant that books weren't getting written and the real potential of the new printing technology to bring knowledge to a massive new audience was not being fulfilled. Ultimately the printers as well as the authors and their potential readers were paying the price until copyright law created a market which led from the explosion of book publishing 300 years ago directly to the huge and diverse media of today.

Now, a new and even more pervasive technology – the Internet – has made the copying of content even more simple and inexpensive. An entirely new type of intermediary has arisen, using 21st Century technology, as revolutionary and disruptive as printing presses in their day, to aggregate and process unimaginable quantities of whatever content they might find.

They operate on the circular assumption that what they do is OK, because without that assumption they wouldn't be able to do it. They effectively state that because what they do is good (or at least in their terms "not evil") they should be allowed to do whatever they want, regardless of the effect on the people on whose content they rely. They define the way the internet works in the image of their preferred online utopia – one in which they control access to all information and then dominate the resulting market place – and are asking the creators to help them create the internet in the image they have envisioned for it, regardless of the outcomes for others. They ask creators to keep creating content but at the same time to accept that the normal rules of copyright have had to be suspended because "that is not the way in which the Internet works".

The new intermediaries, like the old, have sought to reserve all the benefit for themselves and to remove the incentives for those who would invest time, intellect and money in creating new “knowledge” and content. This may be the inevitable early consequence of a disruptive new technology but it can’t be the ongoing status quo, the end-game, for the same reasons it couldn’t be 300 years ago.

The reason why copyright has been so unexciting is that it has worked so well. Copyright, when it is functioning properly, creates incentives to find the biggest possible audience because the biggest audience brings the biggest reward. More content is made available for everyone. Hence the size and scale of the media, the enormous choice and diversity for consumers and ever more content at ever lower prices. We don’t need to worry about why this happens because it just does. Copyright – the reason – is boring... much more fun to get on with being creative and clever and going out to find the biggest audience.

Its purpose has always been to encourage creativity and cultural development. Governments know that copyright has provided the essential incentive for investment that has allowed the creative sector to grow to between 5 and 10% of gross domestic product in most developed economies. Little wonder, then, that they are becoming concerned that this vital sector of the economy might be under threat. In France, Germany, Ireland, the UK, Sweden, to name but a few, governments are passing new measures to crack down on illegal file-sharing and making it clear that infringement of copyright is no more acceptable online than off. But the loss of respect for copyright comes not only from consumers but also from many major online businesses. This is threatening the very existence of some of the creative sectors. It isn’t only the record labels, whose business has been so severely damaged by peer-to-peer file sharing. It is now becoming increasingly clear that the news sector is facing an equally difficult problem, although coming from a rather different direction.

Newspapers have been big investors in establishing their online presence, prompted by a mission to find the biggest possible audience. Many have indeed been rewarded with impressive audiences for their websites -- huge numbers of unique visitors, often many times their print audience, drawn by their (expensive to produce) high quality content and their mastery of the mysterious arts of “search engine optimisation”. But recently newspapers have started to ask themselves why they are bothering. For the first time, the newspapers are experiencing an almost complete disconnect between the size of the audience that they are able to draw and the revenues that they are able to generate from those audiences.

We have recently been reminded by the UK Government that “old business models suited to the analogue environment are not set up to exploit... new markets” – but for the time being it is precisely those old business models – dependent on printing newspapers – that are enabling the existence of high quality online news from newspaper websites. For most newspaper publishers, their online presence has become a lossleader – leading nowhere or, for those worst affected by the recession, to oblivion

at a time when their audiences are higher than ever.

This is not to say that there is no money to be made online. There is advertising revenue to be had, but most of it is flowing in the direction of a single content intermediary, Google, which has become one of the world's largest corporations – often erroneously called a “media” company despite their negligible investment in the content they exploit – by publishing advertising around other people's content.

Many of those whose content appears in a Google search are delighted that it should be there because all creators seek an audience. But newspapers are at best ambivalent because having been online since the early days they have learned through experience that online audiences, however large, do not deliver meaningful profits.

That ambivalence is now in many cases turning to anger, as Google starts to place advertising in its Google News product, where advertising had until recently been eschewed – presumably for fear of generating precisely the response which has now erupted. But this eruption of anger has largely been behind closed doors – because newspapers have come to fear Google and to fear its influence in the digital age.

The extraordinary dominance that Google has achieved in the network environment of course generates admiration as well as fear. But the development of a healthy online content ecosystem depends on some moderation of this dominance. All that is needed is the re-establishment of old fashioned respect for copyright – where copyright holders have the choice of how their content is reused by others – along with a healthier and more diverse online market for content and rights.

But it isn't enough for publishers – and the rest of the media – simply to complain about the loss of control over copyright. Publishers need to act. And they have, developing ACAP – Automated Content Access Protocol – an approach to managing copyright that goes with the flow of the internet rather than trying to fight against it. A technological solution to a technological problem. This is not “digital rights management” as normally understood; rather it is a communication tool, a way of expressing permissions – usually written in legalese as part of licences and terms & conditions – in a language that can be read and understood by machines. Specifically, the “crawler” technologies used by search engines and other aggregators to copy the content of the Internet and store it on their own servers would now be able to know and understand the permissions attached to that content.

By complying with the wishes of the rightsholders, expressed in the ACAP language, the aggregators would re-establish the basic right conferred by copyright – to choose how content that you own should be reused by other people. Until now, this right of choice has been one that the aggregators have chosen to ignore, or to honour in only the most limited way.

But it is clear that the tide is turning. Over 800 publishers including the Irish Independent, Times Online, the Wall Street Journal, The Independent, Le Figaro, NZZ,

de Morgen, Politiken, Random House, Penguin, Pan MacMillan and many other household names in 43 different countries worldwide have now implemented ACAP on their websites. We're just waiting for the aggregators do the same thing.

The message from these publishers to the European Commission, MEPs and Member State governments is clear – we don't need to change copyright, we need to make it work properly on the network. We are developing the tools that can make that happen. We need your help to make sure that others follow the lead that we have set.

ENDS.

and as always, we ask you please to:

- implement ACAP on your website
- provide us with speaking platforms
- distribute our information as widely as possible inside and outside your organisations
- publish our articles in your newsletters/publications
- link to us on your website
- carry editorial on us on your website
- let us know which of your press contacts we should be speaking to

PLEASE CONTINUE TO SPREAD THE WORD...

If you have any questions, please do not hesitate to contact us:

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